

# The Urban World

Quarterly Publication



Regional Centre for Urban and Environmental Studies  
All India Institute of Local Self-Government, Mumbai





## **Regional Centre for Urban & Environmental Studies (RCUES), Mumbai** (Fully supported by Ministry of Housing and Urban Affairs, Government of India)

Established in 1926, the All India Institute of Local Self Government (AIILSG), India is a premier autonomous research and training institution in India. The Institute was recognized as an Educational Institution by Government of Maharashtra in the year 1971. The Institute offers several regular training courses in urban development management and municipal administration, which are recognized by the Government of India and several State Governments in India.

In the year 1968, the Ministry of Housing and Urban Affairs (MoHUA), earlier Ministry of Urban Development), Government of India (GoI) established the Regional Centre for Urban & Environmental Studies (RCUES) at AIILSG, Mumbai to undertake urban policy research, technical advisory services, and building work capabilities of municipal officials and elected members from the States of Goa, Gujarat, Maharashtra, Rajasthan and UTs of Diu, Daman, Dadra & Nagar Haveli. The Ministry of Housing and Urban Affairs (MoHUA), Government of India added States of Assam and Tripura from February, 2012 and Lakshadweep from August 2017 to the domain of RCUES of AIILSG, Mumbai. The RCUES is supported by the MoHUA, Government of India. The MoHUA, Government of India has formed National Review and Monitoring Committee for RCUES under the chairmanship of the Secretary, MoHUA, Government of India. The Principal Secretary, Urban Development Department, Government of Maharashtra is the ex-officio Chairperson of the Advisory Committee of the RCUES, Mumbai, which is constituted by MoHUA, Government of India.

The RCUES was recognized by the Ministry of Urban Development, Government of India as a National Training Institute (NTI) to undertake capacity building of project functionary, municipal officials, and municipal elected members under the earlier urban poverty alleviation programme-UBSP. The RCUES was also recognized as a Nodal Resource Centre on SJSRY (NRCS) and Nodal Resource Centre (NRC) for RAY by Ministry of Housing and Urban Poverty Alleviation, Government of India.

The AIILSG, Mumbai houses the Solid Waste Management (SWM) Cell backed by the Government of Maharashtra for capacity building of municipal bodies and provide technical advisory services to ULBs in the State. The Water Supply & Sanitation Department (WSSD), Government of Maharashtra (GoM) established Change Management Unit (CMU) in AIILSG, Mumbai from 13th January, 2010 to 30th June, 2014 and also selected AIILSG, Mumbai as a Nodal Agency in preparation of City Sanitation Plans for 19 Municipal Corporations and 15 A Class Municipal Councils in Maharashtra State, under the assistance of Ministry of Urban Development, Government of India. The WSSD, GoM also established Waste Management & Research Centre in AIILSG, Mumbai, supported by Government of Maharashtra and MMRDA.

In August, 2013 Ministry of Urban Development, Government of India empanelled the AIILSG, Mumbai as Agency for providing technical support to the Cities / Towns of States / Urban Local Bodies (ULBs) in the field of Water Supply and Sanitation, Sewerage and Drainage systems.

In July 2015, Ministry of Urban Development, Government of India empanelled the RCUES & AIILSG, Mumbai an Agency for technical support in Municipal Solid Waste Management under Swachh Bharat Mission (SBM) programmes.

In February, 2016, Ministry of Housing and Urban Poverty Alleviation, Government of India empanelled the RCUES of AIILSG, Mumbai for conducting training and capacity building programme for experts of SMMU, CMMUs, COs, Key Officials and other stakeholders of the State and Urban Local Bodies (ULB) level under Deendayal Antyodaya Yojana – National Urban Livelihoods Mission (DAY – NULM).

In December, 2017, AIILSG has been empanelled as a training entity regarding implementation of new Integrated Capacity Building Programmes (ICBP) under Urban Missions, viz. Atal Mission for Rejuvenation and Urban Transformation (AMRUT), Swachh Bharat Mission (SBM), Smart Cities Mission (SCM), National Urban Livelihoods Mission (NULM), Housing for All (HFA), Pradhan Mantri Awas Yojana (PMAY) and Heritage City Development and Augmentation Yojana (HRIDAY) for Elected Representatives and Municipal Functionaries.

At present, RCUES and AIILSG, Mumbai is involved in providing capacity building, research and technical support to number of State Governments and ULBs for implementing various urban development missions and programmes launched by the GoI.

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16. Mumbai Human Development Report, 2009.  
(UNDP / MOH & UPA, GOI / MCGM).
17. Resource Material on Urban Poverty Alleviation.
18. Laws of Meetings.
19. Resource Material on Preparation of City Sanitation Plan (CSP) & Capacity Building for Urban Local Bodies.
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# Editorial

During this challenging period of the 3<sup>rd</sup> wave of COVID19 pandemic, the major challenges for the Urban India have been posed gap in vaccination due to intersectional marginalities of caste, class, ethnicity, race, region, and gender; addressing the digital divide, revitalization of the urban economy and addressing gender based violence.

Over last 18 months, the digital divide has massively impacted school and college education of the children, especially girls from the underserved sections of society. The official data reveals that over 10 million Indian girls are out of school due to lack of access to online education. From October, 2021 Preparations are made for reopening of schools and teaching learning in a hybrid mode with 40% online education. Bringing out-of-school children back to school is a major challenge that state and non-state actors need to meet with accelerating development investment as demonstrated by the state of Kerala.

The Union Budget 2021-22 is directed to make the Indian cities *Aatma Nirbhar* by strengthening the supply side of the economy. Increasing urban employment by expansion of economic activity is a need of an hour.

Precarity of women in the informal sector demand urgent measures of social security and social protection. Global initiative by UN Women resulted in The Generation Equality Campaign which kickstarted in June 2021. It has demanded equal pay, equal sharing of unpaid care and domestic work, an end to sexual harassment and all forms of violence against women and girls, health-care services that respond to the needs of women and girls, and equal participation of women in political life and decision-making in all areas of life. Such humane approach in response of health disaster ensures better participation of all genders to contribute socially, educationally and economically to the community, and to enhance growth and prosperity. By reducing their vulnerabilities through macro-economic policy measures of transformative financing for gender equality that reduces the entrenched social and economic disadvantages, the position of girls and women can be safer and better. To fulfil the goal of generational equality the policy responses must be immediate, and account for women's concerns. The state governments should adopt emergency measures to support parents manage work and caring responsibilities; to reinforce, strengthen and extend income support measures, upscale support for small businesses and the self-employed, and improve measures to back women survivors of violence. Basically, all policy responses and social solidarity efforts in response to the crisis must embed a gender lens and account for women's multifaceted requirements, responsibilities and perspectives.

**The Urban World** invites scholars, policy makers, practitioners to send their original research-based articles and book reviews with special focus on developmental concerns of the Urban India.

# **Aatma Nirbhar Cities & Union Budget 2021-22**

## **How does the Union Budget fare in addressing Challenges of Cities amidst the Pandemic and towards Transforming Urban India?**

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### **Indian Cities amidst the Pandemic**

Twenty-first century India is urbanizing at a massive scale. The country is expected to house half of its population in urban areas by the year 2040. Cities, especially the larger ones, have been placed at the center of the economic growth strategies. However, the increasing pace of urbanization in India has not been matched by adequate planning, governance, and infrastructure development. The impacts of the COVID-19 pandemic have further exposed the shortcomings of Indian cities in addressing urban densification and the inadequacies of basic urban services including drinking water and sanitation.

The pandemic has disproportionately affected the urban poor. The cities, a.k.a., engines of economic growth have been derailed due to massive disruption in economic and related activities inflicted by COVID-19. Given the predominance of informal production and labour relations in the Indian cities, a cessation of major economic activities during the lockdowns and even beyond has had severe impacts on city dwellers' livelihoods and earnings. Many survey reports have highlighted the economic hardships and humiliations faced by the migrants and the urban poor.

