Claiming Land: Rights, Contestations and the Urban Poor in Globalized Times

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A consideration of urban land is central to the theme of the Right to the City (RTTC) in the way we understand contestations over it. The issue of RTTC, from the land perspective, is not only about ensuring access, but also about questions of where, who, and how. To move beyond a simplistic mechanistic approach, we mobilize Lefebvre’s conception of ‘rights’ as multi-dimensional spaces shaped through everyday politics, material practices, and history. It is important to look at the material practices that produce various types of spaces, and in turn, to see how these spaces shape those practices (Lefebvre, 1991). Thus our conception draws on notions of social production of space and the simultaneous processes of territorialization and de-territorialization.

1. Facts and Conceptions: Interpreting the ‘Rights’ to Land

1.1 Crises in facts and conceptions

Globalisation and urban land

Land contestations over location in central city areas and rapidly developing urban peripheries adversely shape the claims of poor groups to physical territory, political and institutional space and economy, especially when almost all poor groups mobilize forms of occupancy that are based on de-facto tenure. It is important here to carefully consider the nuanced ways in which claims made by poor groups get eroded or strengthened. More explicitly, the impacts of evictions faced by poor groups in the metro cities like Mumbai, Delhi and Bangalore reflect declining claims to locations. Paradoxically, as explained below, a conflation of the right to land with that of the right to housing is used to justify titling programmes. This can seriously weaken the claims of poor groups in contested
and globalized territories in several ways. Globalization reshapes RTTC from the land perspective in significant ways. Policy makers, mobilizing Hernando De Soto (2000)’s ideas, argue that the digitizing of land titles is essential for a corporate driven economic development, in order to move up the global ladder on which cities are located. By not doing this, cities would fall into an anarchic abyss. This effort towards greater legibility of city territory via policy and institutional structures for clear titles and new laws for large-scale land acquisition has become the centre of several new laws and institutional frameworks with a key role played by powerful corporate groups. The draft Land-Titling Bill (2007-2010) is one of these many policy and legislative shifts. These changes form the basis for central city urban renewal facilitated by instruments such as the Transfer of Development Rights (TDR)\(^{33}\) and new land acquisition procedures for mega projects such as expressways, new international airports, and Special Economic Zones (SEZ).

**Climate change and competing claims to the urban environment**

At a time when issues of climate change are central, the discussion over competing claims takes on a special meaning in two ways: first, making cities globally competitive via large-scale urban renewal has, in some cities like Mumbai and Bangalore, had stunning environmental consequences underpinned by significant land issues. In Mumbai, these are linked to the hegemonic control by special purpose agencies (Pathak and Patel, 2005), and in Bangalore, to a loss of wetlands and green cover (Nagendra and Gopal, 2010). The second aspect of the urban environmental crises from the land perspective relates to the loss of local government control over environmentally sensitive wetlands. Here, new metro level institutional forms allow for easy conversion into public land and the associated homogenization of land titles allowing its allocation for gated housing groups, large scale IT and commercial complexes. Land, however, that is allocated to re-house poor groups evicted from central parts of the city as part of slum resettlement is located in more degraded or conflict-ridden areas. This aspect is linked, as discussed below, to the mobilisation of the term slums.

**‘Slums’ as a language of disempowerment**

From the mid-seventies till the early nineties, scholarly research focused on the ground level processes through which land was settled and developed in diverse ways. These earlier perspectives contested the ahistorical Master Planned perspective that considers all non-planned areas as ‘slums’. Several scholars have pointed to the serious problem of conceptualizing non-master planned areas as slums (Rao, 2006; Roy 2011; Benjamin, 2004). Despite this critique, diverse ideological groups use the negative connotation associated with slums persuasively to further their own development agendas. Furthermore, one of the logics of the term had the intention of bringing equity in services and infrastructure. However, this term continues to find wider but perverse applicability by various groups in the political context of highly contested land: the elite, including their ‘Resident Welfare Associations’, at times the senior judiciary, and many researchers of diverse ideological positions, and senior administrators. Many in these groups consider that slums create deviant behaviour and fuel exploitative ‘patron clientelism’. This is despite several substantive scholarly works suggesting otherwise. One stream disaggregates the state (Fuller and Harris, 2001) to explore mechanisms

