Occupancy Urbanism: Ten Theses

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BANGALORE’S MEGA DREAMS (INTO A FUTURE SINGAPORE?)

Bangalore International Airport: 4,300 acres for Airport, largest airport area in the world; Area allocated without correlated air traffic. 60% of the area for non-aeronautical revenue, including real-estate leases for hotels, business centres and retail

IT Corridor Planning Authority: 28,000 acres of land, 50+ villages; will expand Bangalore land area by 30%. No analysis on required demand for IT campus development

Bangalore-Mysore Infrastructure Corridor Planning Authority: 29,000 acres of land, displacing 180+ villages. "Land Acquisition notifications were issued based on the requirement indicated by the promoter company and not on the basis of any technical drawings/maps as approved by the Government in PWD or the project report" – Mr. Anees Siraj, Spl. Deputy Commissioner of KIADB - BMICP, in letter of 22 May 2004

Planning Authorities

1. The Nation State and 'The Economy', with some activist comments
I propose the concept of Occupancy Urbanism as a way to read the everyday city and its spaces of politics. The city is understood as an intense dynamic that is being built incrementally via multiple contestations of land and location. This concept poses the urban ‘frontier’ as an oppositional site rather than accepting it as a definitive edge to ‘Capital’. This site, built around land, economy and complex local politics, is shaped by multi-dimensional historicities embedded in daily practice. It offers an unexpected resilience, stakes an unpredictable claim that cannot easily be uprooted via narratives of maps, modernity shaped by ‘Mega’ projects, civil society, economic imperatives, or the rubric of ‘development’. Nor does it accept the nature of ‘resistance’ shaped by explicit purpose and organisation as viewed in ‘social movements’ or NGO-centric ‘deep democracy’, or reactions reduced to ‘tactics’ in confrontation with ‘strategies’.

Ambivalence towards Mega city building across seemingly divergent ideological positions can be clearly seen in the following renditions of the ‘Plan’. Figure 1 shows a map of Bangalore City surrounded by three main Mega plans and their authorities to globalise it: a new international airport, and surrounding it, the designated airport planning authority; the IT corridor and its planning authority; and, the Bangalore Mysore Infrastructure Corridor Planning Authority. While the scale of these operations are each several times the size of Bangalore city, there are other smaller Mega developments in the form of huge housing complexes. Figure 2 from a government brochure shows a futuristic Bangalore whose mimetic ideal, the Singapore model, is depicted in images of the proposed airport: illuminated passenger lounges, high roofs, coffee shops with uniformed attendants, glittering outlets interspaced by palm trees. These modernist images obviously underline particular types of real estate, globally connected big business and financial institutions, and an appropriate regulatory regime. For the neo-liberal globalists (a term that encapsulates this diverse group), the Mega set in both plan and map is ‘The Economy’ and development in the huge market amenable for tapping and investment. It provokes sharp and vivid reaction and resistance from well-meaning progressive activists. But here too, similar to the neo-liberal globalists, belief lies in grand plan to ‘balance...
growth’ via satellite townships to organise development and to stem ‘slum development’; i.e., a model of participatory good governance.\textsuperscript{1}

While assuming the inevitability of globalisation via Mega projects, activists and academics raise technically accurate, specific points of critique:

> huge territories proposed for acquisition, drawing on newly reconstituted harsh land acquisition laws and institutional procedures
> huge and hidden subsidies to big business
> the capture of the policy process
> harsh evictions and demolitions that make way for malls, hotels and convention centres, glass-walled commercial and IT complexes

A more nuanced reading of both progressive activism and big business points to absurdity and a paradox.

The absurdity lies in what has been pointed out regarding progressive activism’s creating a ‘Ghost’: Mega projects projected larger than life, to be an inevitable future, and thus justifying a mega ‘resistance’. As important, this creation of the Ghost of macro liberalisation poses the local as being marginalised, feudal and incapable of strategic politics. This view may be rooted in a lack of field understanding of diverse political practices, ‘development’ and ‘progress’ as negotiated on the ground, and the demands of a public performance in order to build public legitimacy and constituency.

