Claims On Cleanliness

Environment and justice in contemporary Delhi

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"New Delhi will be the paradise of the garage owner. To live there without petrol is impossible... a town planned to surround the office desk of the chief bureaucrat, where converge the railway lines, the telegraph and roads of our Empire, but where its soul will never rest".[1]

"Public health has to do with public... Nineteenth century public health... has to be understood within the context of other valorisations of the notion of the public (public opinion, public interest etc.) in this period".[2]

Contemporary Delhi oscillates uneasily between the desire to live and to work. There is a sense of urgency that makes the life-work struggle a zero-sum game – healthy air for the 'public' even as there is job loss for workers, cleaner fuels in the interest of the city even as the long queues of autos imply longer nights for their owners/drivers. In a deeply hierarchical city, whose modern foundation was laid on the principle that status can be codified through housing class and distance from the 'centre', it is obvious that the desire for a clean environment is fraught with conflict. In an ideal situation this need not be so. Article 21 of the Constitution, creatively interpreted by the Supreme Court, should ensure justice and fairness on all counts. "The right to life", Justice Krishna Iyer asserts, "means the right to livelihood, to dignity in existence. The right to health, to drinking water, to a pollution-free environment, to a biosphere where people can live, is all part of the right to life". Delhi's, and urban India's, particular predicament today is not the dispute over the wider meaning of the expression 'the right to life' but the conflicts internal to it – between


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the livelihood of workers and public health, between dignity and the desire for a 'clean' city.

This is not Delhi's first cleansing. Congestion, ventilation, drainage, conservancy and concerns about noxious trades are to be found from the mid-19th century onwards. Sanitation through slum clearance and pushing out of *gwalas* (milkmen) from the city in 'sanitary interests' prefigure contemporary concerns, though with the important difference that colonial urban planning was underwritten by the imperative of maintaining racial distinction. Interestingly, though not surprisingly, colonial planning too was justified as being in the public interest. Slum clearance, thus, was done on the assumption that "the city contains numerous well defined slum areas of the meanest type and abounds in insanitary lanes and dwellings constituting a menace to the public health of the whole urban area of Delhi".[3] Post Independence, democratic norms required that the reform from above be mitigated by greater sensitivity to local aspirations and community participation in managing public health, though this again was violently undone in the slum clearance drives of the Emergency. New resettlement colonies came up on the periphery of the city with roads, water supply, sanitation, parks and small-scale industries offering employment, ostensibly "a move toward social revolution, a trend which will secure for the urban poor, a greater degree of social justice in the near future".[4] The near future has since become distant and, on review, it would appear that these colonies are no more than "planned slums".[5] In short, even as the discourse on urban environment moved away from being conducted under the aegis of a colonial police state to the arena of democratic politics, there has been a persistent strain of anti-poor bias and the rhetoric of social justice has failed to secure either dignity of life or a clean environment for the majority of the city's inhabitants.

Contemporary environmentalism

Contemporary debates on Delhi's environment both reinforce these longer trends and simultaneously depart from them. In terms of change, there is first the greater pervasiveness of the discourse itself. It is no longer about slums alone or an epidemic in isolation or the need to plan the location of industries but a combination of all these (and more) elements. This combination, in turn, gives rise to greater relentlessness and speed through which the city is spatially modified and inhabiting it becomes an act of constant negotiation of daily routines, from where one can shop for/sell vegetables, to the time/mode of transport that one needs to get to work, to ways in which one can dispose waste or choose to live with existing water supply. Plague scare in 1994, dengue in 1996, interim orders on closure of hazardous factories the same year and then another round beginning 2000, CNG and conversion over the last two years and all through it a constant demolition of slums that supposedly 'rob' the citizens of Delhi of their due share of water and electricity and are an eyesore for its middle-class citizens, together provide a heightened sense of urgency to the issue of environmental risk and give it a larger public profile than earlier. In fact it would not be an exaggeration to suggest that environment today is the single most important issue shaping Delhi's physical and social life. This is no longer simply about cleaning up while continuing to 'develop', though that view persists too – "surely it is possible to have electricity, roads, progress, prosperity – as well as clean environment".[6] Rather, what is at stake is the very model of development itself, the need to roll back from "an advanced case of

unsustainable, undesirable, ecologically disastrous and inequitable development".[7]