### **Budget 2021-22 & Urban India**

The pandemic has provided a window of opportunity to rethink the glaring gaps in Indian cities and the policy rhetoric. In the backdrop of the

pandemic, Finance Minister Ms. Nirmala Sitharaman presented the Union Budget 2021-22 and acknowledged that it created an economic crisis and increased the plight of the city-makers. Through her announcements, she sought to facilitate greater allocations and attempted to reform the urban policies. In terms of financial allocation, the total budget estimate (BE) available for the urban development has experienced an increase of about 9 percent from Rs 50,040 crores in FY 2020-21 to Rs 54,581 crore in FY 2021-22.

However, the revised estimate (RE) for FY 2020-21 was Rs 46,791 crore, suggesting a decline from the budget estimates owing to the pandemic. The actual estimate (AE) for FY 2019-20 stood at Rs 42,054 crore. Understandably, the urban sector has been prioritized over the years and the allocations have seen a continued increase.

An important aspect of the growth in the urban sector budget 2021-22 has been the rise of capital expenditure, which stood at Rs 25,759 crores or around 47 percent of the urban BE. The urban sector RE for FY 2020-21 reports the capital expenditure at around 22 percent, as compared to the 42 percent as envisaged in the BE for the same, thereby highlighting the effect of the pandemic- especially on infrastructure projects.

### **Focus Missions: Jal Jeevan, Swachh Bharat**

Given the importance of water supply and sanitation in making healthier cities, increased

budgetary provisions under the second phase of the Swachh Bharat Mission (SBM 2.0), Jal Jeevan Mission (Urban) (JJM-U), and for controlling air pollution in 42 big cities having a population of more than one million are praiseworthy.

The JJM-U, with a budgetary provision of Rs 2,87,000 crore for five years, plans to provide 2.87 crore tap-water connections in 4,378 statutory towns and liquid waste management in 500 Atal Mission for Rejuvenation and Urban Transformation (AMRUT) cities.

Investment requirements of urban water supply do not match the available source of funding and historically, all such funding, projects and the institutions responsible for water have tended to focus on the creation of infrastructure (Water Aid, 2018). Universal access to water remains an issue in urban India as the advantage of the mere availability of water infrastructure is subdued either by a lack of access to the public piped water supply or by water supply being of poor quality, irregular and insufficient.

Many cities fail to prevent the wastage of 35 percent to 60 percent of the water meant for ordinary citizens due to malpractices by the citizens themselves and poor management of water infrastructure. The latter can be attributed to institutional fragmentation with regards to policymaking, financing and regulation of urban water supply. Therefore, better management of water supply through decentralized institutional and tariff rationalization, the schemes like JJM-U and SBM 2.0 would ensure sustainable and equitable water supply with specified quality standards and service level benchmarking.

With an outlay of Rs 1,41,000 crore for five years, the SBM 2.0, aims to achieve multiple objectives. These include: complete faecal sludge management and wastewater treatment, source segregation of garbage, reduction in single-use

plastic, managing waste from construction and demolition activities, and bioremediation of garbage dump sites.

The BE outlay for SBM for the FY 2021-22 was Rs 2,300 crore, the same as that of FY 2020-21. The RE for FY 2020-21 for SBM was Rs 1,000 crore. Undoubtedly, the SBM 2.0 needs the implementation push and a committed approach. Essentially, the successes of SBM 1.0 with strong leadership have to be emulated again towards creating a clean and healthy urban India.

### **Towards New India's Urban Infrastructure – Public Transport**

Augmentation of transport infrastructure of the cities in the form of investment in metro rails and buses in the largest cities of the country such as Chennai, Bengaluru and Nagpur is an important hallmark of this year's budget. The total BE outlay under the MRTS and Metro Projects head for the FY 2021-22 stood at Rs 23,500 crore of which Rs 23,282 crore was on the capital expenditure; there was a 17.5 percent rise in BE outlay for FY 2021-22 as compared to FY 2020-21. It should also be noted that for FY 202-21 the MRTS and Metro Projects had BE outlay of Rs 20,000 crore and the RE was Rs 9,000 crore, demonstrating the impact of the pandemic.

An amount of Rs.18,000 crore has been allocated for urban bus transport to include 20,000 additional buses in the city transport system. 'Innovative' Public-Private Partnership (PPP) model is envisaged to enable private sector players to enter the domain of bus services in the cities. Expansion of metro rail network has also been emphasized with the provision of counterpart funding for the extension of the metro rail networks of Kochi (Rs 1,957 crore), Chennai (Rs 63,246 crore), Bengaluru (Rs 14,788 crore), Nagpur (Rs 59,575 crore), and Nashik (Rs 2,092 crore).

Most importantly, in the case of both bus and rail-based infrastructural development, the budget extends the transport outlay to peripheral areas of Tier-1 cities primarily through the greener and cheaper light rail systems. These initiatives would not only shorten the travel time to work and thereby facilitate effective urban labour market integration but also entail positive impacts on the urban environment and public health.

The role of Indian urbanization would receive a further boost through the National Infrastructure Pipeline (NIP) that was announced last year. A combination of an investment outlay of over Rs 103 lakh crores and more than 7000 projects; several industrial corridors like Bharatmala, Sagarmala, etc.; a thrust on exports from each district and Make in India push through the Production Linked Incentive Scheme (PLI) covering 13 sectors, and; a financial outlay of around Rs 2 lakh crores under the Aatma Nirbhar Bharat, have the potential to make a positive impact.

However, an overt emphasis on PPP causes some discomfort as the outcomes of such projects have had a mixed experience in Indian cities. Even under the Smart Cities Mission, the contribution of the private sector through the PPP initiatives has been approximately 20 percent of the total fund requirement. One of the main reasons for limited private investment in infrastructure is the absence of a revenue model, for example, through levy and collection of appropriate user charges and this, in turn, makes a large part of the urban infrastructure sector financially non-viable.

Lack of enabling PPP legislation, a multiplicity of agencies, lack of ability to select and structure a PPP project, lack of political will towards project implementation, and lack of citizen participation further complicates the entire process of formulation and implementation of PPPs.

In general, technically simple projects, with small gestation periods and lesser uncertainty have

become successful in Indian cities. So, the key to this approach lies in implementation and execution- crafting a PPP model with a well-defined role of the private sector as well as clear visibility on both costs and risks leading to a higher probability of long-term project viability.

The vulnerability of the urban poor can be addressed through the adoption of an independent regulatory mechanism. This would facilitate accurate assessment as well as monitoring of cost of service delivery leveraging smart technology and use of a cross-subsidy model of differential user charges across different user groups to ensure cost recovery at an overall level.

### **Urban Rejuvenation Missions: Smart Cities & AMRUT**

Smart Cities Mission (SCM) in India was launched in 2015 to attract investment, driving economic growth, improving the quality of life for people and thereby setting a virtuous circle of growth and development. However, even after the completion of five years, the physical progress of the SCM has been disappointing and the BE for SCM remains the same between the FY 2020-21 and 2021-22 at Rs 6,450 crore. The RE for FY 2020-21 for SCM was Rs 3,400 crore, almost half of the BE, suggesting a continued trend in the implementation lag.

Moreover, there has been no change in the budgetary provisions for AMRUT as well, the BE remains the same between the FY 2020-21 and 2021-22 at Rs 7,300 crore (RE for FY 2020-21 was Rs 6,450 crore). Overall, for the urban rejuvenation missions- SCM and AMRUT, the BE outlay was Rs 13,750 crore for the FY 2021-22, which was the same as FY 2020-21 (RE for FY 2020-21 was Rs 9,850 crore).

As opposed to the centralized “one-size-fits-all” approach of JNNURM, SCM and AMRUT provide, at least on paper, some degree of flexibility

in the formulation, approval, and implementation of projects at the state and local level (Sadoway et al., 2018). The AMRUT statement delineates specific criteria for the selection of cities, reform conditionalities and financial provisions.

The Service Level Improvement Plans (SLIPs), containing the details of all such criteria, are evaluated and approved by the states and then combined into the State Annual Action Plan for approval by the Ministry. Similarly, city-specific plans under the SCM have greater scope for variations in program design and implementation. Nonetheless, the operationalization of these schemes portrays a worrisome picture.

As the city selection under the SCM is based on the city's competence and smartness of the proposal, state actors engage themselves in a competitive mode to attract capital investment and to create new institutions that are directly controlled by state (regional) institutions to manage the new state space. Special Purpose Vehicles (SPVs), headed by a CEO and regulated by the Companies Act 2013, have been in charge of mission implementation.