A paradox emerges from the ‘capture’ of a progressive language by neo-liberal globalists: call for more state intervention via more and effective Master Planning; ‘social organisations’- or NGO-assisted pro-poor housing to replace slums; transparency and reduction of corruption especially at the municipal level; and establishment of ‘rights-based’ development via the establishment of clear land titles. A hint towards unravelling this paradox is that such views are most strongly asserted by those confronting the ground-level ‘frontier of liberal expansion’: very large and powerful land developers of the Mega, their investors in India’s largest private bank now with huge global funds, their close compatriots in the seniormost government bureaucracy (especially those in charge of urban development and institutional finance), and the country offices of the World Bank, USAid, DFid and the Asian Development Bank. What these groups commonly point to is the fear of slum development driven by ‘vote bank’ politics, and undisciplined municipal offices and rural councils in the city periphery.

The striking similarity to the language of progressives, while unsettling to the latter, is hardly born out of fear requiring co-option.\textsuperscript{2} Perhaps it comes from a conflation between these ideologically diverse interests implicated in the global Mega narrative: development and economic opportunity for one; and for the other, the possibility of ‘mass’ and ‘mega’ resistance as a counter to the ‘Ghost’. Thus for both, the possibility of the Mega lies punctured, unsettled and confused. The city seems increasingly out of control with regard to policy and programmes. Instead, it emerges as a fearful, unruly and occupied terrain of
illegal titles and corrupt, opaque slum politics, fuelled by a seemingly marginalised economy. These factors constrain both 'the market' and opportunities for political organising. 3

It is this 'unruly' and 'fearful' city that I now focus more closely on, moving beyond the hyperbolic to consider more carefully the day-to-day reality.

Figure 3 is a ground-level view that shows the fragility of the 'Map'. Here, the apparently uniform zone designated as planning territory for the new airport authority, the Bangalore International Airport Planning Authority (BIAPA), turns out to be a richly textured area of settlements and small towns. Closer inspection here shows the planners' representation of neat zoning diagrams to be 'occupied' by an existing urbanism, a dense package of small plot settlements, meandering roads, farmland, and a host of local structures, including an ancient fort.

3. Mega Project of the Bangalore International Airport
An official chart of the land status of a proposed large mega housing project is even more explicit with regard to these assertions. Some inhabited zones are implicated in court cases, forcing the land acquisition process to declare these as ‘deleted areas’. Others, more prevalent across the city, suggest a deeper politics and are revealed in this public notification as ‘un-notified areas’.

Such occupancies are not unusual, recent, or restricted to the peri-urban. Figure 5 (a, b) traces an area in south-west Bangalore where territory designated for Master Planning confronts on-the-ground, pre-existing settlements of villages. Together with this, and in parallel to the planning process, further occupation by private mixed land-use settlements could be observed on what were earlier designated as village common lands. More recently, some of these have been converted into small shops and factories, and more housing.

Arkavathy Layout Final Notification

4. The ‘Plan’ punctured by Occupancy Urbanism
The Planners’ dream
50% of the city proposed as Master Planned

The nightmare
50% of planned area reduced due to legal disputes by gramthana (village lands), Revenue layouts developed either pre- or post-land notifications

More nightmares
Further reductions to only 25% of city wide residential area due to vote bank politics protecting local non-conformities

Further occupancies in forms of further ‘non-conforming’ uses of small shops and factories, squats and canal-front developments ‘encroach’ on Planned Layouts developed by Master Planning agency

5a,b. The fragility of the map as the Planners’ nightmare
A more detailed illustration of this is seen in Figure 6. Here, a simple square double-storied block of 64 two-room units with common toilets and baths at the corners of each storey were built in 1952 and leased out to incoming refugees from Pakistan. Over time, as families expanded and relatives moved in, occupants appropriated as much space as they could – on the terraces, in the corridors and common courtyard, and on the extra-wide...
pavements in the front. Residents maintained and in fact enriched common space functions – as in the communal coal-fired tandoor (clay oven) located in the inner square of each block and shared by the families in turn to cook chapattis. In the extensions to their living spaces, they accommodated not only family activities, but also shops, workshops and workstations, small primary schools, daycares and health clinics. Such use of space came out of negotiations led by residents’ associations’ office bearers pressurising the municipal bodies via the refugee rehabilitation board. This was to reframe regulations while collecting extra development charges, and also creating a consensus regarding how much to extend: 11 feet + 6 inches in the front, and up to 16 feet at the back.