Second, there has been a shift in the languages that frame the environmental issue, a shift on two levels. In formulaic terms we may express the first shift as being from the symbolic to the scientific. The local dignitary with the broom in hand promising to rid the city of its accumulated garbage is a thing of the past. They continue to be important for photo-ops, but the images look tired at best and their reception increasingly cynical. Instead, we find a new vocabulary on offer – pH levels, clean fuels, suspended particulate matter, common effluent treatment plants – these are the terms that increasingly saturate the media and public spaces around us, from billboards that provide information on SO_2 levels, to weather reports that report on pollution across cities, to the legal discourse that relies on expert committees to guide them on technical matters.[8] Objective science rather than an ambiguous political rhetoric, we argue, signals an important shift in our conceptual apparatus regarding environmental issues.

At another level, the 'public' language sits uneasily with the discourses of individual conduct. From refusal to use plastics to campaigns in schools to encourage students to desist from bursting firecrackers and voluntary drives to clean the Yamuna, there is a new optimism that managing the environment can be made an individual responsibility. This is, as yet, a minor strand that pales into insignificance before the greater intensity of debates around regulatory issues. However, its importance may lie elsewhere, in the synergy that obtains between environmental self-help and a new emphasis on 'caring for the self' (reiki/yoga, no smoking, safe water, exercise, diet etc.), which is addressed to the health of the middle class though deploying the language of a larger urban public. In the Western context, the new discourse on public health is argued to be related to individualism, consumerism and victim blaming and, even more fundamentally, a "new politics of citizenship, with a great- er emphasis on duties implied by rights".[9] In the case of Delhi, this might be a premature judgement, but there is no mistaking that languages of the self and public now intermesh in complex ways and have important ramifications for the future reshaping of the city.

Tied to the shifts in language is the third noticeable characteristic of urban environmentalism today, viz. a new institutional framing in which the courts have come to play a major role.[10] There are two related issues here, the innovation in legal principles and (as pointed out earlier) the use of expert committees in dealing with environmental issues. Significant advances here relate to the use of public interest litigations as an instrument of justice, marking a shift of the 'centre of gravity of justice' from 'traditional individualism' (*locus standi* and *tort*) to 'community orientation', invocation of Directive Principles in interpreting Fundamental Rights,[11] adoption of 'precautionary principles', ensuring that the 'polluter pays', shifts in the 'burden of proof', and considerations of inter-generational equity.[12] All these have played an important role in recent environmental legislation, with various degrees of effectiveness. However, the immediate point that we wish to make here is not in terms of the success or failure of the courts in securing environmental justice but the fact that legal innovations have been a contested development, in terms of constitutional principles, democratic norms and ethical implications. In other words, law operates 'publicly', validating the point that issues of public health/public good receive their public-

ness only in conjunction with other aspects of the 'public', most notably public opinion.

In contrast, the language of science and scientific management and the role of experts have invited little comment. We hear little of the principles through which scientific assessment of risk is made or the remedies evaluated. Nor enough about the contexts and references through which assessments of environmental 'goods' and 'bads' are arrived at. To the extent that there is a public debate on the issue, it has been confined to rather sterile name-calling, as in the case of accusations of bad faith among the various experts who are currently debating the issue of clean fuel. The need for a critical evaluation of expert opinion is however more than evident. Assessments of environmental risk and remedial standards are set in the context of scientific uncertainty and have impacts that are far-reaching socially, across generations and involve questions of autonomy and agency. There is nothing given about what constitutes an environmental risk, how to prioritise among competing risks or indeed about what constitutes an 'acceptable' level of pollution or environmental degradation. Indeed it would be entirely reasonable to assume that on *most* environmental issues there are likely to be differences (about impact, prioritisation etc.) across class, gender, age groups, social status and physical location.