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\(^{33}\) TDR is a planning instrument derived from the North American context that allows planning authorities to acquire land in central city areas by promoting private land developers to compensate landowners in return for extra development rights in terms of extra floors in properties in non-central locations. The complication lies in the large number of tenancies that characterise central city areas, and also relatively small parcels that require consolidation into larger plots. More importantly, since TDR is used as part of compulsory land acquisition, the public authority can be seen to forcing tenant and small property occupants into agreements with much more powerful land developers. In India, there has been much controversy with TDRs in Mumbai.
of political agency. Others look in a fine grain way at the mobilization of slum leaders (Dhadeshwar, 1998). Related to this, ethnography reveals that local politics largely revolves around poor groups mobilising local politicians and middle level bureaucracy to claim land and services in situations of very fragile and overlapping land tenures (Benjamin and Raman, 2001, 2006). The circulation of the term slum also facilitates a perverse advocacy.

At the relatively more benign level, NGOs attempt to protect the poor from regressive slum politics. The use of slums is implicated in how NGOs can accumulate enormous political clout and lucrative real estate positioning. Slums is framed in oppositional terms to good housing, and patron clientelism is set against participatory planning allowing NGOs to take charge of negotiating resettlement predicated on clear land titles which forces poor groups into dependency and tacit acceptance of eviction from central city areas which are much richer in economic opportunities. Poor groups get further disadvantaged when some NGOs, with the growing support of elite groups (including academics) also press for an electoral reform that targets local politicians. Such reforms rarely address the corruption at the higher levels of political or administrative circuits that facilitates big business lobbies to gain land and other key urban infrastructure, or the new institutional architecture and massive financial re-structuring funded by real estate surpluses from urban renewal.

In sharp contrast to the situation on the ground, and despite the extensive evidence cited in this paper, ambiguous land titles are assumed to reinforce the economic marginality of poor groups. Such marginalisation is assumed by scholars of diverse ideological schools who focus narrowly on the assumed benefits of land titling. These schools of thought view slums as the manifestation of malfunctioning markets. This focus eschews a discussion on the quality of locations sought by diverse economic and social agents in a city. With the advent of ideas of ‘the global city’, slums are seen as a constraint on urban productivity, despite being diverse non-planned settlements often with substantive economies. Such thinking allows for various bodies to press for urban renewal in central city areas. Thus slums are not only a narrow administrative and legal category, but also an analytical category to mask complex historical, political and human processes through which cities in India and other places are constituted. In fact, not recognizing these histories and claims, and thus the multidimensional aspect of rights, runs the risk of de-legitimizing these claims and, paradoxically, of interpreting rights in ways that exclude those groups who are supposed to benefit from this normative perspective.

**Poverty alleviation programmes miss out crucial land dimensions**

Poverty alleviation programmes have focused on two aspects: provision of legal titles for housing or with a focus on specific occupational groups such as street traders, viz., the hawking zone policy and more recently the digitization of land titles. In the context of economies based on small firms, the effort has been to earmark specific places in the city for their activities and licensing. As the experience of conflict between street traders and the state in different Indian cities shows, licensing and allocation of spaces via zoning for small economic activities have served as a tool to restrict their spaces in the city (Raman, 2010; Anjarla, 2006). Here, it is important to note how constructions of informal/formal and illegal/legal have served as a useful tool to generate support for displacing small and medium economies in the city54. It is not only those economies that get targeted through these programmes but also small-scale industries as in the cities of Bangalore or Mumbai, which are re-allotted to corporate economies or large developers.

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54The urban renewal programmes and mega city programmes implemented in cities like Bangalore, Chennai, Mumbai and Delhi targeted both retail and wholesale trading clusters that are both recognized and unrecognized. The distinction between formal and informal is not valid in this context.
Rehabilitation and Resettlement (R&R) induced displacement

