The urban poor’s claims over land: Between governmentality, informal repression and assertions of citizenship.
The case of Bangalore, India.

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In this article the politics of place considered, is the one over productive land in city of Bangalore (India) –the world’s IT hub. A variety of actors compete over this scarce resource: The municipality, wealthy persons and global corporations in pursuit of a financial asset and the urban poor as a means to assure an access to a “right to the city”. Within such a constellation, what chance do social movement organisations (SMOs) have that claim adequate housing for the urban poor? What are the conditions for mobilising on an issue that requires land?

The theoretical framework for this inquiry is informed by social movement theory, postcolonial, urban and corruption studies, formulated in an neo-institutional perspective. It articulates itself around intersections of the linkages macro-meso and formal-informal and includes the cultural-discursive dimension.

This article will attempt to map out the conditions for the (non-)emergence of collective action in contexts drenched with subtle forms of political violence. Through the analysis of one social movement organisations (SMOs) asserting a hold over land for their housing needs, the case study will demonstrate how informal circuits of corruption foster informal repression. Such repression as a form of political violence leads to silencing the claimants. Political violence will be defined as restricting or preventing the ability of certain groups to take part in the political life of a society (Davenport 2007). The interventions of the SMO are against government actors that are entrenched into informal circuits of exchange, such as corruption. The analysis of the socio-legal and political context to land reveals that albeit using a most inclusive language towards the urban poor, its formal inconsistencies were a fertile breeding ground for corrupt practices that fostered informal repression in forms of physical threats and denial of urban space –hence a reproduction of space that reifies society’s power structures.
1 Introduction

The Hindu, an English-language Indian daily newspaper cited the architect-activist P.K. Das in two instances. First, back in 2009 in an article titled “Social movement sought to ensure housing for urban poor” (The Hindu, 31.3.2009) and second in the article called “How do we tackle urban planning” in 2013 (ibid, 19.7.2013). In the former, the activist appealed, “to engage in social movements and struggle as that alone would help in establishing the basic right of housing for the economically weaker section”. In the latter article he claimed that Indian cities were not necessarily “urban”, due to the exclusionary access to the benefits of development and shrinking democratic rights and public spaces despite expanding cities. These two strands of observations set the stage for this article.

Putting the arguments together hint that despite democracy, development and expanding cities, mobilising for the cause of adequate housing for the urban poor is the only way to assert the claim for 13’700’000 (Census 2011) urban poor of India’s cities to lead dignified lives. The crux of housing is that it necessitates urban land allocation to the poor. But land in Bangalore -the global Hub for IT-services is scarce and highly competed over. What are the conditions to claim adequate housing for the urban poor, when primarily urban land has to be asserted?

In the case of Bangalore only 1.33% of the total available land would be enough to house urban poor (Urban poverty Report 2009.). Against this background all efforts in directing and shaping the political will are necessary to claim access to land and housing for the urban poor. On the issue of housing the state remains the primary target to claim, as third sector delivery in the housing domain can only be very limited due to lack of funds and expertise (Sen, 1998).

Such a relationship between state and urban poor community in regard to housing has evolved over the years and were characterised by the dominant development paradigms. Access to land is negotiated between different social spheres, namely the law, the economy but also by the imagination of different segments of society about what a city of the 21st century should represent. Regarding the law, the human right to adequate housing is stated by the International Covenant on Economic, Social and Cultural Rights (ICESR): “The State Parties to the present Covenant recognize the rights of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing and to the continuous improvement of living conditions.” Through the General Comment 4 a holistic understanding to the issue of housing is elaborated. India is party to the ‘International Covenant on Economic, Social and Cultural Rights’ (ICESCR) obliging the Indian State to recognise, promote and fulfil the human right to adequate housing for all. The report of Habitat International Coalition (2008, 1) states, “Despite India’s obligations, the reality with regard to living conditions for the majority of Indians is dismal. The present degree of violations is unacceptable and represents a flagrant breach of India’s constitutional and national legal obligations as well as commitments under the ICESCR and other international instruments.” This “breach” represented in figures means that according to the Census of India 2011 68 million live in slums in India. At a national level the right to adequate housing is interpreted by the Supreme Court under the article 21 of the Indian Constitution defining
the provision of right to life\textsuperscript{1}. Hence the right to adequate housing has been subject to interpretation on the Constitutional article. Even more concrete housing law relating to building construction is not codified in India. It has developed through case law, based on the redress agencies and higher courts and treats sufferers seeking remedy through housing law as a consumer through consumer courts [Jaiswal, 2007]. Haritas (2009) depicts in her thesis how right to property, being one of the legal innovations at independence has become diluted over the years through vague vocabulary for cases to be ruled in favour of the more powerful ones.

Economic actors enable the transformation of territorial organisation and hence access to land through accelerated circulation of capital (Shaw & Satish, 2006). In response to the international market, government planning at all levels stresses the importance to allocate land for such formal economic activities (ibid, 152). Bangalore has been highly attractive for foreign investments and a proliferation of service-companies have set foot in the city shaping its structure and access to land, for which other actors compete as well. The metropolitan restructuring that has been happening in Bangalore makes it difficult to separate the local from the global forces.