'Difference' and environmental justice

The consideration of 'difference' and 'situated knowledge' brings us back to the point of continuity between earlier and contemporary environmental concerns in Delhi, namely the persistence of anti-poor bias. The effect of the 'democratisation' of the environmental issue and its greater public presence, we argue, has paradoxically served to cloud the varied interests at stake. The debate on Delhi's environment manages to be both too general and limited simultaneously. Even as the health and environmental needs of an abstract urban public are being foregrounded, there is limited appreciation of how the needs of specific publics can be addressed or indeed how the conflict between the environmental needs of different publics be resolved.[13] In other words, there is little acknowledgement that 'the environment' in the singular splits up into many 'environments' and following from there, spaces need to be created for community actors to define and prioritise environmental risks for themselves.

Smog, environmental sociologist Beck points out, is democratic and indeed it may well be.[14] Closer home CSE's newsletter on health and environment points out that "the emerging challenge of modern diseases caused by rapid environmental changes is far reaching and affects the poor and rich alike".[15] The point of these observations is not however to establish 'an equity in degradation'. In fact both these observers are careful to qualify their assertions by looking at how "risk seems to strengthen, not to abolish, the class society" (Beck) and the fact that "the poor suffer disproportionately because of the double burden of diseases that are caused by industrialisation and rapid resource depletion" (CSE). It follows therefore that Delhi's environmental improvement, to the extent that it has remained innocent of the centrality of location, economic and physical, has served to marginalise the already poor. Delhi is an old, precolonial city with a range of settlement types ranging from 'Old Delhi' to Lutyen's colonial landscape to the refugee colonies of the 1950s and 1960s, the resettlement colonies and housing societies across the river and *jhuggies* and *bastis* ('slums' and shanties). Within this complex fabric of formal and unregulated urban environ-

ments, the poor are to be found both in mixed neighbourhoods and exclusively poor settlements. The environmental remedies offered by Delhi's bureaucratic and political elite has operated on the principle that it is these poor communities, especially those who are squatters on public lands, who are a primary source of pollution, an assumption that cannot be sustained on deeper enquiry. When it comes to water or sanitation facilities, in fact, it is the urban rich who are subsidised and the poor who have to bear a higher burden.[16] Specifically in the context of Delhi it may be noted that over 60 percent of the poor in Delhi live along the drains and the river through which the untreated sewage of the city flows, often without access to clean water and sanitation. In the event of a flooding therefore it is these residents who are likely to be first affected by disease. To make matters worse, it is precisely these slum neighbourhoods which house small-scale polluting industrial units that pose additional health hazards.[17] A socially just environmental agenda requires therefore that we look at the ways in which pollution, poverty and urban space relate to each other.

A second way in which environmental pluralism needs to be considered is to look at the intersections and divergences between the health of workers and those who deal in waste and the health of the city. Historically, there have been two kinds of discourses linking work and environment, those on 'noxious' trades that adversely affect their surroundings and those on 'dangerous' trades, which refer to workspaces whose internal conditions had an adverse effect on the workers' health. It is obvious that in the environmental crisis that we witness today, the latter strand has been entirely eclipsed through a focus on the former. This, despite the fact that even a casual observation reveals that many of the industries that have been singled out as polluting are small-scale units with little or no regard for work safety.[18] Similarly, if one looks at hospital waste which has emerged as a rather serious problem in Delhi, there has been little concern about the health of those who are most likely to be adversely affected – children in *bastis* who 'play' with wastes; rag-pickers and *safai karamcharis* (municipal cleaners) most of whom lack elementary protection and are thus prone to cuts and infections; and finally, patients (especially poor patients) who use recycled wastes such as syringes, bandages and intravenous tubes. The point we wish to make is that urban health cannot be imagined in the name of an abstract 'public' alone but needs to be refracted through the concerns of many specific publics that stand to lose (or gain) from environmental improvement.