In large part, the social construction of poverty as a state of political and economic marginalisation reinforces policies of displacement. Housing rights linked with complete titles justifies schemes of R&R to displace poor groups into very regressive re-housing located in the urban periphery. These blocks, often locking inhabitants into tightly managed regulatory structures against resale, are located away from livelihoods and from political and social contacts. The role of both civil society and NGOs, despite their conventional image of being progressive, is central in this process. Elite NGOs as mediators in the public-private partnerships form the basis for R&R control surveys and allocation lists as an instrument of social control in a complex power dynamic with poorer groups (Sanyal and Mukhija, 2001; McFarlane 2004). This becomes even more complicated when the housing construction process is entangled into significant real estate potential and generates opportunities for large kickbacks via construction contracts (Mukhija, 2003), and especially where mediating NGOs can morph into significant power centres of their own (Roy, 2009a; Benjamin and Raman, 2001). It is important to note that the rhetoric of good housing via re-housing serves to push the poorer groups away from city centres to serve elite middle-class interests. Several scholarly works on the rise of civic activism by new middle-class and elite groups highlight the vocal and aggressive efforts by elite resident welfare associations (RWA) to exclude the poor and their political and administrative spaces. This happens under the guise of new forms of neighbourhood management that controls land, or aims at maintaining it as a pristine green with limited access for groups seen as 'illegal squatters' by the elite (Zerah, 2007; Tawa Lama-Rewal, 2007; Benjamin, 2010).

Another increasingly controversial arena is that of ‘hawking zones.’ This represents a similar politics of exclusion from the logic of land claims to productive locations, and is driven by elite RWA and larger traders to move hawkers into commercially deprived, off-street locations (Benjamin, 2010). This changing political dynamics in Indian cities underscores the importance of understanding the rights and claims of poorer groups to city spaces in a wider perspective. This is within a context of threats posed the capture of urban space by the elite, through strengthening their claims over administrative and political spaces. Not surprisingly, there are clamorous calls from this constituency for restructuring institutions governing urban land, curbing the administrative practices of local institutions and for a large-scale titling programme. These shifts have to be viewed within the realm of institutional manoeuvrings and elite capture – an issue we discuss later in this paper. Beforehand, it is important to get a sense of the ground level dynamics.

1.2. A nuanced understanding of land: interpreting the rights to land

From slums to more accurate descriptions of territorializations

The relationship between land and poverty is best understood via multiple processes of territorialization. Scholars since the mid-eighties have well documented, in South Asia and Latin America, the variety of institutional and non-institutional actors at different levels that shape various forms of land development (Banerjee, 2002; Risbud, 2009; Nientied and Van der Linden, 1985; Benjamin and Raman, 1999). In the Indian case, these include un-authorized colonies, private subdivisions, revenue layouts, squatter settlements, re-settlement colonies, village boundary sub-divisions, single storied rows of housing for workers or multi-storied chawls in Mumbai), as well as central or traditional walled

city areas. Many of these land settlements have different names: revenue layouts in Karnataka are very similar in the development process to ‘un-authorized colonies’ in Delhi – shaped by different administrative and legal genealogies.

What binds these various forms is that they evolve outside of the Master Planning process, although deeply influenced by its regulation and implementation politics that shapes among other things, the diverse and de-facto tenure forms. This politics centrally involves local government interventions despite the fact that land is a state subject. Thus, what is important are not just constitutional pronouncements or state announced policies, but actual practices on the ground. This situation also affects the possibility of incremental development and mixed land use that remain common to these settlements in varied possibilities (Benjamin, 2004).

**Land regularization as a central progressive intervention**

Land regularization has to do, in its narrow technical sense, with processes of introducing basic infrastructure and services. Although it may be influenced by state level declarations, this is set in motion via local government, pressurized by councillors, with a varied political constituency of mostly poor groups united in their need for civic improvement of infrastructure and services. Such pro-poor politics includes middle level bureaucracies, many of whom stay, or have relatives residing, in settlements with basic infrastructure. The all-pervasiveness of such terrains across cities and towns coalesces political pressures to move higher levels of administrations.

The bottom-up nature of these demands, and often on land demarcated as being ‘illegal’ according to Master Planning norms, means that these often lie beyond policy, and are accommodated via administrative procedures that strengthen ‘de-facto’ tenure. Land regularization is thus not an aberration of implementation, but rather constituted by particular forms of political and administrative practices that emerge out of lobbying by varied poor and middle class groups. When land is also the site of great contestations, various forms of de-facto and more explicit forms of land regularization are often under-the-radar to avoid subversion by the elite who lobby for stricter Master Planning regulation and programs such as titling and TDR.