Occupancy Urbanism is not a narrative of progressive urban change shaped by developmentalism; nor is it one that validates individual entrepreneurship or depicts a heroic poor standing up to big business and harsh state action. It is also not a schema of progressive Master Planning or urban design that invokes public participation in order to include ‘public good’, ensure civic culture, and make cities ‘inclusive’ while ‘globally competitive’. Rather, Occupancy Urbanism is a conceptual frame for viewing city dynamics in an open-ended way, unencumbered by the anxiety of a grand narrative. In pointing to a dynamic underpinned by unpredictability, its specific focus is on how the politics of space is not only manifested but also reconstituted at a perceptual level. By this I imply the constant relationship between day-to-day acts on material issues (land, economy, working the bureaucratic system), and the consolidation of a popular political consciousness influenced by those actions. This is different from a political consciousness ‘taught’ by specific leaders. The key issue is not an issue of ‘decentralised’ learning, as these can happen via political agents at a variety of levels, but the consistent practice of ‘working the system’ through the politics of the material in a contingent manner.

Such a view of Occupancy Urbanism helps explain and distinguish between different types of actions and forces embodying the chaos that accompanies the urban dynamic. For instance, in the late 1980s two conflicting neighbourhood associations in the refugee housing in Bhogal, the area in south Delhi mentioned above, went to court, but then resolved their problems through mediation via local elders and the councillor. The conflict was over common toilet spaces. Corner units, which had relatively smaller backyards, however had the distinctive advantage of building into the unused common toilets located in the corner. However, all occupants of the housing were on lease; and part of this lease, paid since 1953, included a portion for the common toilet spaces. Thus, those units not adjacent to the toilets felt it proper for those accessing these spaces to pay a sum to those who did not have such advantages. In another case, there were local disagreements when some residents extend their houses beyond the fixed 11 feet + 6 inch norm negotiated with the municipal authority and the refugee rehabilitation board. The issue is not the absolute resolution of these conflicts, but the existence of a level of administration and politics, which resolve these safely even if unevenly.

Occupancy Urbanism is also an effective mode for the conceptualisation of more serious and often life-threatening conflicts. Figure 7a shows images of various types of
7a. Extensions along the periphery of the airport

7b. New settlements

7c. Existing settlements in the middle of airport territory
settlements in the territory now designated under the BIAPA introduced in Figure 3. Some, adjacent to the road, pre-date the declaration of the airport and grew in response to the potential of increased commercial transactions – not just in terms of land, but also supplying construction material and small-time retail. A street view of these would reveal a range of low-income rental spaces for shops, small factories and manufacturing units, and also residences. The causalities here run in complicated ways. Just like the rental spaces for shops, some of the sheds here are maintained as future warehouse spaces – for the possible transport services that may come up in case the proposed airport is constructed. Figure 7b shows a new subdivision being marked out – the relatively larger plot sizes indicating expectations of an upmarket clientele. Figure 7c, however, shows a relatively rural hamlet set in fields that are designated for the terminal building and runways in the main airport territory.

As per these plans, there seem at least two settlements within its core territory, including one where a future runway will be landing the latest Airbus 380! If the airport is constructed, the settlements are almost certainly destined for eviction by the BIAPA under the very powerful new land acquisition legislation. It is also possible that road-widening or expressway construction might also impact some of the roadside settlements seen in Figure 7a; and the land may be acquired for allocation to much larger warehousing companies. Or, given the increasing political clout of the town council in times of political uncertainty at the provincial level, the possible subversion of the entire project itself – set in motion via bureaucratic foot-dragging. Occupancy Urbanism conceptualises city processes that point to the dynamic uncertainty of city politics, the partial occupation of Mega territories, the possibility of violent dispossession, and an ethos where ‘speculation’ becomes just as irrelevant as a concept as ‘public good’.

**Occupancy Urbanism: Ten Theses**

I. **Occupancy Urbanism reflects cities being incrementally developed and via the actions of multiple agents (rather than hegemonic Master Planning)**

   Figure 8 shows in diagrammatic form the incremental consolidation of land. This is not just for housing, but also a resilient economy constituted by small manufacturing firms usually located on the street.