The SPVs are headed by the state government officials and city governments do not have much role in the decision-making processes of the SCM projects, thus eventually weakening the municipal governance structure. There is some evidence that actual decision-making processes have fallen into a pattern of strict investment logic, resulting in preference to larger and costlier infrastructure over the needs of urban deprived communities (Baindur et al., 2019).

Several projects undertaken under the SCM (parking facilities or real estate development or commercial real estate or uses of water meters) seek to build the financial corpus of the city (Taraporevala, 2018). Given the SCM's emphasis on the convergence of funds from other schemes, the possibility of transmission of the inherently unequal nature of fund allocation for Area Based

Development projects into them will make all the policies more exclusionary. All these will likely have a regressive impact on the urban poor's ability to access basic services.

Moreover, it has been observed that under AMRUT, the provision of 'end to end support' by the Project Development and Management Consultants (PDMCs) for planning, design, management and monitoring of urban projects will likely to lead to the splintering of resources away from the purview of democratic accountability (Sadoway et al., 2018).

Importantly, 45 smart cities in India have set up Integrated Command and Control Centres (ICCCs) as 24X7 war rooms for creating situational awareness and real-time coordination of emergency response services amid the COVID-19 crisis. In particular, these have been used as a single source for all pandemic-related action and measures (Bengaluru), tracing the infected patients as well as identifying the hotspots (Agra), providing telemedicine solutions (Kota), tracing peoples' movement during lockdown period as well as the state of home quarantined people (Vadodara and Varanasi) and disseminating awareness videos (Kalyan Dombivali) and so on.

Acknowledging the loopholes in the implementation of SCM and AMRUT and some policy reorientation with emphasis on co-producing the bottom-up solutions could have been useful. The Budget 2021-22 launched the National Urban Digital Mission (NUDM<sup>1</sup>) and other digital initiatives for transforming urban governance.

### **PMAY: Housing for All by 2022 and Spurring the Urban Reality Sector!**

Access to affordable housing is a major problem in Indian cities and, in general, the economically weaker sections and low-income households remain excluded from the housing market due to lack of access to credit and affordability as they are

mainly engaged in the informal sector employment or are self-employed. The housing market and real estate were already suffering from several issues, including a trust deficit for consumers despite the RERA authorities coming up. COVID-19 has reignited the problems related to housing vulnerabilities of the urban poor, especially the otherwise invisible section of seasonal migrants. The pandemic has impacted the real estate and construction sector and highlighted the need for adequate housing.

The flagship program for urban housing – Pradhan Mantri Awas Yojana – Urban (PMAY-U) – has not received any increased budgetary provision over the last financial year. For PMAY-U, the BE remains the same between the FY 2020-21 and 2021-22 at Rs 8,000 crore. The RE for FY 2020-21 for PMAY-U was a whopping Rs 21,000 crore, i.e. an increase of more than 160 percentage from the BE 2020-21 of Rs 8,000 crore.

As of February 2021, the housing sanction under PMAY-U stood at over 110 lakhs, of which over 73 lakhs houses were grounded and 42.7 lakh were completed, total housing demand being 112 lakhs. PMAY-U schemes, financed from Central Road and Infrastructure Fund (CRIE) has four verticals – (i) In-situ Slum Redevelopment (ISSR); (ii) Beneficiary-led Construction or enhancement (BLC); (iii) Affordable Housing in Partnership (AHP); and (iv) Credit Linked Subsidy Scheme (CLSS) (which is further categorized into CLSS I (for EWS and LIG) and CLSS II (for MIG). Among these verticals, the composition of sanctioned houses was 4.5, 68.7, 23.4, and 14.1 lakhs for ISSR, BLC, AHP, and CLSS respectively<sup>2</sup>. In CLSS, the houses sanctioned under CLSS I and II was 8.7 and 5.4 lakh, respectively.

For FY 2020-21, the BE for CLSS I and II were Rs 900 and 500 crores respectively, which was revised (RE) to Rs 3,750 and 3500 crores. The BE for CLSS for FY 2021-22 only has allocations for CLSS I, which is Rs 1000 crore. There has been a big push in

the housing for the flagship scheme PMAY-U or Housing for All by 2022, and the resources have been also raised from Extra Budgetary Resources (EBR) such as the Affordable Housing Fund.

Budget 2021-22 has provided some indirect benefits for the urban housing sector as well. For instance, an additional deduction of interest amounting to Rs 1.5 lakhs for purchasing an affordable house and tax breaks for the developers of notified affordable housing projects as well as rental housing projects for one more year up to 31<sup>st</sup> March 2022, to increase the supply of affordable housing. Specific separate allocations to improve and ensure access to housing to migrant workers could have been more fruitful in tackling the housing shortages.

The Affordable Rental Housing Complexes (ARHCs<sup>3</sup>) for Migrants Workers/ Urban Poor scheme, which was launched last year amidst the migrant crisis during the lockdown did not see much push in the Budget 2021-22. PMAY beneficiaries have also faced issues due to corruption, delayed payments, lack of drainage facilities, garbage disposal; quality housing must be ensured beyond allocation. PMAY can respond to these concerns by in-situ slum development and upgradation. The comprehensive plan must overcome legislative hindrances, bureaucratic delays and increase amount under ISSR vertical.

### **Urban Poor & Pandemic Effect: Livelihoods in the Lurch**

This year's budget is also marked by the absence of any additional budgetary provisions for ongoing urban poverty alleviation programme like the Deendayal Antyodaya Yojana National Urban Livelihood Mission (DAY-NULM), whose BE for FY 2021-22 was Rs 795 crore, same as FY 2020-21 (RE for FY 2020-21 was Rs 795 crore).

The Prime Minister Street Vendor's Aatmanirbhar Nidhi (PM SVANIDHI<sup>4</sup>), a central sector scheme,

was launched in 2020, to help formalize the street vendors with the objectives - to facilitate working capital loan up to Rs 10,000; to incentivize regular repayment; and to reward digital transactions, that will open up new opportunities to street vendors such as hawkers, thelewala, rehriwala, theliphadwala etc. to move up the economic ladder. The estimate of urban street vendors in the country stood at over 70 lakhs. Till February 2021, more than 21 lakh loans have been sanctioned under PM SVANIDHI. It was allocated Rs 200 crore for FY 2021-22 and the RE for FY 2020-21 was Rs 142 crores.

Despite the success of MGNREGA scheme in providing some income security to the rural people and returned migrants and the cash transfer scheme PM-KISAN for farmer households (Rs 6,000 per annum), this budget has remained silent on any similar employment guarantee scheme or cash assistance in the urban areas. According to experts, providing employment guarantee or cash transfer to the urban poor has been the biggest miss of the Budget 2021-22. Although the financial outlay for such a scheme would amount to a financial burden to the tune of Rs 50,000 crores or more (as per Azim Premji University's estimates), there are many issues such as identification of beneficiaries, design, etc.

There has been a renewed focus on this issue of urban and informal employment and social security through different schemes such as DAY-NULM, PM SVANIDHI, AatmaNirbhar Bharat packages, AatmaNirbhar Bharat Rozgar Yojana, EPFO, MSME Loans, MUDRA scheme, Standup India, Pradhan Mantri Gareeb Kalyan Yojana, Skill Mapping, Migrant Registry and surveys, ARHC, Online Job Fair, etc.

Yet, the budget seems to have missed the opportunity to channelize the much-needed resources to the city makers who have lost their livelihoods during the outbreak of COVID-19. To speak of urban social security without comprehensively tackling the concerns of housing

is missing the point. The state needs to build a comprehensive plan to tackle issues of congestion and affordability.

## **Fifteenth Finance Commission, Budget 2021 & Cities**

Amidst the pandemic, the Budget 2021-22 and the Fifteenth Finance Commission (XV-FC) report have laid out transformative pathways for the cities of New India, with a budget and grant outlay of almost Rs 7 lakh crores over the next five years, for enabling to unlock the potential of our cities and instill Ease of Living and Ease of Doing Business and improving municipal performance.