The third and final factor that characterises competition over land are the visions of different segments of society. Arabindoo (2010) portrays on the basis of her case in Chennai that a state-led bourgeois imaginary is imposed, but often “cracked and refracted” upon as a consequence of the problematic conceptualisation of public spaces in post-colonial India. The tension she says stems from a conflict at two levels between first the public and the common and secondly between the public and the crowd. Rather than attempting to reconcile the two, class stereotypes attempt to legitimise one pertaining to higher classes and discredit the one of lower-classes. Concretely, the conflict could be whether a place should be made a park to beautify the city and enable moments of recreation for higher classes or shall it be allocated to urban poor for their housing and livelihood needs?

Embarking on this journey to investigate conditions for social movement emergence on the right to adequate housing and land, lead to me to seek the appropriate conceptual tools to make sense of how a certain political context shapes claim-making. Pondering on this relation, the first and obvious place to look was social movement theory. The consolidation of social movement scholarship was based on the “narrow U.S.-based sociological account” (McAdam & Schaffer Boudet, 2012, 13) that later got extended through Western European empirical studies. This transatlantic bias characterises the field of social movement scholarship until today (Thompson and Tapscott, 2010).

Such competition over land taking place in post-colonial country like India requires conceptual tools to be revisited. Regarding land for housing in India I consider the following distinct factor from western contexts that will characterise my theoretical framework and the qualitative research design.

\textit{Segmented civil society:} Thompson and Tapscott identify the markedly stark unequal societies to be one major difference, where those most marginalised very often have to turn to the state to sustain in claiming socio-economic entitlement to meet basic human needs (ibid, 21).

\textsuperscript{1} Case Francis Coralie vs Union Territory of Delhi (1981); Chameli Singh and others vs State of UP
Chatterjee (2004) calls them members of political society. He describes political society as a site of negotiation and contestation opened up by the activities of governmental agencies aimed at population groups within administrative processes that are paralegal (Chatterjee, 2004, 74). These paralegal processes are linked to informality. Members of political society are only “tenuously” rights-bearing citizens, they are population within the territorial jurisdiction and have inherently a political relationship with the state, in the manner that they have to negotiate for entitlements, rather than rights (ibid, 38). Along with the constant contestation, the consequence of stark marginalisation is that people at the margins of survival, at a cognitive level are generally ill-equipped with strategic sophistication for claim-making (Thompson & Tapscott, 2010, 14). In contrast Chatterjee (2004) describes the small section of civil society, its members whose social location is within the formal structure of the state, as given by the constitution and laws granting them equal rights and freedom (ibid, 38). In this study Chatterjee’s ‘civil society’ will be referred to elite society for the sake of clarity and distinction from the sociological term of civil society. In essence, Chatterjee’s (2004) treatise suggests that civil society in post-colonial society is segmented. The distinction being between the political society having to claim entitlements and “tenously” bearing rights and elite society those granted citizenship rights.

5 Theoretical model

In order to investigate the possibilities of claiming urban land, I formulate a theoretical framework within a neo-institutional perspective that brings some conceptual novelties. It will enable me to grasp two types of linkages that characterize the conditions for mobilizing in a context such as Bangalore (India). A first vertical linkage connects the macro-level political opportunity (Kriesi et al, 1995) to the meso-level agency (Sewell, 1996) of SMOs. I argue theoretically that the linkage is being mediated by available and developed discursive repertoire (Steinberg, 1998). This linkage serves as analytical tool to understand how the political opportunities works upon meso-level collective action, in asking how it is perceived and made sense of resulting in a particular action repertoire. So I expect that elite and political society SMOs develop different action repertoires based on their differential sense-making from different socio-historic positions. The second horizontal linkage is the one between the formal and informal institutions of socio-political life. Formal-informal interaction occurs according to Helmke & Levistky (2006), on the basis of the judgments of ineffectiveness or in discrepancy in outcomes of formal institutions. This analytical lens helps to illuminate how informal mechanisms and processes are challenging formal institutional openings/closures. The linking mechanisms between the analytical levels and both types of institutions are of a subjective nature on how actors understand their environment—a qualitative approach for the investigation will be argued to be most apt.

6 Methodology

The empirical enquiry is organized in a qualitative case study design set in the metropolitan city of Bangalore (India). Bangalore serves as the good case, as in comparison to
other metropolitan cities the slum issue is not very well documented; There is high prevalence of theoretically relevant informal institutions: Corruption (Vijayalakshmi, 2006), clientelism (Breeding, 2009) and patronage networks (Berner & DeWit, 2009); There is considerable amount of SMOs (Sudhir, 2007; Madon & Sahay, 2002); More importantly the state of Karnataka (Bangalore being the capital) has historically undergone a paradoxal evolution of governance paradigms — for one Lord Mayo’s (British Viceroy of India from 1869-1872) doctrine of administrative efficiency in local government was driven at the expense of popular participation (Raman, 2008); For the other, during the reign of the king Krishnaraja Wadiyar of the then Mysore area, where deliberative means of participation and local self-governance were promoted (Kadekodi et al, 2007).

7 Urban Land: Goldmine and repository for corrupt practices

This section on urban land gives more of a descriptive account to gage the possibilities for housing the urban poor in term of their access to urban land. It is established that there is indeed a housing shortage. The Ministry of housing and urban poverty alleviation calculated for the period of 2007-2012 (report of the technical group on estimation of urban housing shortage) a housing shortage in the urban areas of 26.53 million dwelling units.