The increasing assertiveness of the elite is reflected in the reorganization of powers and functions within the municipality in favour of parastatal agencies, and the concentration of power at higher levels of state administration. This situation has reduced the power and influence of councillors over basic issues of civic development. Even so, councillors and street bureaucrats retain their alliances with decision makers and political elites, embedded in higher levels of national policy and funding, to secure information on state actions (Raman, 2010). These political actions have (often usefully from the standpoint of poorer groups) de-facto effects on land tenure. Some scholars and experienced activists now recognize the usefulness of ambiguity, and the poorest groups rightly fear that surveys undertaken in the name of planning often turn out to form the basis for evictions and demolitions. 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.

**Diversity of land territorialization and tenure forms underpins an economy of the poor**

The other main advantage of the land perspective is that it allows a basic conception of the urban economy: the poor people’s right to urban land remains, most centrally, their right to an economy that works in their favour. This is when urban livelihoods and job creation programmes by agencies of the state or by NGOs remain a
significant challenge. Land becomes a central issue in thinking about the city economy, and within it, the politics of access to productive locations and localities. One part of this politics is that urban land issues for the poor have almost always been looked from a narrow housing perspective when much of its politics is really about economy. The connection to economy comes from a closer consideration of the practices around land processes that reveals how small-firm based economies (viewed as the informal sector) engage with real estate, locate in ways to spur and tap into agglomeration economies, and generate a city politics of land regulation (Benjamin, 2004). The ways land is settled influence poverty processes not only for the poor but also for more diverse middle-income groups who are connected to varied small economic activities. Indian cities are characterized by diverse types of economies, of which the bulk of employment is generated by a variety of small economic activities (NSSO, 2005). Many of these are small clusters, which flourishes in territories with diverse tenure forms (Benjamin and Raman, 2001; Benjamin 2004). For example, Bangalore despite its prominence as India’s ‘silicon valley’, has less than 4% of its employment generated by the IT (information technology) sector and this proportion is likely to be less for other metros (Mahadevia, 2006). However, the IT sector is hugely visible in policy circuits and in the English media and is advantaged by the planning process (Benjamin 2010). Many studies have shown, city territories are constituted through political process (Sarin, 1982; Benjamin, 2004; Raman, 2010) and shaped by a plurality of institutions and laws. The diverse land tenures that allow a variety of firms to locate in close proximity and share economic linkages reflect multiple institutional and political spaces.

Thus, it becomes central to closely consider the differentiated way in which city spaces are territorialized for varied economies, their often competing politics in terms of their congregations, and therefore the opportunities for different social and economic groups to locate in a place and find work. Such territorial formations constituted for economic activities dominate Indian cities – both in metros, their suburbs and small towns. Thus, framing the land – poverty relationship narrowly outside of economy even when enshrining this as a legal right to land, misses the wider politics by which territories are constituted in the city. Such a perspective skews the analysis to a narrow frame of supply of serviced land for housing. Perhaps this is the reason why the housing question dominates discussions on land for the poor, although land constitutes key resources in the economic strategies of poorer groups in Indian cities (Benjamin and Raman, 1999). The interface between land and poverty can be observed in three different ways:

- **Access to productive locations**: Areas with multiple employment opportunities allow different groups to plug into economic processes.

- **Land-based financing is a strategy common to economies of different scales**: While large economies deploy land assets to raise capital via financial institutions and the corporate market, actors in small economies rely on land to get connected to different forms of group financing and long leasing arrangements. Similarly, investment in land as a way of hedging risks is a strategy common to a variety of actors both rich and poor, involved in different types of economic activities.

- **Diversity of land tenure forms observed in some localities allows poorer groups, among others, to claim land and consolidate it over time**: Forms of land development through shaping tenure, type of congregation, land-based financing strategies and circuits, and socio-political relations influence the type of economies that evolve and develop in a particular place (Benjamin and Raman, 2001; Benjamin, 2004; Raman, 2010).

Thus, land affects poverty not only with regards to access to housing, but more importantly, with regard to the poorer groups’ claims to occupy productive locations.
**Competing land territorialization between large-firm and small-firm economies**

From the perspective of poverty processes, land claims and the issue of access are related to the ability of relatively poorer groups to plug into city systems – that is their economic and political processes (Benjamin and Raman, 1999). Contestations over city territory are related to the fact that land settings sought by different economies differ, and relate to very different political and institutional circuits. Small-firm economies provide almost all of urban employment for the poor and middle-income groups. They form a huge political constituency with strong connections in lower and middle level bureaucracy and are able to mobilise local government. This is to regulate land in ways that allows for groups of firms to evolve production and trade relationships and also expand incrementally responding to emerging markets (Benjamin, 2004). Here, very basic infrastructure is improved over time to cater to both domestic and economic needs, as these neighbourhoods are of mixed residential and trade and industrial use.