Report of XV-FC has been tabled on the day of the budget presentation and, on a positive note, the XV-FC has significantly increased the overall outlay for the urban local bodies to Rs 1.21 lakh crore over the five years compared to Rs 87,000 crore during the Fourteenth Finance Commission period. Most importantly, the receipt of the grant is being made conditional upon publication of audited annual accounts and notification of floor rates for property tax.

Last year, the AatmaNirbhar Bharat Abhiyan linked Rs 50,000 crore of additional borrowing limits for states to reforms in property taxes and user charges for water and sanitation. These are expected to usher in the much-needed financial discipline among the urban local bodies to make them self-reliant. Although, the devolution of funds by the XV-FC based on performance has dampened the spirit of federalism. Centralization of urban property tax collection and reducing the autonomy in deciding floor rates negatively impact the local self-government at the urban level.

## **Empowering Cities towards New India #AatmaNirbharBharat**

COVID-19 pandemic has highlighted the structural and institutional deficiencies in urban governance

and management in India. India needs to invest in urban infrastructure to bridge the infrastructure investment deficit and to upgrade the quality of existing services, moreover, the greening dimension looking at the climate change and feasibility and financial viability aspects need immediate attention.

Institutional reforms are also crucial for involving the private sector in the provision and expansion of improved urban infrastructure. Such reform should start with an explicit focus on empowering the city governments by enhancing their capabilities to develop and implement strategies that are feasible and effective in their local contexts. Equal importance should be accorded to three Fs – functions, funds and functionaries to exploit the potential of urbanization to produce sustainable and inclusive growth and development in the new normal.

Therefore, the need of the hour is to empower the city governments by enhancing their capabilities to develop and implement their strategies that are feasible and effective in their contexts. With appropriate regulatory and institutional reforms, Indian cities can become capable to exploit the

potential of urbanization, producing sustainable and inclusive growth and development.

When we compare Indian urbanization with China and other major economies, there is much to learn in terms of scale, implementation, good practices, technology, innovation, data, smartness, and so on. Therefore, Indian cities should lead by example, compete with world-class cities and harness international partnerships for shared prosperity, universal values and cooperation. The recent approach of making our cities compete among themselves by various periodic rankings such as Swachh Survekshan, Ease of Living Index, Municipal Performance Index and so on, has demonstrated limited impact. Time and again, the various global ranking of cities reports the precarious state of our cities.

Certainly, the Budget 2021-22 and the XV-FC report have ushered in a renewed era for the urban sector. Financially empowered city governments with a clear functional domain and adequate institutional capacity for effective implementation can bring “AatmaVishwas” to our cities which can, in turn, lead us towards fulfilling the vision of a New India 2047 and #AatmaNirbharBharat.

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# Impact of COVID-19 on Women in Informal Economy in Gujarat

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## Introduction

We, the citizens of India, helplessly observed a health crisis turning into a humanitarian crisis as an aftermath of complete lockdown declared on 24<sup>th</sup> March 2020. First, it was announced for three weeks that later got extended till 31<sup>st</sup> May 2020 in phased manner.

The lockdown was announced to combat the pandemic. There were several underlying assumptions in trying to control the pandemic with the strategy of lockdown. First, it was assumed that everyone has a decent living space to live in. Second, everyone store adequate food in the house that could help them to survive. Third, people have adequate savings to depend on in case of lack of income for several days. And fourth, everyone has access to and knowledge of digital technology that could help them to operate remotely. Given this situation, it was assumed that everyone can stay back wherever they are situated. We realized that these assumptions were wrong when thousands of migrant workers came out on the roads. There were men, women and children insisting on allowing them to return their home. Rest of the country witnessed that the casual workers we see around us were not any isolated case, but there was an army of them that otherwise remain invisible.

The Indian economy that was growing at about 4.02 percent per annum, came to complete halt from 25<sup>th</sup> March. It caused immediate shocks as well as long

term shocks to the economy. The worst hit were the workforce engaged in the informal economy. They continued to experience economic shocks even after one and half years. A large proportion of workers engaged in various activities of the informal sector has either lost their jobs or have experienced pay cuts. One cannot blame wrath of the nature in the form of Covid-19 alone for the misery of people. The causes of the economic shocks are deep rooted. The crisis we witnessed is a structural and cannot be blamed on a short-term event like Covid-19. The pandemic became a reason for the fault lines in the economy to surface.

## Labour Crisis as a Structural Issue

India openly embraced neo liberal economic model since 1991. These policies are focused on high growth of the economy. It is expected that the private industrial growth will improve labour productivity and generate employment opportunities. Higher employment in turn is expected to contribute significantly towards poverty reduction and human development. India did attain high growth rate of GDP post 1991, but the process of trickle down has not worked well. The Gini coefficient in India has increased from 31.7 percent in 1992 to 35.7 percent in 2012, as per World Bank's estimate showing rise in inequality.

The cut throat global competition demand high quality production with lowest cost. The quality aspect is ensured with sophisticated technology

that is highly capital intensive. Capital being the most freely mobile factor of production, has moved in the most profitable markets. The multinationals has brought in the most sophisticated technology to the developing markets from their home countries. The institutional investments also have preferred the portfolios with maximum returns that is ensured by the capital-intensive sectors. However, mobility of labour is not the same. So, the developing countries with concentration of labour are integrating into the global market at the lowest end of the value chain with their cheap labour. They attract capital for their labour. The factor mix that emerges for the developing countries is world of art technology that requires limited amount of highly skilled labour and abundance of cheap skilled, semi-skilled and unskilled labour. Competing labour keep the wages depressed.

A clear shift from formal to informal is observed in last three decades. It is estimated that informal workers make up nearly 90% of India's labour force, and among women who work, more than 90% work in the informal economy (Bonnet et al 2019). There is a huge gap between the wages, terms of employment and working conditions of formal and informal workers. Informal workers are covered only by some scattered labour laws, the benefits of which are low and uncertain. These laws have poor content and coverage and are implemented indifferently by the authorities. The workers in the informal economy remain marginalized, lack basic social protection and continue to live in precarity.

With rise in use of labor-saving technology, more people also opt for being self-employed, who are part of the informal sector. The occupational options available for self-employed are limited, making the market highly competitive. The remuneration remains low in addition to the vulnerability to vagaries of market. ILO noted in 2004 that the society at present in developing countries is “a risk society” (2004) because most groups, particularly those at the bottom, are

exposed to uncertainty and risks that emanate from new policy regimes. Their insecurity is multidimensional – related to employment, income, work, job, and skills. This pattern of growth has serious consequences as this growth is not sustainable economically also as it is likely to result in aggregate demand deficiency sooner than later.

## **Employment Pattern in Gujarat**

Gujarat is one of the fastest growing states of the country. The state's SGDP has remained above the national GDP consistently. The fast-growing state is also able to provide more employment opportunities. The unemployment rate has remained low. The issue in Gujarat is more of quality of employment rather than adequacy of employment (Hirway and Shah: 2011). The employment is uncertain and low paid in the unorganized sector. There is no social security. Consequently, any big or small adverse economic shock pushes people working in the sector off the track. A large proportion of women workers are engaged in the informal economy. So, impact of external shock on women's wellbeing is an important concern.

## **The Pandemic and Wellbeing of Women in the informal economy**

About 90% of working women are in the informal economy, as mentioned above. The Covid-19 induced lockdowns adversely affected the informal economy in general and women in particular. The effects on women were economic as well as social. They faced loss of jobs and food insecurity forcing reverse migration from cities to rural areas. With no support for childcare and limited social protection, women who worked in the informal economy bore a disproportionate burden of the pandemic.

In a study based on telephonic interviews of 800 women in Gujarat by SEWA<sup>1</sup> many women expressed that they don't have much choice. They

may either die due to the virus or die due to hunger (Ansuya, June 2020). Even with the fear of catching the infection, workers were forced to come out to work. But, most of them got very little help as the economy faced onslaught from demand as well as the supply side, keeping the market activities very depressed. In a study by SEWA soon after the lockdown, 71 % of the respondents reported loss of their employment, of which 98% reported absolute loss of employment for three months. The economy is experiencing a vicious cycle. The aggregate demand is low because the spending capacity of people has dropped significantly. As a result production is not peaking up, that is failing to generate employment opportunities and keeping the income level and consumption low. Consequently demand for labour remains low. Income for self-employed has not peaked up in the post lockdown period as there is a general loss of employment and income. In addition, most of the residential colonies prohibited vendors entering their premises for the fear of Covid-19 infection even after the unlock process started. That kept the demand depressed. The supply was affected because all markets and transportation system were completely on halt, adversely affecting mobility and customer interaction. Besides, most of the self-employed are facing shortage of capital resources that are required to restart their business.