Within all the debate on housing the urban poor, its urgency and its complexity - the primary resource for housing is kept in the background: Land. There is indeed a conflation between “a right to housing “ and a “ right to land” (Benjamin & Raman, 2012). While housing and shelter is being recognized as a basic human need, next to food and water. The provisions of land to provide for the need of housing are decoupled. In a deepened perspective of housing processes and its rootedness in the distribution of land, the scenario is conflictual at the outset itself: Urban land is scarce and thus various actors engage in its politics to possess this scarce and highly productive resource - on economic terms. The entwined relation between land and poverty in an urban setting has three possible embodiments based on economic rationalities (Benjamin & Raman, 2011, 68): First, access to productive locations - those, which represent multiple employment opportunities. Second, land as a reserve bank for the municipalities to deploy land assets to raise capital for other capital-intensive demands such as infrastructure projects (Mahadevia, 2009, 204). Using the same logic land also serves the rich and the poor as investments, a way to mitigate financial risks. Third, diversity of land tenure forms allows poorer groups, among others to claim land and consolidate it over time. Such claims depend on financing strategies, socio-political relations that influence the type of economies that develop in a particular location. In viewing access to housing through land tenure negotiations, one can look at poorer group’s construction of claims to occupy productive locations. This perspective compels to understand the relationship between land and poverty as multiple processes of territorialisation (Benjamin & Raman, 2012, 66; Durand-Lasserve & Royston, 2002). Such territorialisation processes of different socio-economic groups are shaped by particular rationales of the state having the jurisdiction over that territory in forms of different legal and administrative frameworks and also by the needs and aims of those socio-economic groups. These evolving frameworks have shaped today’s urban land uses for different groups. In the Indian case the land used by the poor in the urban space
are called slums, squatter-settlements, re-settlements colonies, village boundary sub-divisions, chawls etc. The commonality between these different forms is that they have evolved beyond the formal master-planning process of the post-colonial city (ibid, 67). It is thus important to consider how the social constructions of informal/formal and illegal/legal have served to generate public support to disenfranchising the poor from the city (ibid, 65; Ramanathan, 2006). The resulting representation of these dichotomies in legal institutions and institutionalised practices will be analysed in terms of opportunities/closures to inform the potential access (or inaccess) of the poor to urban land, on which they could potentially live and work. Such an analysis is of particular relevance, especially against the fact that the arithmetic of land for rehabilitation of the existing slum dwellers is very simple; less than 5% of the total land of the city is required for the purpose, if all options are considered (Mahadevia, 2009, 201). For Bangalore the author’s calculation based on the 2001 census is between 0.79% - 1.87% (depending on different options including different FSI)² of the city’s area in 2001, which was 225sq km (ibid, 202).

Then, through what type of legal and policy frameworks has India influenced territorialisation processes and the land market leading to delegitimizing the urban poor from adequate urban land use? Furthermore, what role do informal practices play in amplifying or reducing the disenfranchisement of the urban poor to the city? In the following three factors will be outlined and some respective informal practices discussed. These are land regulation & urban land market; Urban infrastructure pressures and the corporate sector and land management in terms of ownership, acquisition and titling.

5.1 Land regulation and urban land market

Land market is one of the markets that has a direct impact on the urban economy and also on the accessibility to land and housing, its regulation is thus pivotal to the urban economy. One specific regulation had a deep impact on the land market and left a legacy in institutional practices in the delivery of land. Within the 5-year plan (1974-79) the Urban Land Ceiling Act (ULCRA) was introduced as a means for lower income sections to access land as well. It was supposed to regulate the land market, for it to be more equitable and for wealthy private persons and corporations not to block potential land development by holding it as an asset. The main intention was that urban land shall not be concentrated in the hands of a few, but rather to ensure equitable distribution and thus to secure orderly urbanization (Vaid, 2006). This Act enabled the government to take over a considerable amount of land (specially vacant land), but then it did nothing to meet the objective it set. According to Vaid (2006) 40% of the land acquired under ULCRA within those 23 years was just left vacant. As the land went out of circulation and the transactions were stalled, this created an artificial shortage of land and thus housing. This act distorted land markets, made slums proliferate, limited the growth of private enterprises and led to soaring land rates.

Another effect of ULCRA was, that it “institutionalized” the informal practice of corruption in the domain of land securisation and delivery. The definition of excess vacant

² Floor space Index
land having been ambiguous, the exemption granted to agricultural lands was being misused on the basis of zoning laws. The compensation rates having been unrealistically low, discouraged people from declaring excess land. The identification based on a messy land title management system became difficult and was far from complete and led to endless rounds of litigation. ULCRA included a right to appeal, but no common authority’s order was considered as a final ruling. Furthermore, sections 20/21 specifying the conditions for exemptions could be instrumentalized to subjective interpretation and was utilized by bureaucrats to earn favours exempting the land on pretexts matching their own interpretations (Vaid, 2006).

To make a large bank of lands available to the growing urban economy, the central government encouraged the states to repeal the ULCRA, Karnataka being one of the first having repealed it in 1991. Increase in land and property prices in metro cities along with the artificial land market through the impact of ULCRA went hand in hand with the economic liberalization of the 1990s, which was related to the national financial market more than the demand of land in the city and therefore serving the interest of the financial capital and not the housing need of a growing population (Mahadevia, 2009, 202.). The continuing soaring land prices lead to the exclusion of the low-income groups to avail land for housing. Within the private formal sector, even when efforts are made to build affordable housing, circuits of corruption of government officials and bribe-collecting agents make it even more impossible to avail housing: Private builders have to mitigate high land cost, restrictive building bye-laws, market fluctuations and the demand from the public. Independent of market fluctuation the bribing cost is 10% of the dwelling sales cost, and are collected through circuits of middlemen and not the government officials themselves. Hence, the builder does not face the government agent who is forcibly bribing him. This means that the cost of a dwelling units will be artificially blown on average by 10% just to recover the bribes the private builder would have had to pay (Personal communication, medium scale builder in Bangalore, November 2010). This mechanism makes affordable housing more inaccessible for the poor who want to avail a dwelling within the formal economy. Within the formal public sector, which is supposed to provide for the poor under the state’s responsibility of welfare, the land acquisition/compensation amount in the city centre for the state board becomes a too heavy price to pay to house the urban poor, thus resettling them at the periphery where land prices are lower. This is a more option for the financial capacities of state governments.