In contrast, large firms pressurize public authorities to help them consolidate large parcels of land with dedicated high quality infrastructure. Both small firm clusters and large firms seek real estate surpluses to fund improvements and to increase their administrative and political clout – but in very different ways to constitute ‘occupancy urbanism’ (Benjamin, 2008). Small firm clusters, mobilize the diverse tenure forms (viewed erroneously as ambiguous titles) to distribute real estate surpluses that form a key source of capital. In contrast, large firms and their financial institutions mobilize a very different logic of territorialisation: these projects are based on a financial logic, related to real estate surpluses, but predicated on clear titles and homogenized tenure forms (Benjamin, 2008). These find support in higher levels of government and planning agencies, unlike small firm clusters whose main institutional support comes from municipalized realms that are pressured towards land regularisation and strengthening diverse and de-facto land tenures.

Thus competing economic groups, including the poor, seek land in economically viable locations, institutional and regulatory spaces, and both tap real estate surpluses albeit in very different ways. Scholars have demonstrated the fallacious link between titles and poorer groups’ access to credit as a substantive critique of De Soto’s argument for clear and complete titling as positivist logic to finance low-income settlements (Gilbert, 2002; Benda-Beckmann (von) Franz 2003). This discussion also has a substantive aspect to it that concerns employment by pointing to the dangerous risks of accentuating a situation of jobless growth that since the late nineties remains at crisis level accentuated by the 1998 global financial crises. Thus, to consider the RTTC through the lens of contestations over land shaped by globalization emphasizes economic contest, instead of restricting the issue to that of the provision of shelter and welfare.

2. Academic debates

The literature on this topic has begun to recognize the diverse ways the poor, among other groups, claim land. This emerging perspective underlines the need to consider the social construction of land claims, and in turn, to have institutional pluralism to reflect the diverse channels through which this happens. This comes from looking at wider sets of literatures: from urban studies, geography and social anthropology, law, public and social policy, and economic development/ development studies. This extensive literature looks at how cities are constituted by a variety of land development processes that collide with practices of Master Planning. A consideration of territorial practices – an area of great study till the late 1990s, when anxieties of being globalised rarefied discussions on how cities worked at the grassroots – remains useful material. Social anthropology provides us, with its ground-up view, with an entry into both a construction of law as shaped by the daily practice of settling land in an incremental way, and also the nuances
of the workings of public administration. This view builds on Lefebvre’s Production of Space (1991), being a result of everyday practices. The anthropology of law opens up useful debates around the nature of property as located in the social and political embedding of urban land markets and non-market processes (Hann, 1998). Economics provides us with an entry into the complicated relationships between clusters of mostly small trading and manufacturing firms that dominate city economy. Scholars of critical geography point usefully to the conflictual realms of real estate that include poorer groups building additional rooms to rent out, as well as large globally invested developers seeking land as locations for massive commercial complexes. A consideration of the city economy around land issues thus remains deeply political where the lens of legal and institutional pluralism allow for an understanding of the political processes by which different groups try to shape policies.

In expanding our view of territorial practices, we trace our understanding of land issues along broad genealogies. In the 1970s and till the mid 1980s, closely connected with what can be termed ‘urbanization as developmentalism’, the major concern was the recognition of the diverse supply of land for housing. This emerged as a reaction to the failure of mass housing of the 1960s and early 1970s. Following the 1980s, especially in India and parts of Latin America, the emphasis was on land regularization as part of a wider notion of basic needs, but also the capture or cooption of anarchic forms of territorial formations into the liberal notions of city management. These approaches collided with more traditional forms of Master Planning set in motion by competing institutional structures. Such moves in public policy were also implicated in the way cities were seen: from neglect in the 1960s-70s, to the emphasis on a ‘make do’ set of interventions of the 1980s to address possible social unrest. Land issues as they affect poorer groups were linked extensively to their access to land for housing. Critiques of the above approach led to the development of different strands of theory.