Absence of any active stream of income caused a serious problem of food security. Many received help from philanthropists distributing food, despite of that 8 in 10 households reported consuming less food during the lockdown than before as reported in another study by SEWA with Azim Premji University. Impact was more severe in urban area as lockdown rules were more stringent. This was despite the fact that 85% of the respondents reported receiving ration. In another report, many member women of SEWA reported about changing their profession, and their efforts towards learning new skills as a survival strategy (Ansuya, July 2021). The shift has caused drop in remuneration

for many and they perceive that returning back to the pre pandemic status is far away.

Restarting the business for the women vendors has not been easy. They are facing many hiccups over and above the drop in demand due to lack of income. Following COVID protocols of maintain social distancing has also been responsible for keeping the demand depressed. Enforcement of the Disaster Management Act give power to police to dismantle an accumulating crowd in market place. Resultant, many market activities took very long time to accelerate.

Women reported feeling of severe uncertainty regarding revival of their income. In the event of loss of their income and a very little savings to depend on, 77% of the respondents of SEWA's study required to borrow money from various source. From the women who borrowed, 78% borrowed from informal sources with relatively higher rate of interest. Of these women, only 0.006% said that they were able to repay the repay the dues (Ansuya, June 22, 2020). For the rest, interest burden is mounting.

### **Experience with Relief Package**

The State and the central government initially declared relief package for those having a ration card for BPL status. Later, with a strong demand emerging from civil society organizations, families with APL ration card were incorporated in the relief package. Most of the grass root workers across Gujarat confirmed that people did receive an SMS about the relief package. One, important scheme of the central government was transferring cash worth Rs.500 to women Jan Dhan account holders between April to June 2020. Our interaction with grass root workers showed that a majority of women with BPL card received the money in their account. However, a few whose accounts were not KYC compliance could not avail the benefit. Government's insistence on KYC complicity at the

time of crisis of this magnitude raised discontent among many. Also to be noted that all the Jan Dhan accounts are not yet fully functional. People also expressed their discontent about the inadequacy of the amount.

Experience with free distribution of food grains and other ration is also similar. The distribution was smooth and effective for the most but a few remaining left out due to various administrative hurdles.

### **Status of Existing Social Security Schemes**

The social security systems are meant to protect people in the times of adverse shocks. The Unorganized Workers' Social Security Act came in force in 2008. The responsibility of implementing the act is given to the state governments by framing appropriate rules. Implementation of any labour legislation has remained lax in Gujarat (Hirway and Shah: 2011). Gujarat was one the last few states to frame its own rules for implementing the act.

Out of many schemes designed to support the workers of unorganized sector, a few linked with Aadhar card were effective even during the lockdown period. For example, Janani Suraksha Yojana. However, many of the social security and other welfare schemes require to be obtained through the concerned department remain halted since the lockdown.

Over and above the schemes under the act, there is Construction Workers Welfare Board (CWWB) in Gujarat set up under the central legislation of 1996. Case of the board is important example showing government's attitude towards implementing provisions of legislation. The CWWB has accumulated about Rs.3020 crores of welfare fund. This fund is for the welfare of the members. The government disbursed Rs.1000 to about 4 lakh workers after many representations made by trade

unions. This is less than 2 percent of the total available funds. (Bandhkam Majdoor Sangathan 2020).

### **Inside the Four walls: Unpaid Domestic Work and Domestic Violence**

For women, the lockdown induced vulnerability were not only economic but also social. With entire family remaining confined to four walls for more than two months resulted in increased domestic burden for women. In a study of 126 women in Ahmedabad, 71.4 % said that burden of domestic work significantly increased for them (Pathak and Shah:2021). This had a direct impact on available time for rest and recreation, having adverse impact on their physical and mental wellbeing.

Rise in domestic violence was another important concern. UN Women expressed domestic violence as shadow pandemic. All most all countries reported rise in reported cases of domestic violence soon after their respective government implemented lockdown. National Commission for Women also reported rise in the cases. Situation in Gujarat was not different. In a study conducted in Ahmedabad, 60 percent of women reported incidence of domestic violence of different type and degree during the lockdown period (Pathak and Shah: 2021). This included physical violence (6.6%), verbal violence (17.1%) and emotional violence (76.3%). In cases of women who faced violence, 75.7% had lost their own source of income. 81.6% the women reported that their husbands had lost their income either completely or partially. This finding shows a clear positive correlation between loss of income and increased incidence of violence. Livelihood of a majority of the workers in informal economy is severely affected due to the lockdown. The recovery is also very slow. Female labor in the in this segment face dual vulnerability due to significant loss in income- the economic as well as social, pushing them further into the margin.

## Concluding Remarks

The labour crisis experienced due to the pandemic is structural in nature. The root cause of the crisis lies in the economic model that we have followed, especially in last three decades. It has helped to attain higher growth but has failed to protect labour in times of disruption. The troubled times of the pandemic has surfaced this fault line existing in the fast-growing economy. It drastically changed lives of millions of informal workers. Loss of employment, inadequate savings and lack of social security pushed a large segment of people into deep distress. Those who were hoping to transit out of the

poverty prior to the pandemic are now struggling with the consequences of loss of employment and livelihood on their ability to pay for the rent and other essentials, on their social status, education of their children as well as domestic violence. The experience of the pandemic should serve as an opportunity for the government and for the civil society organizations to work towards strengthening platforms that ensures rights and entitlements that the workers are eligible for. This includes developing a strong social security system that can strengthen the response to any external shocks and reduce vulnerability of marginalized segment of the population.

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# The Family Courts for Resolving Family Disputes Amicably and Maintaining Relationships

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## Introduction

The need to establish the Family Court was first emphasized by the late Smt. Durgbai Deshmukh, after a tour of China in 1953, where she had an occasion to study the working of Family Courts. Smt. Deshmukh discussed the subject with legal experts, Justice Chagla and Justice Gajendragadkar. Then, she made a proposal to set up Family Courts in India for Prime Minister Shri. Jawaharlal Nehru. The law commission in its 59th report in the year 1974 stressed that the family courts ought to take an approach radically different from that adopted in ordinary civil proceedings and that reasonable effort should be made towards amicable and speedy settlement before the commencement of the trial. The code of civil procedure was amended in 1976 and it was recommended that the adversary model adopted in courts should be replaced by a conciliatory approach, which would help to overcome the animosity, hostility, distrust of one's counterpart.

The year 1975 was declared as international women's year by the United Nations. The UN general assembly also organized the first world conference on women, held in Mexico City during the summer of 1975. The UN charter had long stated that the global organization is dedicated to human rights with no discrimination based on sex. After the conference, the UN expanded the recognition of international women's year by declaring 1975-1985 as the UN decade for women.

This period marks the formation of women's groups on issues like dowry deaths, eve-teasing, beauty contests, rape, and other forms of violence in India. The Union government constituted the committee on the status of women in India in the year 1971 as a part of its obligations as a signatory to the 1967 UN declaration. This committee recommended that all matters concerning family should be dealt with separately. The women's movement demanded that the state should constitute a separate court to deal with issues confronting women in the institution of the family taking into account the unequal power relationship between men and women.

The Family Court Act was enacted in 1984 due to recommendations and efforts from different groups. The whole idea behind the Act is to ensure speedy and inexpensive relief with the least formalities and technicalities. The Family Court Act, 1984 is a part of the trends of legal reforms concerning women and the formation of Family Courts in India was a milestone in the history of the Indian Judiciary.

The Family Court bill was passed on 27<sup>th</sup> August 1984 by the parliament and was notified by the Central Government on 14<sup>th</sup> September 1984.