5.2 Urban infrastructure pressures and the corporate sector

Municipalities of India are under great pressure to develop urban infrastructure, given the rapid urbanization processes and the fact that the cities compete to attract investments also from foreign direct investments, they use their own lands to raise finance for capital for works in the city to be at the edge of competition behind a dream of so a called “world class city” (see Mc Kinsey report 2009). Urban land is thus regarded as municipal asset to provide expensive middle-class required infrastructure, such as more roads for motorised vehicles, transport systems and infrastructure for leisure. The demand for land in Bangalore is soaring
and the largest requirement comes from the government.\textsuperscript{3} Bangalore is the typical example where the infrastructure projects are driven by a middle-class and corporate agenda making way for the Bangalore Metro for example. Such projects drive evictions of all settlements [notified or non notified] in its way, the dwellers being victims of the non-coordination of the different agencies and being most often at the mercy of an arbitrary compensation in form of money or resettlement to the periphery\textsuperscript{4}. Acquisition processes are arbitrary and a big part of the land has been lost to the meagre compensation capacity and practices and unplanned take-overs, through intransparent processes and the archaic state of affairs of the law on land acquisition.

Mahadevia (2009, 204) makes a special mention of Karnataka in regard to this phenomenon at the urban fringes. Private entrepreneurs had purchased land from the farmers immediately after the economic liberalization in 1991. But the Urban Land Ceiling and Regulation Act (1976) was still in force at that time. Thus until it was repealed in Karnataka in 1999 it was not available for the poor within the formal realm, but also not to the corporate sector. With the repeal of the Act the land was available now to the corporate sector cheaply, at a govt. Subsidized rate and major construction of IT-parks came way. Interestingly the IT-parks have not only mushroomed due to their economic powers within the market mechanisms, but such endeavours were also clearly supported by the political actors and hence given waivers on the land. Their view consolidated in the vision document for Bangalore 2005 −15 was to set up electronic cities with the adequate infrastructure and residential facilities; all this for a 22\% of the whole working force during those 10 years [ibid.].

The rooting of the IT-sector is at the core of the development ideas that shall be accompanied with the trickle down effect to benefit the lower strata of society. To make these objectives possible state agencies acquired land for sale and lease at lower costs than the then prevailing market prices based on the Land acquisition act (LAA) and the Karnataka Industrial Areas Development Act (KIADA). They could use the fuzziness of the terms “public purpose” within the LAA and “broader industrial uses” within the KIADA -in their interpretations enabling infrastructure for rich IT-corporations (Lawrence Liang 2005 in Ghosh, EPW, 2006). The same developments are to be witnessed in the mushrooming of shopping malls\textsuperscript{5} at the fringes, but also very much at the heart of cities. Such tendencies of arbitrary land allocation to the uses of mainly the middle to higher classes along with permitting foreign direct investment in the real estate sector to build high-end townships (Mahadevia, 2009, 205), literally takes away the ground for housing the urban poor.

Such a type of politico and corporate nexus involving corruption in land deals was enabled through the negotiations during the ULCRA period and unleashing its potential after its repeal in 1999. In recent times such nexus’ have made headlines in the media over and over,


\textsuperscript{5} Houses first, mall later, say slum dwellers, Times of India, 4.1.2012 http://articles.timesofindia.indiatimes.com/2012-01-04/bangalore/30588591_1_slum-dwellers-group-housing-maverick-holdings
very prominently in Karnataka (2010): The dissident activity by the chief minister and his party (BJP at that time) involving irregularities, nepotism and favouritism in the de-notification of prime land in and around Bangalore and allotment of industrial land, skewed land resources even more. The nexus with the illegal mining mafia that siphoned off million of rupees, which came to light end of 2010 through the press set a new landmark for the peaks of corruption in the country. Politicians had participated in looting of the lands, even in view of the mandatory reforms to be implemented through JNNURM prescribing that 25% of urban land shall be earmarked for housing the economically weaker sections.

5.3 Land management: Ownership, acquisition and titling

Land in India is constitutionally under the ‘eminent domain’ of the state. This means that all lands whether public or private are subject to ownership and use decisions made by the state through the legislative instruments (Mahadevia, 2009, 210). These instruments prescribe two types of land use: as freehold or as leasehold. The former can be easily transacted with on the market, whereas the latter involves a competent authority to do so. Land can belong to two sets of actors, private or public. In India a large proportion of land is privately owned. Authorities at any administrative levels own public lands and within these, there are various agencies, central or state departments and public corporations (ibid.). This concretely means that there is a fragmentation of public lands: the ones of the housing board, slum clearance boards, development authority for housing purposes and others like the navy, railway etc for their purposes. In principle state government land would be available for housing the urban poor based on the commitment of the respective government or majority party (ibid.). Within such a legal conceptualisation of land ownership, the poor who can’t afford to own land as a private person nor pay a high rent in urban spaces and those who have not been allotted land under the public housing provision are excluded from the formal access to land and housing in urban spaces (ibid, 201). They resort thus to accessing land informally. There are hardly any studies documenting land ownership and tenurial status in the slums of India. An occupancy right called easement right gives some degree of security against arbitrary eviction by the land owner through the informal doorway: Such a right is given by the urban local body, if an occupant can prove that they have been using the property for twenty or more years (a fixed cut-off date by the state), then they are eligible to continue to use the land (ibid, 213). Any requirement of proof for administrative purposes is a political issue within slum communities, for which they are able to mobilize informal circuits of exchange with political parties in favour of votes or with their patrons within their communities.