In the 1990s, there were moves towards making cities globally competitive. The arguments for complete titling defended by De Soto (2000) came into prominence with extensive conceptual and empirical reactions. The idea that provision of legal rights to land would enhance the claims of poorer households gained support – in contrast to growing scholarship that disputed this claim based on both conceptual and empirical evidence. It was in the late 1990s that a distinct turn away from basic needs, along with the aspiration for radical transformation via urban renewal and mega projects, re-shaped land policies and in particular interventions outside the state.

By 2005, this was accompanied by changes in larger governance structures and new architectures of public land acquisition. Here one sees the erosion of practices by poor groups to claim land due to efforts to reorganize the governance of land. A key aspect relates to control of large territories facilitated by a proliferation of new institutions underpinned by distinctive legal frameworks. This points to the need to consider the politics of lobbies and alliances that mobilize institutions to push for forms of homogenized tenure, and most importantly, the new financial architectures that support it. Such resistance to reconfigure land claims in order to transform control over economy and property and to raise taxes goes back to colonial times, when opposing groups mobilized customary forms of land tenures (Dossal, 2010). Even today, in some regions like Goa, resistance to land acquisition for large projects like SEZs is being framed around customary practices and institutions. Another form of subversion, more commonplace, is the appropriation of administrative procedures via file notings, minutes of council meetings, and petitions (Hull, 2008). This relates to a disaggregated understanding of the state which shows local government as a porous bureaucracy pressured to strengthen de-facto land tenures (Benjamin, 2004).

A consideration of practices on the ground, discussed in other sections of this paper, has pushed theory to question whether legal rights-
based approaches necessarily make urban planning more responsive towards the poor. In the emerging political and institutional context, a narrow mapping of claims to a particular parcel of land and to an individual results in recommendations for individual titles, biometric surveys, and then, suggestions for cut-off dates, all of which result in what Blomeley (2003) terms as the violence of the ‘grid and survey’. This also results in the construction of certain types of views such as seeing slums as territories to be cleaned using urban renewal programmes, or legalized via land titling programmes.

A useful critique of positivist notions of city planning comes from an understanding of legal and institutional pluralism. The cleavages of Indian society and their different avenues of engagement with the state and associated relationships have also been documented in the literature (Benjamin, 2000; Chatterjee, 2004; Corbridge, 2005; Fuller and Harriss 2001; Raman, 2010). These works highlight the importance of municipal, institutional and political terrains for poorer groups, not only to legitimize their claims on land, but generally to claim resources via the state. Given prevailing power structures, the process of claiming land by the poor among a majority of other urban citizens does not lie in the explicit realm of participatory planning, but is rather deeply engrained in the ‘everyday state’ (Fuller and Harriss, 2001; Corbridge, 2005), pressured to intervene on land and land regulations. The rights to city land are thus situated in a complex political process which can hardly be reduced to techno-managerial zeal, or placed as policy prescription within a narrow linear rationale driven by the anxiety that cities must be made globally competitive.

3. Inclusive and Exclusive Practices

Land regularization is constructed as an aberration of implementation or as encouraging disrespect for the rule of law and, as argued earlier, such views are disputable. In this section we consider not just the techno-managerial aspects of such progressive practices but their political realities and context. We suggest that the trend of simultaneous, selective institutional multiplicity at the higher level and homogenization at the local level reflect manoeuvrings that allow for elite capture. Such capture is when the re-territorialisation almost always pushes poor groups away from employment in central city locations. But also, given how the economy of the poor works around local clustering relationships, even a local reorganization results in disruption pushing away the poorest often with the most fragile claims.

This may help to explain paradoxical situations whereby some poor groups agree to resettlement and also some form of land title. Here one must consider the new political and reforms milieu, institutional changes towards special purpose development and financial agencies and the huge emphasis in public policy on housing and related micro-finance.56 All this is happening in a climate of fear of eviction and the trauma of resettlement and consequent negotiation to try to get compensation. All these factors together emphasize an electoral politics around ‘titling’ leading to the situation where some poor families are confronted with what seems to be inevitable eviction, agreeing to some form of titling that would provide them with some immediate advantage including the resale of their allocated dwelling. Another reinforcing dimension is the emphasis on ‘public-private partnerships’ as interpreted from the land titling perspective. This is particularly aimed towards the rebuilding of what planners designate as slum, and predicated on an argument that clear and above board titles allow the efficient operation of the market.