While introducing the bill of the Family Court Act, in the sixth Loksabha, Shri Jagannath Kaushal, the Minister of Law, Justice and company affairs stated that the objective of the legislation is to provide for

a radical new procedure for speedy settlement of family disputes.

The bill, inter alia, seeks to

- a) Provide for establishment of Family Courts by the State Governments;
- b) Make it obligatory on the State Governments to set up a Family Court in every city or town with a population exceeding one million;
- c) Enable the State Government to set up, such Courts in areas other than those specified in (b) above;
- d) Exclusively provide within the jurisdiction of the Family Courts the matters relating to:-
  - i) Matrimonial relief, including nullity of marriage, judicial separation, divorce, restitution of conjugal rights, or declaration as to the validity of a marriage or as to the matrimonial status of any person;
  - ii) The property of the spouse or of either of them;
  - iii) Declaration as to the legitimacy of any person;
  - iv) Guardianship of a person or the custody of any minor;
  - v) Maintenance, including proceedings under Chapter IX of the Code of Criminal Procedure, 1973;
- e) Make it obligatory on the part of the Family Court to endeavor, in the first instance, to effect a reconciliation or a settlement between the parties to a family dispute. During this stage, the proceedings will be informal and the rigid rules of the procedure shall not apply;
- f) Provide for the association of social welfare agencies, counselors etc.. during conciliation

state and also to secure the services of medical and welfare experts;

- g) Provide that the parties to a dispute before a Family Court shall not be entitled, as of right, to be represented by a legal practitioner. However, the Court may in the interest of justice, seek the assistance of a legal expert as *amicus curiae*;
- h) Simplify the rules of evidence and procedure so as to enable a Family Court to deal effectively with a dispute.

The Family Court Act, 1984 was enacted to establish Family Courts in the whole of India except the State of Jammu & Kashmir. The State Government of Maharashtra formed rules to establish the Family Courts in the state of Maharashtra in 1988. As per Rule 9 of the Maharashtra Family Court Rules of 1988 each City, town or other areas a center to be attached as 'the counseling center of the Family Court.' The State Government in consultation with the High court can establish Family Courts in every city or town exceeding 1 million. The state government shall, in consultation with the high court, determine the numbers and categories of counselors required to assist a Family Court in the discharge of its functions and provide the Family Court with such counselors.

This act provided the jurisdiction of the Family Court with the matters relating to

- i) Matrimonial relief, including nullity of marriage, judicial separation, divorce, restitution of conjugal rights, or declaration as to the validity of the marriage or as to the matrimonial status of any person;
- ii) The property of the spouse or of either of them;
- iii) Declaration as to the legitimacy of any person;

- iv) Guardianship of person or the custody of any minor;
- v) Maintenance including proceedings under chapter IX of the code of criminal procedure, 1973

This act provides for the association of social welfare agencies, counsellors, etc. during conciliation stage and also to secure the services of medical and welfare experts.

Family Courts have been established with the object that they should allow radically different approaches than what is adopted in ordinary civil proceedings and, besides, for making reasonable efforts for settlement before the commencement of the trial.

In India following states have established Family Courts by framing rules for the establishment of Family Courts as per the Family Court Act, 1984.

Maharashtra, Gujarat, Kerala, Tamil Nādu, Karnataka, Telangana, Andhra Pradesh, Madhya Pradesh, Chhattisgarh, Uttar Pradesh, Punjab & Haryana, Manipur, West Bengal, Bihar, Tripura, Pondicherry (UT).

The Family Courts have been established in the following districts in the State of Maharashtra as per the Family Court Rules, 1987. In Maharashtra, 24 districts have established Family Courts till December 2020.

*Mumbai, Pune, Nagpur, Aurangabad, Nashik, Thane, Kolhapur, Amravati, Akola, Solapur, Nanded, Buldhana, Ahmadnagar, Beed, Jalgaon, Sangali, Parbhani, Satara, Latur, Jalana, Usmanabad, Bhandara, Yavatmal, Dhule.*

The Family Court in Mumbai has been established by the State Government of Maharashtra as per the Maharashtra Family Court Rules 1987. In Mumbai, there are 7 Family Courts and 14 marriage

counselors. The Family Court is at Bandra-Kurla Complex, Mumbai. This court was established on 7<sup>th</sup> October 1989. As per rule 13, a person having a Master's degree in Social Work with a minimum experience of 2 years of family counselling is eligible for an appointment as a counsellor. Every litigant is referred to the counsellor for the purpose of trying out reconciliation and if reconciliation is not possible then try to work out other possible amicable settlements, maybe interim or ad-interim settlement, Ad-interim and interim settlement is the type of settlement, where litigants arrive at the settlement of some issues during the pendency of the main petition. The marriage counsellor has to report to the Court, If, litigants fail to remain present before the marriage counsellor for the counselling. When the parties arrive at a settlement before the Counsellor relating to the dispute or any part thereof such settlement shall be reduced to writing and shall be signed by the parties and countersigned by the Counsellor. The Court shall pronounce a decree or Order in terms thereof unless the Court considers the terms of the settlement unconscionable or unlawful or contrary to public policy. The Counsellor shall also be entitled to supervise, guide and assist the reconciled couples, even if the matter is no longer pending in Court.

### **Jurisdiction of The Family Court, Mumbai**

#### **A. Pecuniary**

- There is no upper limit of any amount for filing the matrimonial litigation in Mumbai.

#### **B. Geographic**

- The geographical limit of the Family Court covers the greater Mumbai Municipal Corporation region.

#### **C. Subject**

- Special Marriage Act, 1954
- Hindu Marriage Act, 1955

- Hindu Adoption & Maintenance Act, 1956
- Hindu Minority & Guardianship Act, 1956
- Guardians & Wards Act, 1890
- Divorce Act, 1869
- Dissolution of Muslim Marriage Act, 1939
- Muslim Women (Protection of Right on Divorce) Act, 1986
- Code of Criminal Procedure, 1973 (Section 125 to 127)
- Protection of women from Domestic Violence Act, 2005
- Specific Relief Act, 1963
- Family Courts Act, 1984

### **Categorization of Cases**

In the Family Court, Mumbai petition filed is numbered with the alphabet as given below for the categorization of litigation as per the subject:

- A - Divorce, Judicial separation, annulment of marriage, restitution of conjugal rights.
- B - Declaratory suits, Injunction Suits
- C - Maintenance under/HAMA
- D - Custody/ access of children
- E - Maintenance under/section 125 of Cr PC
- F - Divorce by Mutual Consent
- RD - Regular Darkhast for recovery of maintenance u/CPC
- ER - Recovery of Maintenance u/Cr PC
- MA- Miscellaneous Application (Civil/Criminal)

After verification and satisfying the objections raised by the judicial department, the petition is numbered as per the category mentioned above. Then the petition is randomly assigned to the one court out of seven Family courts, Mumbai by the Principal Judge. Family court is established in a floored building. Each floor has one court and 2 Marriage counsellors, who are posted with the court. On the first day of appearance of the litigants, they are referred to the marriage counsellor for counselling.

### **1. The Role of Marriage Counsellor**

The role of marriage counsellor was introduced in the City Civil Court, Mumbai in 1988. The Department of Child and Family studies of Tata Institute of Social Sciences (TISS) initiated the project by providing services of two marriage counsellors in the City Civil Court, Mumbai to the litigants of matrimonial matters. Litigants were referred by Hon'ble judges of the City Civil court to these two marriage counsellors for trying out an amicable settlement. These settlements would have been reconciliation or divorce by mutual consent. Ms Meenakshi Apte, the head of the Department of Child and Family Studies. TISS had the vision to see the success of the project. Ms Bageshree Parikh and Ms Pratibha Gheewala, Marriage counsellors appointed on this project had worked very sensitively and worked hard with the skills, techniques of counselling to provide the best settlements to their clients. All these efforts had given good results. This had given ground for framing rules for the appointment of marriage counsellors and providing counselling services in the Family court in Maharashtra. Ms Bageshree Parikh and Ms Pratibha Gheewala were then marriage counsellors in the Family court, Mumbai.