The fact that such informal practices within slum communities enables them to gain access to goods and provisions that they are formally excluded of, gives them some bargaining power and some scope for agency. While such practices are viewed by various actors and scholars as impeding substantial democracy other argue that these are beneficial to the urban poor and hence need to be judged upon beyond the formal vocabulary (Benjamin & Raman, 2012).

Such debates are at the heart of current developments in land management approaches. Various new acts and policies are being drafted, revised and presented in front of the
parliament to be debated on the one hand, other efforts are being tested on the ground. One such endeavour is the land-titling bill. Within the JNURM scheme, one of the mandatory reforms was the introduction of a property title certification system at the local level in view of overthrowing an uncoordinated system of property record maintenance, in favour of creating an environment of planned and just growth on the basis of knowledge of precise land distribution within an urban local body. Due to interconnectedness of the legislative instruments regulating land, an avalanche of reforms have started, including the Land acquisition, rehabilitation resettlement bill 2011 (replacing the one of 1894), the draft model for property rights to slum dwellers act 2011 within the upcoming Rajiv Awas Yojana housing scheme and the various country and town planning act at state levels.

Such reforms go hand in hand with the proposed ‘land titling bill 2011’ (revised draft in march 2012) by the department of land and resources, which start to roll out the reforms regarding land. The proposed bill aims to guarantee titles as conclusive proof of title to property ownership and provides and certifies the land boundaries based on actual ground surveys. Before the implementation there are prerequisites for institutional capacity building: A central land titling authority, title registration office, land titling tribunals at state and district levels, property valuation system, presence of land information system and appropriate technology to digitize, maintain and match satellite based imaging. An analysis of the bill (in Draft) based on determining access to the poor, democratic accountability and incentives for corruption leads me to assume that it will be a future of disputes and contestation not necessarily improving the situation of the poor. In terms of democratic accountability there is hardly any mention of representatives from civil society, SC/ST or tribal communities in the composition of the authority. There is a right to appeal included upon an invitation for objections “from all persons who have any interest in such immovable property to file claim.”. While such a possibility of claim is crucial, the ambiguous tenurial status of the urban poor will be target of such appeals and as middle and higher class people are better equipped to use judiciary and political channels (see chapter 5.2.4.), they poor will stand a weaker ground. To address such disputes it is prescribed to form a land titling tribunal (district) and an appellate at state level. The question will be how these institutions will deal with various indigenous forms of land tenure as community land rights, which include the tribal people as well. What form of knowledge in property rights and land use will be legitimized? The formal one of land record or also the informal ones, often community arrangements of land inheritance and management? As in previous regulations there persists certain incentives for corruption as well. For example, the supervision of the authority is the title registration officer himself (5), there is thus no external control for the orderly functioning of the authority. Furthermore the title registration officer is given some discretionary powers in evaluating “valid” grounds in delaying the notification procedures, what represents “valid” grounds is not precised. The document reproduces the logic of techniques of governmentality by prescribing complex

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6 He said most of the work on settlement and recording of land rights happened in the 1930s and 1940s. Post Independence, all political parties ignored settling land rights. As a result, tenant farmers continue to be evicted from the land they have cultivated for generations as their tenancies are unrecorded. www.downtoearth.org.in/node/1633 accessed on 13.3.2012
bureaucratic processes of legitimisation and proof, which inherently involve processes of informal ways of acquiring documents.

It will depend on the legitimacy given to alternative forms of “true” ownership of land whether such a land titling bill actually will be able to pave the way to planable more inclusive cities or whether this bill will serve mainly the interest of developers, banks, revenue departments and higher societal classes in opening large land banks to be availed by the same. Rightly the poor fear the surveys conducted in the name of orderly urban planning, which often serve as legitimate basis for evictions and demolitions (Benjamin & Raman, 2012, 67). As Benjamin and Raman (ibid) put it “such a world of de facto politics is complicated when actions to secure claims to territory are mobilized not by an individual based political rationality, but rather by urban groups operating as complex alliances who seek to secure good locations and access to real estate surpluses from much more powerful and influential elites.”

5.4 Conclusion

In conclusion, this section made visible that access to land is highly conflictual. Its access is determined by whether the group wanting to access it is powerful in terms of money (capacity to bribe), influence arbitrary outcomes, use the judiciary and shapes the use of governance technology. In view of having to possess these capacities, the poor stand rather a meagre chance to hold their ground to access land. The political opportunities are rather closed, but the analysis hints that informal circuits might be beneficial to them in order to gather required documentation to assert the easement right, if the duration of stay was long enough.

This brief analysis and the continuous review of the press articles regarding slum-related issues consolidates the fact that land is at the heart of the possibilities to house urban poor adequately in harmony with their shelter and livelihood needs. Moreover the enormously unequal status (in terms of power) of actors ranging from the poor slum-dweller to the globally operating multinational company, paints a grim picture that land allocation for the urban poor will remain to be inappropriate.