At one end, the diversity of forms of tenure and the legal and institutional pluralism of land administration, in areas designated as slums, are viewed as a hindrance to the emergence of

56This logic is apparent in the recent Rajiv Awas Yojana that is constituted around public private partnerships, micro credit, and interventions premised on re-building rather than the old style upgrading. Also see the presentations at the National Conference on Guaranteed Title Security (GOI 2010) accessible via the web.
an efficient market, because of the lack of clear titles and titling systems (Dey et al., 2006). At another end, equity of access to land is equated with providing titles at their place of residence. Following from this line of logic, arguments are mobilized for implementing a titling programme, a GIS mapping programme, and reforms of governance structures. Thus, paradoxically, there is support for these interventions from opposing ideological schools, despite the evidence that such interventions affect adversely relatively poorer groups and the economies to which they are connected (Raman, 2010; Benjamin and Raman, 2001, 2006; Mitchell, 2004; Blomley, 2003).

In another paradoxical way, large developers and their financial partners lobby for decentralization that facilitates a loose regulatory environment. However, when it comes to land acquisition, or when confronting local government undertaking land regularization, these same groups call for the disempowerment of local level institutions. Since the early 2000s, scholars point to how public policy is shaped by powerful private think tanks that include organized and influential elite groups (Benjamin, 2010; Ghosh, 2005). Thus, an uncritical application of policy under the rubric of ‘rights’ can actually damage the claims of the poor to the city. In effect, not considering land issues in a comprehensive way clouds issues of access to locations for livelihoods, political space, and shelter for the poor. From this perspective, recent policies like the Rajiv Awas Yojana programme may include exclusionary effects for the poor. In this narrower, techno-managerial perspective, the intent of public policy would be to regulate the supply and demand of land around the notion of enabling markets and to reform laws and institutions related to land administration. This perspective attempts to address resulting social tensions by strengthening legal access to land for housing through R&R programmes (Dey et al., 2006).

Such a view dominates the discussions of the World Bank and policy institutions. Here, while unlocking land value and shifting towards an efficient land market is seen as instrumental to finance economic growth via large firms, for the poor welfare solutions based around housing perspectives are advocated. The assumption here being that while an efficient market would ensure trickle down benefits to the poor, the latter welfare solutions, involving mobilization of constitutional rights, would strengthen legal claims to land by poor groups. Linked to it is the emancipatory potential of city planning. Besides, titling is also justified as a pre-requisite to financing infrastructure via market securitization. These views generate the rationality for implementing a series of programmes including GIS mapping, the Land Title Certification Bill, a Land Titling Authority, land banks as well as metropolitan governance, ostensibly essential to improve the process of master planning, the absence of which would have hindered the formation of an efficient market.

The introduction of a titling programme is often accompanied by restructuring of institutions. While titling programmes have been rolled out for rural and peri-urban areas in many cities, for urban property, the JNNURM expects states to introduce a property title certification system. States like Rajasthan, Delhi, Karnataka, Andhra Pradesh, and Haryana are already working on schemes to guarantee land titles. Thus, the various interventions in the forms of planning tools, laws, and institutions need to be seen together to understand their impact on larger groups. In July 2010, implementing a system of

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57 See the websites of the NGO Janaagraha (http://www.janaagraha.org/) and its partner programme India Urban Space Foundation (http://indiausp.org/).
58 An example of this is the Tamil Nadu Urban Infrastructure Financing Corporation (TUIFC) promoted by the World Bank and private financing corporations including Infrastructure Leasing and Finance Services (IL&FS), US Agency for International Development (USAID).
59 See the draft Land Titling Bill 2010.
Guaranteed Property Titles (GLT) has been made one of the mandatory reforms under the JNNURM. To that end, the Ministry of Urban Development has initiated a national level programme entitled PLATINUM (Partnership for Land Title Implementation for Urban Management), which is financed by the Infrastructure Development Financing Corporation (IDFC) and is to be implemented by the India Urban Space Foundation (IUSF), founded by a venture capitalist based in Bangalore. Interestingly, the IUSF is preparing the guidelines for implementing GLT. In general, these policies are geared to constitute new territories for the new economies through large-scale land acquisition in the periphery for SEZs, as well as to reconstitute territories in the developed parts of the city using instruments like TDR (Benjamin and Raman, 2001).