2. The rules for the establishment of Family courts was enacted by the State government of Maharashtra in 1987. Rule no. 9 to 34 of the Maharashtra Family Court Rules 1987 explain the establishment of the counselling centre, appointment of Marriage counsellors, qualifications of Marriage counsellors, functions of marriage counsellors, and reports of marriage counsellors, procedures and net working with NGO's and experts in the psychological and medical fields to help the clients and assist the Hon'ble courts for amicable settlements in the pending matters.

3. As per rule 13 of the Family court rules of the State government of Maharashtra, a person having a Master's Degree in social work with a minimum experience of two years in family counselling shall be eligible for appointment as counsellors. The person has a Master's Degree in Social Work has social, psychological and socio-legal academic study.
4. The counsellor appointed to advise the parties shall decide with the litigants the date of appointment for the counselling. As per rule 14, the parties shall be bound to meet the counsellor. The appointments are given for counselling and counselling is given to the parties for arriving at an amicable solution.
5. Marriage Counsellor generally has the individual interview of the petitioner first and then the individual interview of the respondent is conducted. This individual session follows with a joint interview.
6. Three counselling sessions on the subsequent court dates are conducted.
7. The Marriage counsellor may take as many subsequent individual and joint interviews as per the requirement of the matter. Marriage counsellors may interview child/children, relatives, friends, employers etc., as may be necessary for bringing about an amicable settlement between the parties.
8. The marriage counsellor may pay a visit to the client's house for the purpose of settlement or for follow-up of reconciliation matters or as per the requirement of the matter. The marriage counsellor shall inform the clients accordingly.
9. If the client gives some information to the Counsellor in strict confidence and requests not to disclose to the other party, the Counsellor is bound by it.

10. All the information disclosed during the counselling sessions is confidential and it is also not to be disclosed to the Hon'ble Court.

11. If a client fails to remain present for counselling it is reported to the Hon'ble Court as per rule 15. Then, the Hon'ble court may proceed with the matter without prejudice to other powers of the court to take action against a defaulting party.

Rule 16 to 20 explains the duties of counsellors. It is expected that the Marriage counsellor shall assist and advise the parties regarding settlement of the subject matter of dispute between the parties in arriving at reconciliation.

The counsellor in the discharge of his duties shall be entitled to pay home visits to the homes of any of the parties, to interview relatives, friends and acquaintances of parties or any of them. This is a very important provision as the family system in India involves other family members in day to day life. It is essential to talk to other family members, relatives, friends and acquaintances to make them involved to work out an amicable solution to the matrimonial issues.

The counsellor in the discharge of duties may seek such information as he may deem fit from the employer of any of the parties. This is required when the maintenance is to be decided by the Hon'ble Court and the Hon' able asks us to get the information from the employer to know about the income of the party and get it on record.

If the counsellor assesses the need to refer the parties to an expert in the area of medicine or psychiatry. S/he can make the parties realize the need and refer them to such parties.

This referral, reports, and information received from the experts should be used only for the purpose of counselling to help the parties and shall not be provided to anyone other than the party

himself or herself. Rule 24 speaks about confidentiality. The information gathered by the counsellor, any statement made before the counsellor shall be treated as confidential. The counsellor shall not be called upon to disclose this information, statement, notes or report to any court except with the consent of both parties. Such notes or reports or statements or any material lying with the counsellor shall be kept in sealed packets by the counsellor and shall not form a part of the evidence before the court.

Rule 25 and 26 provide further that, the counsellor may also submit to the court a report relating to the home environment, income or standard of living of the party or parties concerned in order to assist the court in determining the amount of maintenance and/or alimony to be granted to one of the parties. The court may also request the counsellor to submit to it a report on any other subject in order to assist the court in adjudicating upon the matter before it or any part thereof. As per rule 27, a copy of the report submitted under rules 25 and 26 may be supplied to the parties on such request being made by the parties. This information shall be submitted by the counsellor to the Hon'ble court, only when Hon'ble Court gives specific order to the counsellor for providing the particular information. This report is not treated as confidential and provided to the clients if they ask for it as per rule 27. The Counsellor is not called for giving evidence with regard to this report submitted to the Hon'ble Court as per the rule, which protects the counsellor so as the counsellor shall not be called upon to give evidence and shall not be cross-examined in any court in respect of report submitted.

Rule 31 says. "When the parties arrive at a settlement before the counsellor relating to the dispute or any part thereof in writing, it shall be signed by the parties and countersigned by the counsellor". The Hon'ble Court may pronounce a decree or order in terms thereof unless the court considers the terms of the settlement

unconscionable or unlawful or contrary to public policy. These consent terms decided amicably by clients can be for reconciliation or mutual consent divorce. These consent terms have to be as per legal provisions, should be specific and executable in the Court of Law. It should not be detrimental to the rights and claims of the parties. It should not have an admission of the wrongs or allegations by the clients.

Rule 33 entitles the counsellor to supervise, guide and assist the reconciled couples, even if the matters are no longer pending in the court. This is a very essential provision so as the couples may not have resolved all the issues when they take the decision of reconciliation and decide to withdraw the matter. They may need counselling in future to work out their disputes, disagreements and to deal with the negative emotions to build healthy relationships.

If couples keep the case pending after reconciliation to have to follow up with the marriage counsellor then this arrangement of reconciliation is considered as without prejudice to the rights and contentions of the couples as per rule 34 of the Maharashtra Family Courts Rules 1987. As per the rule, 34 condemnation between the parties shall not be deemed to be a condemnation of the matrimonial offence. If reconciliation fails and parties wish to proceed with the matter then they can do so with the same contentions and claims.

### **Issues of marital conflicts**

- Lack of mutual understanding
- The difference in the lifestyle
- Differences in the expectation from intimate partner
- Differences in maturity/Intellectual differences

- Compatibility issues
- Different family values
- Different opinion/ views/ thoughts
- Different Personalities/ nature
- Argumentative behaviour/ Blaming personality
- Behavioural Issues/Attitude problem
- Parents' interference
- The family structure and family life has been changed but the marriage system has not changed accordingly.
- Still more people rely on the horoscope matching and take help of astrologer.
- Mental preparation for the marriage is not given a serious thought.
- Willingness to marriage needs to be given importance.
- Only the number of love marriages have increased but the expectations from the spouse or marriage have not changed.
- Dislikes and negative feelings about the spouse marriage lead to disappointment.
- Humiliating/ discouragement /Not supportive

**In order to solve the family issues amicably there is a need of the following:**

Need to emphasize on the role of Importance of pre-marriage counselling :

**Awareness among Youth:** Pre-marriage counselling sessions, pre marriage counselling workshops in the colleges and community with youths would help young people to get prepared for married life. It will make them aware and realize responsibilities in the marriage. It will help them to learn communication skills, which are very important in strengthening emotional bonds and also helpful in resolving differences in an amicable way. This would make them clear about their ideas, fantasies and romantic expectations about marriage and make it rational and realistic which would make their married life healthy and enjoyable.

**Parents' awareness:** Parents need to be made aware of changing life expectations of the young generation and choices of youth in the marital relationship. There is also a need to talk to parents about the importance of the willingness of their children for marriage. Parents can be told in the pre-marriage counselling about giving space to newly wedded couples to build bonds between them.

Preparation of marriage and marital relationship needs to be understood for a healthy and enjoyable life.

**Awareness about Family Court:** It was observed that still there is not much awareness of the work of Family Court among all this needs to be made by organizing orientation programmes for people.



# ROUND & ABOUT

During the quarter of July- September, 2021, two major happenings (Publishing of the 6<sup>th</sup> Assessment Report of the Inter-Governmental Panel on Climate Change (IPCC) and Revision of Air Pollution parameters by the WHO) have occurred concerning the environment; hence this column focusses on those happenings.