8 Asserting land and facing informal repression

Now I will present one episode and the analysis of a community based organisation, what I call a political society SMO (Chatterjee, 2004) that depicts the hurdles of asserting land in a city like Bangalore. The organisation is SJKV that stands for ‘Slum Janara Kriya Vedike’, which means Slum people association operating in Bangalore. Their members were all slum-dwellers themselves. Their activities mainly focussed on capacitating the communities to claim land or to formalise land-tenure for their community. In general to improve habitat conditions for urban poor communities. The activities ranged from using moderate formal and polite means of interaction with state agencies to radical contentious tactics such as protest and road blocking.
5.1. Episode: “The value of our lives”. The ‘enlightened’ community of Buddhanagar

Through their work in the slum of the first episode, they got introduced to a community of load carriers living near the wholesale agricultural market. They were living “like pigs” near a drain, which would rise during the rains and flood their huts. When SJKV approached them, they got shoved away, as many elected representatives who promised to do something previously had deceived the community. As they achieved to take women into confidence and make them file a slum declaration request, the community gained confidence and the numbers rose to 56 families. At that time there was governor’s rule in Bangalore and they found an ear with the then housing minister who wrote to the deputy commissioner. But they couldn’t do anything as they were living on the streets and land was not available, despite having voter id’s and ration cards. One day the slum burned and the transformer situated above crashed down killing a woman. Outraged with grief, they blocked the road displaying the burned corpse. Immediately important bureaucrats came and gave a compensation of 12’000 Rupees on the spot and advised them to file a case in the court against the electricity company to avail proper compensation. The community along with SJKV didn’t let loose. They stated that it was the government who was responsible for not providing better living conditions and they were invited to the office of the deputy commissioner. There they had a big verbal fight about the value of their lives and their fundamental rights as citizens. When they were instructed to a lower officer and were treated in an undignified and discriminatory manner, they threatened that officer with a letter accusing him on grounds of the Atrocities Act. The official then excused himself. They did lots of running around, writing letters and defending their cause in terms of citizenship rights and restating that officers were supposed to be servants of the government. Finally some land got allotted to them at the periphery of Bangalore for which the community agreed. As they were about to shift, villagers, panchayat members and real estate sharks at that peripheric location got together with weapons and started threatening them. In their view the relocation of slum-dwellers would decrease the land value. SJKV mentioned that real-estate agents were all linked up with ministers. As the situation became heated and even the community intimidated, the deputy commissioner pulled back this allotment fearing a law and order problem. An alternative land was given far away, where water and facilities were a problem. Even there farmers and villagers opposed urban dwellers. Having reached saturation, SJKV with the help of other communities pulled together 400 people and blocked the national highway. Bureaucrats hurried to the site and tried to mediate between the villagers and the urban dwellers, but the high-ranking commissioner got himself locked in by the villagers. SJKV members rescued him and finally got land allotted near the wholesale agricultural market only. It took them four years to get the site declared, 1.5 years of struggle and the community had grown very strong. They were one of the very few communities who got ground-floor BSUP housing done on that allotted land. Recognising their mental growth they named the area “Buddhanagar”.

7 (Ga1, 183-265)
Figure 1: SJKV Episode "The value of our lives" – their state of residence at the time of fieldwork.

Figure 2: SJKV Episode "The value of our lives" – A community member vividly narrating how they faced government officials
Figure 3: SJKV Episode "The value of our lives" – future dwelling of the community under BSUP

8.2 Analysis of episode

This episode pertained to the housing conditions of the aggrieved population itself. To describe macro conditions that shape meso-level agency, numerous observations can be made. First, at the outset the community was very weary of any ‘outsiders’ offering to do something about their situation. The novelty upon persistence of SJKV was that SJKV made them the owner of their claim in filing for declaration. The preliminary reserved position and the type of novelty found by the community, shows impressively what type of negative experience the urban poor had become seasoned to. Namely that there had been frequent attempts and promises from ‘outsiders’ -presumably politicians to get things done on their behalf, meaning that were made dependent from external intervention for their own concerns. This corresponds to the observation that the poor were as good to be approached to as they served electoral calcul. Another revealing feature of this episode is to find that even though community members seemed to have been ‘legitimate’ citizens, possessing Id-documentation. It seems that it was rather the availability of land influenced by a biased political economy that determined their level of dignified shelter rather than their status of citizenship. In similar lines it seemed that the executive of government wanting to allocate land to the community succumbed to the informal land nexus. Hence the stronghold over land even through informal means seems to be more effectfull than government orders. This despite the state possessing the legitimate coercive means of enforcement. In this instance informality had overruled formality over concerns of law and order problems. Such changing overruling logics
and thus the unpredictability of events coupled with long bureaucratic procedures of land
allotment and declaration highly complexities the conditions for mobilising. Like the elite
society SMOs it seemed that even SJKV mainly dealt with bureaucracy, there was hardly
mention of elected representatives. In this episode as well, the higher ranked bureaucrats
seemed to matter to ‘crack open’ the political opportunities to find an ally.