II. **Occupancy Urbanism signifies de facto and diverse multiple land tenures**

These diverse claims shape incremental building as a distinctive and all-pervasive dynamic (since it is difficult for one group to appropriate larger parcels), and thus point to cities built via complex occupation and negotiations. Policy and programmes do impact land
occupation. But rather than playing a directive role, these in most part confront existing claims to and occupation of territory. Thus, *de facto* implies an act of proactive settlement by occupants claiming locations, rather than a centralised authority allocating land (with *de jure* titles) as per policy. *De facto* tenure represents a contest and a tension. It is shaped by interventions by various types of public bodies. Some can be pressured to intervene in ways to strengthen claims – the extension of basic infrastructure to areas irrespective of their land status. Others act in ways to reduce *de facto* tenure via evictions, restrictions on basic amenities, or vigorous acts of Master Planning.

8. Incremental cities and networked economy
Box 1a lists the diverse tenure forms in Bangalore used by mostly poor groups to consolidate non-planned settlements of housing, shops and factories that dominate the cityscape. Tenure refers to a bundle of possibilities to use the land in particular ways – especially for the local economy. Tenure patterns are shaped by the pressure of public actions. Box 1b shows the basis for economy in diverse land tenures in 1996. Forming licencing systems for small firms in non-Master-Planned areas, these emerged via an occupancy politics set within office orders at least parallel to, if not overriding, Master Plan regulations. Crucially, these diverse tenure situations are not ‘designer features’ to be incorporated or used in a programmatic way for progressive Master Planning. They emerge from and are used in a political environment shaped and materialised via daily practice.

III.

**Occupancy Urbanism posits that land forms the basis for economy**

Occupancy Urbanism shows how incrementally developing land around diverse tenures forms the basis for a substantive economy. Predominantly small shops, commercial spaces and manufacturing units, these are inter-connected in both production and distribution and, as we shall see later, utilised to shape political consciousness. Just as land is incrementally developed, so is economy; and it is closely connected to the process of diverse tenure regimes. This allows service workshops and commerce to evolve in close physical proximity, making production efficient. A central factor cementing these relationships is the funding of capital investments in machinery by real estate surpluses that the multiple forms of leases help redistribute to tenants and sub-tenants. A third critical aspect relates to a dynamic economy unconstrained by intellectual property rights (IPR) and driven by an intensive and innovative ‘copy culture’. While this happens via the interconnected nature of production/distribution, and promotes the blurring of work relationships between workers and shop-owners and managers, it is also shaped by the intersecting dynamics of both incremental production and land development.

Figure 8 shows the emergence of a small-firm economy closely connected to incremental land development – made possible by diverse land tenures (Box 1a). This mode reinforces proximity, and builds on diverse land tenures around regulation of mixed land use (Box 1b) and technology shaped by access to infrastructure. Occupancy Urbanism refers to cities being constituted by several such spaces of economy (often interconnected in a wider relationship) but also, as discussed subsequently, representing varied histories of political claiming. These economies are not insignificant in scale. Some estimates from government research agencies suggest these units are responsible for 67% of local economic ‘value addition’ and 95% of local jobs.
Incremental claims to land related to de facto tenure are usually interwoven with municipal politics, and relate to a vast territory of metro-cities and small towns: 85% of city territory consists of non-Master-Planned areas, while much of Master-Planned territory finds subsequent ‘occupancy’. This relationship is not merely from legislative or Constitutional directives. The importance of local councillors is not just that they are part of a democratic system shaped by voting (and perhaps Constitutional decentralisation), but rather that they are embedded in society. This embeddedness allows occupants to play the system, and to use their councillors to pressure higher-level political and administrative circuits when municipal councils are disempowered. It is this materiality linked to the upgrading infrastructure that builds popular and extensive political consciousness of how to work the municipal system.