## IPCC 6<sup>th</sup> Assessment Report

The IPCC is a scientific body of 195 nations of the world established in 1988 under the auspices of the United Nations. It is supported by the World Meteorological Organization (WMO) and the United Nations Environment Programme (UNEP). It is located in Geneva. A pool of scientists drawn from various countries work for IPCC in its Working Group. The Assessment Reports constitutes the Authorized Version on the explanations of climate change, its causes, its features, likely impacts, etc. So far the IPCC has released its assessments reports in **1990 (1992 Supplement), 1995, 2001, 2007 and 2014 and now the 6<sup>th</sup> A.R. in 2021**. The Assessment Reports come in three parts i.e. prepared by its three Working Groups, namely-

- *The Physical Science Basis of Climate Change in (WGI contribution)*
- *Impacts, adaptation and vulnerability (WGII contribution)*
- *Mitigation of climate change in March 2022 (WGIII contribution)*
- *Synthesis Report.*

The IPCC released its Sixth Assessment Report, *Climate Change 2021: The Physical Science Basis* on 9<sup>th</sup> August 2021. The reports of other two Working Groups are expected next year.

The report is very voluminous. In this column, a few scientific facts as contained in the 6<sup>th</sup> A.R. (Scientific basis) are briefly mentioned, after mentioning a few basic facts of the previous A.Rs.

### A few past assessments of the IPCC:

- The 1<sup>st</sup> A.R. in 1992 had said that mean global surface air temperature has increased by 0.3 to 0.60 C in the last 100 years.
- The 4<sup>th</sup> A.R. had stated that the as per the 100 year linear trend of the mean global surface air temperature has increased by 0.740 between 1906-2005, and that concentration of carbon dioxide (the main greenhouse gas contributing to global warming) in 2005 (379 ppm) was the highest in 650,000 years.
- 5<sup>th</sup> A.R: Atmospheric concentrations of CO<sub>2</sub>, CH<sub>4</sub> (methane) and N<sub>2</sub>O is unprecedented in the last 800,000 years.

### **Assessment of the 6<sup>th</sup> A.R. (2021):**

- Globally, the planet will warm up by 1.50 C in the next two decades (2020-2041) over the pre-industrial (1850-1900) level.
- Frequency and intensity of extreme events (heavy rainfall, floods, cyclones, etc.) are expected to go up. Rain could increase by 20% in the south-west coast.
- Extreme sea level events caused by tidal or storm surges may become 20-30 times more frequent by 2050.
- With irreversible sea level rise and more frequent heavy rainfall events, coastal cities could become hotspots of climate change.
- South India could see more severe rain events in future. Cyclones may become more intense.
- Rising temperature and precipitation can increase the occurrence of glacial lake outburst floods and landslides over morain-dammed lakes.
- Snowline elevations will rise and glacier volumes will decline.
- Regional mean sea level will continue to rise. The rate of sea level rise has tripled in the past decade due to global warming and is expected to keep rising- by at least another 55 cms by 2100.
- As regards the impact of sea level rise on coastal cities in India gives estimations of increase of sea-level rise by 2040 as: Kochi (0.15m), Mormugao, Kandla and Okha (each) (0.13m), Mumbai (0.12 m).

### **Greenhouse Gas Emission Countries (Selected).**

In a past article "India and Climate Change" in the Urban World (April-June, 2019) the following statistics was presented.

### **India's place in historical emissions since 1880 which has resulted in global temperature rise by 0.85<sup>o</sup> Celsius**

Historical carbon space occupied by various countries in 2009 (1850 as base year):

USA	29%
Other Developed countries	45%
China	10%
Other Emerging Economies	9%
India	3%

## Emissions by Countries (2017)

Country	Total Emissions in 2017 (billion tons)	Percentage share in Global Emissions (2017)	CO2 Emissions per capita (tons/person)
World	37.1	100%	4.8
China	9.8	26.41	7
United States	5.3	14.28	16.2
European Union	3.5	9.43	7
<b>India</b>	<b>2.5</b>	<b>6.7</b>	<b>1.8</b>
Russia	1.7	4.58	11.8
Japan	1.2	3.23	9.5

Among other things it is clear that among the top emitter nations, India has very low per capita emission.

*Source: Global Carbon Project. (These figures were presented in the 24<sup>th</sup> Conference of Parties (UNFCCC) held in December, 2018 in Katowice, Poland).*

**AIILSG has published a book Understanding Climate Change- Its Mitigation & Adaptation to it in 2015. A box from the book, highlighting the urgency of action is as under:**

### **2°C Tipping point not far**

The Fifth Assessment Report of the IPCC-Contribution of the Working Group I, the Physical Science Basis, released in September, 2013 stated that to limit the warming to a rise of 2°C degrees C above pre-industrial levels, 1,000 gigatons (trillion tonnes) is the upper limit of carbon dioxide that can be emitted. However, by 2011, humans had already emitted 531 gigatons. Climate change experts believe that this limit could be crossed in the next 25 years. The report further said that the world has 2795 gigatons of carbon in the form of fossil-fuels and reserves. Burning just 10% of these would lead to crossing the tipping point.

(Article in the Urban World, April-June 2019- Based on the 5<sup>th</sup> A.R. of the IPCC)

**Global Action Forum:** The Paris Agreement signed in 2015 is a legally binding international treaty on climate change. It was adopted by 196 Parties at COP 21 in Paris, on 12 December 2015. Every year a Conference of Parties is held to review the progress and the action being taken to combat the challenge facing the humanity.

*References: IPCC & UNFCCC websites. Media Reports including- Times of India, Mumbai dated 10 August, 2021 and 18 August, 2021 Indian Express, Mumbai dated 7 August, 2021. Other references are cited in the text.*

### **New Air Quality Norms Released by WHO**

On 22 September, the World Health Organization (WHO) released its new air quality norms.

#### **Why WHO had to change the recommended air quality norms:**

A few excerpts from the Press Release of WHO dated 22 September, 2021:

“Since WHO's last 2005 global update, there has been a marked increase of evidence that shows how air pollution affects different aspects of health. For that reason, and after a systematic review of the accumulated evidence, WHO has adjusted almost all the AQGs levels downwards, warning that exceeding the new air quality guideline levels is associated with significant risks to health. At the same time, however, adhering to them could save millions of lives.

“WHO's new guidelines recommend air quality levels for 6 pollutants, where evidence has advanced the most on health effects from exposure. When action is taken on these so-called classical pollutants – particulate matter (PM), ozone (O<sub>3</sub>), nitrogen dioxide (NO<sub>2</sub>) sulfur dioxide (SO<sub>2</sub>) and carbon monoxide (CO), it also has an impact on other damaging pollutants.

“The health risks associated with particulate matter equal or smaller than 10 and 2.5 microns (µm) in diameter (PM<sub>10</sub> and PM<sub>2.5</sub>, respectively) are of particular public health relevance. Both PM<sub>2.5</sub> and PM<sub>10</sub> are capable of penetrating deep into the lungs but PM<sub>2.5</sub> can even enter the bloodstream, primarily resulting in cardiovascular and respiratory impacts, and also affecting other organs. PM is primarily generated by fuel combustion in different sectors, including transport, energy, households, industry, and from agriculture. In 2013, outdoor air pollution and particulate matter were classified as carcinogenic by WHO's International Agency for Research on Cancer (IARC).

These norms are as under:

### Recommended AQG levels of WHO

<b>Pollutant</b> (mg/cubic meter)	<b>Averaging time</b> <b>Annual Daily</b>	<b>2005</b>	<b>2021</b>	<b>India's existing</b> <b>norms (2009)</b>
Particulate Matter 2.5	Annual	10	5	40
	24 hours	25	15	60
Particulate Matter 10	Annual	20	15	60
	24 hours	50	45	100
Ozone O <sub>3</sub>	Peak Season	-	60	180(1 hour)
	8 hour	100	100	100
NO <sub>2</sub>	Annual	40	10	40
	24 hours	-	25	80
SO <sub>2</sub>	24 hours	20	40	50
				80
CO	24 hours	-	4	02 (8 hours)
				04 (1 hour)

Some reactions/responses in the Press:

1. The media widely reported the air quality norms of WHO in which comments of various experts in the field of health and environment were included. All of them were unanimous and vocal about the fact that India needs to revise its norms and at the same time pollution control measures should be made strict.
2. "Mumbai's PM 2.5 levels 8 times higher than new WHO norms." "80% of deaths due to PM 2.5 exposure avoidable". (Times of India, Mumbai 23/9/2021).
3. "WHO releases new air quality norms, almost entire India polluted zone now". Indian Express, Mumbai, 23/9/2021.

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- ♦
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