The basis for the action repertoire deployed in this episode was the manner SJKV was able
to gain the confidence of the community defying their strong attitudes against ‘outsiders’ in
taking women into confidence first. Similar sets of discourses sensitised the community to
the value of their lives itself, when that one woman was killed by the crashing transformer.
This event triggered a great sense of determination to win the fight against any odds also
proclaiming that they would be ready to die for their cause. This increased consciousness
about their own status made them recognise caste discrimination. They threatened with the
legal available remedy of the “prevention of atrocities act”. It seems to be taken seriously in
view of possible enforced sanctions against the defaulter. The deployed contentious tactics
increased in radicalness along with the escalation and the empty repetitive promises of land
allocation. The culmination was blocking the national highway for six days, for which they
mobilised considerable numbers through all communities with whom they worked. The other
communities were there to make noise, feed the protesters and show their support. It is
interesting to note, that at that point of time the alliances were changing. They were basically
getting more radical political society SMOs to raise attention towards the allotting authority.
At the same time of mobilisation they had to resist local claimants of the land and found an
ally in the commissioner, whom they unlocked.

One important take away from SJKV’s case is, that informal institutions such as corruption
that can lead to grave informal repression indeed influence the possibility of mobilisation to
considerable extent. The episode of “The worth of our lives” depicted that it was even
possible that informal nexus of actors having vested interest over public land could excercise
such power to overrule a formal government order of land allocation. The commissioner in
that instance had to strike a balance between maintaining the law and order for the general
public and having to commit to the duty of welfare of aggrieved citizen. Even though the state
would be in possession of coercive means to guarantee law and order, it gave priority to their
claim of the nexus. Such a state of affair in my view seriously questions the forces and the
basis of governmental action that is supposed to be democratic and accountable.

While SJKV still concentrated its efforts on adequately housing the urban poor, even in
peripheral areas. They very well knew that it was just a modern reification of the caste order
in spatial terms, where the lower caste members lived in the outskirts. Even though through
the housing scheme large chunks of funds were available to transform the city and make it
more inclusive, the chance -in my view was missed out to create more equal accessibility to
land and housing in Bangalore. Corruption involving land was so high and the political will
‘to give away (central) land to the poor’ so weak that in combination they spiralled out the
poor to the peripheries, flushing those that service the city and triggering processes of
gentrification.
In sum, it can be said that SJKV illuminated powerfully the possibilities of political society SMOs to engage with the state or other targets, especially when involving land and housing. SJKV intervention is most valuable in terms of establishing a relationship of mutual respect and cooperation between agents of state governmentality and the slum-dwellers, that in their understanding have evolved they way they have due to historical preconditions.

9 The making of the city and its citizens: Skewed land allocation and housing opportunities

I argued in this article that focussing on the claim to adequate housing in the Indian urban context was a particularly useful claim for analysing SMO- State relations because of two reasons (Sen, 1998). First, urban land to enable housing is strongly regulated by the State. Second, there is hardly any third sector delivery, as housing requires specific expertise and substantial funds, which ordinary civil society organisations lack. Hence, it was assumed that the principle target for claiming housing for the urban poor would remain to be the state. The empirical analysis based on fieldwork and policy analysis depicts a more nuanced picture involving issues land as a primary exigency for explaining politics over housing for the urban poor. In this section I will present the insights from associating land issues in the urban realm to housing for the urban poor with reflections about policy design and implementation practices. The content of this association articulate over two theses that can be formulated the following way:

First, the fragmented landownership, skewed land allocation due to unequal competition and urban land use as financial asset rather than means to facilitate urbanisation makes urban processes unsustainable and hinders claim-making.

Second, the form of habitation itself constitutes access to substantial citizenship or not. The value of the political currency of public housing and its implementation is played out in a way that it demobilises and tests the unity of the urban poor.

I will first justify the first thesis regarding land in showing how different aspects of land allocation influences the claim of the urban poor. Upon analysis I have to revise my conclusion based on Sen’s insight that in regard to the housing issue, the state would remain the only target. It seems that different forces in conjuncture at the allocation level characterise the competition for land and makes targets shift to the detriment of the urban poor.

As described above the governance of land in urban India is very fragmented, as various government agencies own urban land. Governmental ownership of land means that it is for that particular agency to determine the use and it managed according to the regulation and practices of that agency (Mahadevia, 2009). I also argued that this particular disposition represented incentives for corruption as coordination between the different agencies regarding the governance of urban land became difficult. Fragmentation of land ownership leads also the fragmentation of target, when the claimants try to assert land. The process continues also to fragment the claimants base. To argue this last step of my reflection, I take recourse to Gupta (1995, 2012) who powerfully showcased that there was not one unified idea and
experience of state, but rather that the state was particular to the locality, through particular government officials acting at the local level. In consequence this means that when land ownership is fragmented between government agencies, then claimants meet ‘that particular state’ in that locality. When experience with one particular agency is not the same as the experience with another agency, which owns land in another part of the city, the claimants have less of a common base to mobilise collectively on the same issue. One member of SJKV went even further saying that land fragmentation had the power to divide the community, when different agencies roped in some slum-dwellers into the practices through extended networks within their communities. This could explain furthermore, why a city-wide social movement was not yet to be observed.