**Box 1A: Claiming Land**

- ID card given by the slum board
- Possession Certificate given by the Bangalore City Corporation; Possession Certificate slip given by the Bangalore Development Authority
- Ashraya housing holders patta
- Ambedkar scheme hakk patra
- 25th Independence Day hakk patra
- Section 94 A of the Revenue Act
- 1993 Act on the regularisation of revenue layout enforced in 1998
- Gramthana certified
- Conversion certificate by the Revenue Department
- Holder’s khata (after 1999) by the Revenue Department.
  - In the smaller municipalities adjoining Visakapatnam (Andhra Pradesh) 12 forms of tenure provided access to land, and in Madikiri (Karnataka) 24 forms.
  - This diversity of tenure forms comes from:
    - Historical/indigenous conventions
    - Implementation procedures related to particular sections of legislation, especially the Revenue Act
    - Titles related to announcements on particular national occasions such as Independence Day
    - Titles related to particular housing schemes (although the issue is not access to housing but rather a claim on a location)
    - Titles issued by village bodies, city corporations and state-level organisations
  - In some cases Madikiri, Baroda (Gujarat), and some towns and cities in Rajasthan, titles to land are handed down by the local royalty

**IV. Occupancy Urbanism Implies a ‘Località’ Politics via Embedded Institutionalisation**

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Box 1b: Claiming Economy via Diverse Land Tenures

Local Commercial Area
> Local Commercial areas are identified by the Delhi Development Authority/Municipal Corporation of Delhi and the Ministry of Rehabilitation periodically: usually main roads or declared 'Light Industrial Areas'
> Power load restriction: 7.5 HP
> Licence is expandable and promotional
> Location not allowed adjacent to any medical clinic
> Includes light industry, light mechanical workshop, repair shops, cooling and refrigeration plants and service trades

Urban Village
> Village to be in urban areas
> Typical trades allowed: dal (lentil), rice, wheat flour, mill, kuttu cutting, cotton carding
> Power load up to 20 HP; 10 workers
> Expandable licence
> No licence needed inside the Lal Dora (village-settled area) if power consumption is below 20 HP

Household Industry
> Entrepreneur operating from dwelling unit
> Power load allowed up to 1KW (3KV), raised to 15-20 HP
> Maximum workers: 4
> Licence is granted to 38 listed trade groups of DFC list
> Permissible on all floors except basement
> Enterprise should not be more than 300 square feet

Heating & Cooling Loads
> For main road enterprises with loads up to 11 KV: A/c showrooms, restaurants, clinics, auto maintenance shops

Ad-hoc Registration
> For registration purpose of units in non-confirming areas functioning in an unauthorised way without any licence, units created till 31.12.89 are eligible (proof of date to be submitted)
> Polluting/Obnoxious/Hazardous units not to be registered (listed under Annexure C in Master Plan)
> Maximum ceiling of power: 40 HP
  Increased to 70-80 HP in 1982-83, and 100-120 HP under Ad-hoc certificate policy of 1990-91
> Grant of permission only on ground floor
> Licence is non-renewable or expandable
> No change of trade allowed, no passing of factory to entrepreneur's heirs
> Cases booked for unauthorised construction after 10.6.92 shall be kept pending until further instructions

(Benjamin, 1996, compiled from MCD documents)
Such consciousness develops irrespective of literacy levels, adherence or membership to political organisations, social movements and NGOs. This is not a survival ‘tactic’ by a marginalised ‘subaltern’. Instead, these (as listed in Box 1a and b) are materialised in the bureaucracy in the form of ‘administrative orders’ to allow extension of infrastructure, services, and acceptance of mixed land use. Set within lower- and middle-level bureaucratic procedures, as ‘documents’ they occupy the space of ‘policy’ imposed by higher levels of government. These systems of politics strengthen de facto tenure en masse on a citywide basis, and strike fear in planners, senior administrators and the property-owning elite. At times, such regulatory systems find sanction in lower courts and rarely in the higher judiciary. Such politics do not present an ‘alternative’, but through a connection to political parties and mainstream politics, the ability to appropriate and re-define such political space is indeed significant.

V.

Occupy Urbanism implicates multiple historicities that are locality-embedded and connect economy to land and politics

Incrementally evolved as a dominant process of city building, this factor was realised in the earlier literature on cities in Latin America and Asia. Central here was recognition that public interventions for infrastructure and services followed rather than led the settlement process. That is, land was claimed in a dynamic process via the actions of myriad actors rather than the single entity of ‘the state’. Such studies, mostly ethnographic, also showed how land markets operated around social conventions, despite their official ‘illegal’ status. The main focus, however, was to see this dynamic mostly as a process for residential use. Although there was some recognition of their economies, these were considered to be ‘the informal sector’, and thereby marginal. Little or no direct connection was made to the substance of such economies, their basis in the process of land development for both technological and political aspects, as explained earlier. The central importance of considering the historicity in land lies in the substantial political consciousness located around ‘place-making’. Paradoxically, rather than narrowing down, the ‘folklore’ of how to politically work the municipal bureaucracy to influence even higher levels of government, and a shared knowledge system across several varied settlements at the city system, implies the development of a larger political consciousness.