Finally, there is the question of boundaries. Factories located in Haryana pollute Delhi, which in turn severely pollutes the Yamuna, adversely affecting the lives of those downstream. These facts however do not seem to have triggered a greater public appreciation of thinking about environment in regional terms, about linking the fate of Delhi with its hinterlands. The point may also be made that the concern with environment needs to move away from exclusively considering the disposal of waste to looking at how resources are obtained. Water, food, energy and leisure demands of Delhi have a major impact on the regions that surround them, and engagement with *environmental* justice requires that the implications of these linkages be explored alongside the issue of pollution and waste within the city.

This is an exploratory essay for a larger study of environmental issues in modern Delhi.

NOTES

1. Anonymous commentator in *Garden Cities and Town Planning* (Vol. 14, 1924) cited in Robert Home, *Of Planting and Planning. The Making of British Colonial Cities* (London: E& FN Spon), 145.
2. Thomas Osborne, "Security and Vitality: Drains, Liberalism and Power in the Nineteenth Century" in *Foucault and Political Reason*, Andrew Barry et al. eds. (Routledge, 1996).
3. Narayani Gupta, *Delhi between Two Empires* (OUP, 1981) and Ritu Priya, "Town Planning, Public Health and the Urban Poor", *Economic and Political Weekly*, 24 April 1993. The quote is from the *Report on Relief of Congestion in Delhi* (1936).
4. Jagmohan, *Island of Truth* (Vikash Publishing House, 1978), 177.
5. Ritu Priya, "Town Planning".
6. Tavleen Singh, *India Today*, 17 November 1997.
7. Praful Bidwai, *Frontline*, 29 November 1996.
8. The principle was established in 1986 with reference to the leak of oleum gas from Shriram Foods and Fertilizer Industries wherein the court noted that "since cases involving issues of environmental pollution, ecological destruction and conflicts over national resources are increasingly coming up for adjudication and these cases involve assessment and evolution of scientific and technical data, it might be desirable to set up Environmental Courts on the regional basis with one professional Judge and two experts drawn from the Ecological Sciences Research Group keeping in view the nature of the case and the expertise required for its adjudication".
9. Alan Petersen, "Risk, Governance and the New Public Health" in *Foucault, Health and Medicine* (Routledge, 1997), 204.
10. This is not to deny the important role played by Delhi based NGOs such as Toxic Links and Shristi in disseminating information about wastes, hazards and pollution, but to point to their more limited impacts than that of the courts and scientific institutes such as CSE and TERI and experts from CSIR and IIT.
11. Justice A.S. Anand, M.C. Bhandari Memorial Lecture, "Public Interest Litigation as Aid to Protection of Human Rights", 2001.
12. **Precautionary Principle:** In case of threats of serious or irreversible damage, lack of full *scientific certainty* does not come in the way of acting in favour of environmental improvement. **Polluter Pays:** Those who cause environmental damage should bear the costs of avoiding it or compensating for it. **Burden of Proof:** To be placed on the person or entity proposing the activity that is potentially harmful to the environment, rather than on those who are adversely affected. For a commentary on some of these principles see Rajeev Dhavan, "The Wealth of Nations Revisited", *Seminar*, August 2000.
13. The severity of conflicts around competing environmental goods is all too familiar in Delhi, the most glaring example being the struggle between residents of Sukhdev Nagar JJ Cluster to use a public park for defecation, and the view of the Ashok Vihar residents that their public parks could not be so used, a conflict that eventually saw the resort to police firing.
14. Urlich Beck, *Risk Society* (Sage, 1992), 36.
15. CSE, *Health and Environment Newsletter*, November 2001.
16. Amitabh Kundu, *In the Name of the Urban Poor* (Sage Publications, 1993).
17. Trade unions and organisations such as Sajha Manch have also emphasised this link between poverty and environmental degradation.
18. See for instance "How Many Errors Does Time Have Patience For?", *Janwadi Adhikar Manch*, April 2001.