Another reason for the lack of movement involving land and housing emerges from the fact that within the urban realm the competition over land is heightened. Why? For one, through rapid unplanned urbanisation it has become scarce and rocketed its value. Two, because access to vital services that have been established, especially at the centre of the cities, is heavily sought after. Third and probably most importantly, urban land is a productive location, where business may root and thrive to cater to the masses or the demands of the economy. In other words, competitors are many ranging from the urban poor, private middle/upper class owners, businesses, industries, land developers and also governmental agencies, which hold as valuable assets for times in need. This competition takes place at the local, regional and at the global level. At the local level the competition takes place between urban communities itself in attracting housing schemes into their locality through relevant networks they maintain or not. At regional level the competition of various industries for land allocation and the designation of Special economic zones are fought over as different studies have witnessed (Benjamin & Raman, 2011; Harriss-White & Heyer, 2010). At the global level, since the economic liberalisation and the welcoming stance for foreign direct investments in India, make the competition for land open multi-national corporate entities. These global operations at the local level (Keivani & Mattingly, 2007; Shaw & Satish, 2007; Baxi, 2005; Sassen, 2003) make the targets for the urban poor claiming their share of land an invisible target to compete with. Within such heightened competition, the state has a rather comfortable position of choosing the allottee. It is hence important to reflect the incentives for land allocation by the state. The biggest incentives for land allocation given the current scenario in Bangalore, is to give to competitors who yield the most profit through grand corruption (Jain, 2001). These are multinationals where a share of the deal can be siphoned off, asserting land to be kept under the municipality to allow large infrastructure project, where through tendering again a cut can be taken (including housing projects). Press-reviews about land scams, especially during the Prime Minister of Yedurappa (during time of fieldwork) are witness to this tendency. But what press-reviews hardly report is that land is not only a source of corruption, but linked to it also a source of informal repression, to assert the land for its value among many competitors, as the episode of SJKV depicted.
All in all, it seems that the rationale for land allocation has not occurred in view of facilitating urbanisation, but as a financial asset making current urban planning or rather un-planning an unsustainable process for the future of the city.

Now, addressing the second thesis that I formulated regarding public housing delivery, there are three aspects that emerge worthy of discussion to take research on housing further. First of it is meaningful to recognise what adequate housing represents for the urban poor. It is not only a roof over their head, but it impacts social and psychological features of life. Not only it is protection from elements, but also the constituent to community, a source of self-esteem, depending on the tenure an opportunity for bankability and a realm to safeguard health, education, family ties (Bourke, 2009; Gilbert, 2007). Against the centrality of what housing represents, it is striking what assumptions are held by government agencies on their capacity to endure hardships. In none of the localities, where my sampled SMOs were working transit housing arrangements were made for those project that were realised in-situ. It was assumed that they could put up their tents and tinsheets on the street, in the park or wherever place found and complaints from the middle-class absent. It can be imagined that having lived in abysmal condition, because their informal habitation was termed slum, they could bear any transit arrangement. But in all cases of in-situ realisations, the dwellers had far more stable and better habitation than during the transit period. This worsening conditions was also no trigger to speed up construction, nor change implementation guidelines. For those communities being rehabilitated to the periphery, even in these cases it was taken for granted that they could and would start from scratch building a livelihood, schooling and other lacking amenities. This attitude of leaving the urban poor to “their own devices” (Berner & Phillips, 2005) so brutally almost reverses the welfare provisions meant for them. Gilbert (2007) problematises this housing approach of delivering formal houses with the obligation of having to pay all amenities without any subsidy, bringing these families to the verge of their financial capacity just on housing. But on the other hand, the opportunity to avail a house in a city like Bangalore being such a rare occasion, compels the community to be nice to the government officers in fear not to loose out on it.

At the level of implementation, it seems that a model was adopted that made possible to siphon off project money through three factors that emerged in my data. First, in not informing the urban poor communities about what exactly they are entitled to. Second, in encouraging tenders to use the lowest caliber of building material as tendering companies had to give off a cut of their amounts to local politicians. Third, in none of the communities were the slum-dwellers, who often worked as construction workers were allowed to be employed to build their own houses. This enabled the contractors to hire the cheapest unexperienced labour force from rural areas beyond the boarders of Karnataka and save of labour-costs.

Now what does such a state of affaire imply for the governance of land and housing especially in regard to the urban poor? Pierre (1999) outlines four types of urban governance models judging them against nine defining criterias. In his treatise the ‘corporatist model’ is most inclusive model for urban governance. Indeed aiming for participation as the key
evaluative criteria promises that all have a say. But in my view what goes missing is the to
recognise that fact that participation is indeed as demonstrated not open equally to all. Sassen
(2003) identifies the dynamics of today’s global cities that deepen the divide between segments
as elite and political society. She depicts how citizenship is not merely the relation to the
nation state, but how cities have become strategic sites for new types of citizenship practices.
She argues that the embeddedness of citizenship is no more only “in systems for owning and
protecting property and to implement various immunities [...]. Today’s citizenship practices
have to do with the production of “presence” by those without power, and politics that claims
rights to the city” (ibid, 58) in terms of Henri Le Fevre. She further states that the
“disadvantaged” in global cities can gain “presence” in their engagement with power (ibid.
62). Claims to right of the city relate to different understandings of urban meaning (Castells,
1983, 278). The conflicting object between the claimant and the institutionalized dominant
interests is the meaning both parties assigned to the city’s performance. For the claimant,
namely members of political society, the meaning of the city is one, which should maintain
equality and welfare of its people, endorsing them with their citizenship rights. In result,
practice of citizenship rights for members of political society who are in the position to claim,
becomes a collective endeavour. For those representing the institutionalized dominant interests,
the meaning of the city is one that provides them political power and power to have control
over resources.

Rajagopal (2011) argues that top-down engineered city master-plans, as occurred in
Bangalore can become instruments asserting such a control. She therefore rather encourages
to understand the eternal negotiations and politics within informal economies and activities. A
reading and mapping of of the city “through endorsing the intertwined relationship of plural
legalities, social history, economic, cultural and political geography to its built form, is
imperative to devise place specific regulations” (ibid.).

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