A useful illustration is that of the politics around the issue of ‘policy’ versus ‘documents’. A Karnataka state government order of 23 April 2005 banned registration of ‘revenue sites’ formed on agricultural lands without a conversion order, a layout plan approved by the planning authority, and an assessment register extract from the local body (sanctioned by the commissioner rather than the elected council). At a time of political confusion brought about by coalition politics and public debate about how land acquired by eminent domain went to large IT firms, political pressure via municipal levels onto higher levels of government pushed the state level judiciary to draw on a then recent Supreme Court
judgment in a case in Rajasthan on a similar issue of registering incremental settlements, that highlighted the importance of ‘documents’ above that of ‘policy’.4

In the Karnataka case, the petitioner also raised the issue that documents reflected a longer historicity in city building that predated Master-Plan-based policy. Such connections across otherwise vastly different regions of the country are made possible by similar processes of incremental development of land but also by the political appropriation of a municipal space, and the political consciousness to use this at an opportune time in a flexible way at the judicial level. The methodology of working the municipal system for a group of small interconnected paper-product manufacturing units in Rajasthan would be not very different than those small firms making plastic components in east Delhi, or those involved in making automobile components in south Bangalore.

Significantly, the political space that both closes and opens the possibility of diverse tenures centres upon the realm of administrative orders – a politically more efficient way to counter policy. Normally, ‘policy’ moves to ‘close’ space, but this is constrained by the lengthy Master-Planning five-year cycle. Thus the political space of administrative orders also attracts lobbies backing Mega projects, and uses them as a way to make space for more Master Planning, oriented now to neo-liberal globalisation. The movement between spaces of politics in administrative orders, state government policy and various levels of judiciary is shaped by contesting lobbies: those of small plot-dominated residential environments which also house interconnected manufacturing firms, and those that align together around Mega planning now invested globally, with the backing of the new ‘reforms’ policy agenda that seeks to make cities competitive.

These multiple historicities point to contestations of institutional spaces, and intersecting political consciousnesses. In offering this as an ongoing dynamic, rather than one burdened by an anxiety over ‘closure’ or ‘resolution,’ Occupancy Urbanism posits an open-ended political space in a daily existential matrix. The importance of diverse tenure regimes and their persistence and expansion cloud earlier binary conceptions of ‘use’ and ‘exchange’ value, and with it, the assumption of alienation. Overall, one could argue that the history of such cities is one of land, rather than being shaped by a larger force of the economy or modernist developmentalism. Occupancy Urbanism counters the ‘political economy’ explanation of its genesis. Further, its ability to move across political levels even while it is embedded rejects ‘localism’, the constricting and fragile idea of being ‘local’. Its openness and strength as a political concept come from not being tied to a development trajectory or, alternatively, stamped with a synoptic structure.

VI.

**Occupancy Urbanism involves radical vision**

When city peripheries in Latin America, for instance in capitals such as Lima and Bogota, were ‘discovered’ by researchers in the 1960s as having a history of incremental
development by settlers, this aspect was also seen as radical action. These perspectives came at a time when 'user control' and squatter action took centre stage in the protest-fuelled urban politics in northern European cities. Occupancy Urbanism builds on this idea by pointing to specific ways in which property, specifically that of real estate, is reconstituted. The main conceptual element here is that of how diverse land tenures open up multiple claims to real estate surpluses. As land is settled and spurs a politics to make the possibility of new infrastructure and services more real and de facto tenure more secure, land values rapidly rise. Figure 9 shows the process of land value increase as it comes under the claims opened up via diverse tenure regimes. Some of these tenures are leases, which involve a specific understanding about the distribution of future gains. Others, closely linked to the act of occupancy, are more subtle, with an understanding that if occupants have stayed long enough they are justified in demanding one-third of the surpluses accrued to prior inhabitants. Significant research on squatter settlements in Latin America and South and Southeast Asia shows that despite being officially 'illegal', real-estate markets operate along local conventions that also include day-to-day resolution of plot-boundary issues. Given the dynamics and diversity of tenure and its multiple claimants, this implies that when the vast majority of city terrain can be 'read' as being incrementally developed, it is not a mere 'physical form': it also shows the extensive materialisation from a new conceptualisation of real estate.