In the above discourse, social justice relating to land rights and the claims of affected people is associated with land for housing and financing these housing projects via centralized schemes. Noteworthy is the fact that such large funding provides a fillip for the implementation of large-scale relocation programmes, as in the case of Chennai, where the housing agenda of the state agency is shaped by funding availability. These programmes also have serious consequences for the ability of sizeable groups of the city’s population, particularly poorer groups, to claim land, as such programmes focus on the following:

- The homogenization of tenure forms, since diverse small and medium economies are portrayed as informal/illegal economies that constrain economic growth. This is reflected in the expressed anxiety of different reports on the difficulty of acquiring land, tracing the history of claims and establishing a master plan. The diversity of tenure forms is viewed as a risk to the corporate-led mega development, as land consolidation and acquisition have proved to be a difficult task.

The history of land acquisition in different Indian cities via master planning, prior to globalization, illustrates the difficulties faced by state institutions in acquiring land.

- The control of information at the municipal or the local institutional level is viewed as a second threat. In the context of peri-urban areas, many of which fall under the rural or urban panchayat administration, the field bureaucrats of revenue administration had close knowledge of land data (Ahuja and Singh, 2005). Senior administrators argued that the control of information at the local level rendered it difficult for them to plan effectively or to hold the field bureaucrats to account.

- Thus the digitization of land for other projects in the pipeline, viz., land titling and metropolitan governance, is driven by the anxiety of senior bureaucrats and corporate lobbies to neutralize the power of several small local institutions and to undermine the influence of local politicians over the land process. The proliferation of new institutions and a centralized financial architecture, that started initially as part of the politics to control local institutions as well as local political actors, gained new momentum with globalization.

- Pressure to curtail regularization and to introduce new bills to restructure titling and governance is now emerging in the new urban policy regime. Interestingly, mapping is presented as a necessary tool to evaluate regularization of violations in metros where there have been mass demolitions since the turn of the century in order to clear ‘illegal’ encroachments, including what are perceived as informal and illegal economies.

These shifts are important as, in the dominant discourse, actors and institutions associated with the local or municipal circuits are marked

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60 See also http://www.idfc.com/foundation/policy/collaborations_and_projects.htm.
61 See http://www.janaagraha.org/
as repositories of corrupt practices, whose
development in small towns, large villages,
and metro peripheral areas.

2. **Political empowerment of local government (municipal/ panchayats).** This is both a political and administrative space to engage with land issues (regularization, extension of services and basic infrastructure) and associated financial measures using development charges and octroi as a source of revenue. Such institutional empowerment forms a pre-requisite to promote extensive in-situ upgrading of basic infrastructure and services.

3. **De facto tenure via in-situ upgrading promoted by local government.** This helps poorer groups establish and strengthen their claims to contested locations; this further results in shelter consolidation and generates economy.

4. **‘Job-centred economic development,’ employment and value addition,** is implicated in upgrading and servicing existing concentrations of usually small home and neighbourhood-based firms. It recognizes the positive impact of land regularization on city economies dominated by small firms located in mixed land use situations.

5. **Strengthening pro-poor political management of land in contested urban settings.** This lies in the access and influence of poorer groups on local government institutions among other political spaces.

The above five policy positions in turn question several commonly held assumptions:

- **The ‘housing fetish’** where the emphasis on complete ‘housing’ de-recognizes other, more important claims to locations. Land regularization as a position brings into question several dominant policy perspectives, namely: i) ‘housing shortages’ justifying ‘mass housing’ by specialized housing authorities; and ii) de-jure land titles as pre-requisites for development, or a guarantee against evictions.
• **Local governments as mainly 'administrative/maintenance' bodies:** their role would be limited to implementing central schemes, and managing regulations to promote 'large economy' set out by higher levels of governments.

• **Hi-Tech zones such as SEZs, or IT/Bio-Tech corridors, or ‘urban renewal as a prerequisite for economic development’:** These interventions require large scale land acquisition or specialized instruments such as TDR in central city areas, both resulting in resettlement housing for the evicted persons.

• **Advocacy politics as the sole political space favourable to poor groups:** This positions NGOs or RWAs as an institutional hinge to shape contestations over land, over space in local government, and in land regularization procedures in favour of poor groups. NGOs can and do play a central role in 'housing rights' but their role remains controversial as far as empowerment is concerned.