Such an understanding of the radical in urbanism does not imply that real estate values get distributed equally. Instead, the radical is embedded in complex stories of real life, disjointed in both joy and sorrow, and shaped by uncertainty and risk. Figure 10 shows the occupation and incremental building of a plot by a poor hawker couple in South Bangalore. The diagrams also offer an account of the complex financial arrangements that came into play, including what is locally termed as a ‘bhogee’ lease arrangement. This involves payment of a lump sum in lieu of monthly payments for a three-year cycle, open to then subsequent re-negotiation.

The narrative is layered and opaque, compressed into a location; and with adjoining units' support, tries to pressure authorities to introduce services, infrastructure, and various interventions of land tenure regularisation. All these would obviously increase the price of land. While the complex cycles of financing are somewhat discernable, it is unclear how the great variety of tenants and sub-tenants share the obviously increasing value of land. It becomes even more complex when the origins of the plot are obscure – if the land was squatted upon, or if the hawker couple bought it from a small land developer, as is often the case. Despite the equivocation, one can visualise how such cycles of financing allow real estate surpluses be routed to fund an economy, and spur further connectivity between predominantly small firms. New entrants, if this plot was in a predominantly home-based industrial area, would form production relationships, and the financing would reflect investments into capital machinery to re-engineer a new product line.

This is borne out in a case from an east Delhi area manufacturing cables and conductors. This location has fuelled a great many lives in material ways, and linked them
to a larger city economy. Real estate markets have been central here in occupying what is likely to be, 15 years on, a central part of the city. Figure 11 is an extract from a website of the official website of the ‘Bhoomi land digitisation programme’ implemented in Karnataka, and particularly in some districts including Bangalore’s periphery. One diagram shows an earlier land title whose ‘over-writing’ is read by those promoting the programme as ‘corruption’. The second reformist image shows the new computerised title that is devoid of such ambiguity and seen as a step towards being ‘globally tradable’. A more detailed investigation reveals how this programme sought to reduce 20,000 forms of land tenures – categories of claims to particular uses and their complex histories across the state territory – into just 256; the programme is, not surprisingly, fraught with legal and political crises. It in part helped Bangalore’s largest land developers appropriate huge parcels of land to cater to massive IT companies and Mega infrastructure projects. But the emphasis here is to expose a contested terrain of politics. One side represents complex re-inscriptions of historicities of occupancy. The other, assisting competing real estate claims where singular tenures allow huge real estate profits, seeks to narrow these down through posing a narrative of modernisation, development, and the establishment of de jure rights.
VII.

**Occupancy Urbanism modulates the existing laws of property**

Occupancy Urbanism appropriates and disfigures the concept of ‘property’ in real estate. It is also in effect doing so in law. An urbanism that is extensive, embedded in local society economy and politics, and built around *de facto* and multiple tenures, promotes a *plurality of law*. Researchers as far back as the mid-1970s and early 1980s observed this evolutionary aspect of law in locations as diverse as squatter settlements in Hong Kong and Caracas. This is an important consideration, since as much planning that is regressive to mass urbanism, actions by the nation state and large capital finds solace in ‘The Law’, and significantly, converges with positions adopted by ‘progressive’ advocacy groups in promoting ‘housing rights’ or *de jure* titles. Well intentioned, these groups are alarmed when they find themselves in agreement with recent pressures by India’s largest business groups seeking to develop Mega projects, which also argue for land rights to be established, and

Porous legalities radicalise property

Capitalisation of the land fund economy. The distribution of land based surpluses helps understand contestations. Rate of land value growth is rapid at first, but in low absolute values, followed by lower rates of growth but higher values.

10. Multiple tenure forms

Highest rate of land value increase

Lower rate of land value increase

The radicalisation of property within the commodity process

Greater claims to real estate surpluses, and fuzzing the binary of ‘use and exchange’ value
11. Localised embedded politics reflected in land recordings sought to be banned with the Karnataka Bhoomi programme post-1999.

11b. • Polarised distribution of surpluses
• Only the 'legal' as market players
• Closing up of land markets but opening them to corporate financial institutions

The use of the 'Nation State' to narrow down claims from the multiple to the few!
proper Master Planning instituted. Instead of this, Occupancy Urbanism points to the space of politics that opens up when subverting the definition of property in law. This takes place not through being explicitly rejected as an ‘alternative’; rather, it happens via appropriation within the municipal procedures, extending to other layers of public institutions, and from the lower judiciary upwards to higher levels.

VIII.

**Occupancy Urbanism has a central role in moving politics beyond ‘policy’**

One could argue that one aspect of neo-liberal globalisation has been the use of ‘policy’ to emphasise ‘property’: the privatisation of water, the attempt to define land titles, the emphasis on strict zoning to allow resource generation. In part, this is supported by progressive academics and activists from the left who see in this an emancipatory possibility of a nation state-enforced ‘rights’ agenda, and as a way to ensure ‘inclusive cities’ while accepting the inevitability of the need to be ‘globally competitive’. The rejection of a normative and singular/homogenising law, the *dirigisme* of the nation state or globalised homogenous markets as objectives or prerequisites, and the reconstitution of ‘property’ imply that Occupancy Urbanism rejects/displaces the ‘policy’ discourse. For instance, occupants in areas designated as ‘slums’ work the system towards recognition, but not complete legal declaration, as the latter (a ‘logical’ conclusion to policy) substantially increases their possibility of being evicted. Here, a faith in progressive policy frames is as naïve (and even as dangerous) as that of advocacy planning and ‘civil society’.

This is not fundamentally different from those facing ‘planning tribunals’ in cities of richer countries where urban renewal sets up community organisations against planners and large developers in such depoliticised forums. Another example of the fragility of policy is the continued expansion of land markets, despite ‘illegality’. A third example lies in policies promoting ‘clusters’ for ‘local economic development’. While observing the technomanagerial advantages of interconnected small-firms-based production, the frame of policy can hardly account for the significant historicities in the politics of land and location, its incremental development, and the complex financial relationships. A final illustration can be located in the institutional-political realm. Here, official policy actually removes land as an interventionist realm from local government, or then distances this crucial material factor into the abstract realm of Master Planning. The issue is not just legislated powers or institutional location, but rather a conception of planning that is inherently depoliticised.

IX.

**Occupancy Urbanism is involved in the production, distribution, and consumption of artefacts**

Figure 12 provides an illustration of this from a street front in upmarket Juhu in central Mumbai. A glance at this typical bazaar of a ‘third world city’ can suggest multiple meanings: an exotic feel of street celebration, unauthorised construction and
encroachments on street pavements, or the beginnings of a slum. A closer examination shows this not just to be a Christmas stand built via the complex negotiations of the local church ward with the municipal council, but part of a larger series of ‘occupancies’. Each, as layers of tenures, embeds complex histories. Some, like the shop, or another in the structure at the rear, have theirs located in municipal ward officers, the commercial licensing department, the water and electricity department. The Christmas stand, more temporal, is located in one of the more Catholic areas in this part of Mumbai. The street here, despite the incredibly high real estate values of Juhu, allows porosities reminiscent of those described by Walter Benjamin in his essays on Naples. And if one looked into the Christmas stand, the range of artefacts that surround the infant Jesus point to other historical trajectories located in this city’s more industrial suburbs, which appropriate symbols materialised beyond fear of copyright; and in their indigenous variations, those of authorship as well. Such streetscapes flourish everywhere as resilient locations of day-to-day consumerism, and of capital itself occupied. Occupancy Urbanism evokes memories of Benjamin’s Arcades, their reflective sheen set now in a sharper tropical light.

X.

**Occupancy Urbanism focuses on contemporary forms of neo-liberal globalisation and at least three of its core elements: access to space; access to real estate surpluses; and access to branded retail markets**

At stake here are not just the material aspects, but also a popular consciousness that acknowledges these as normative to modernity. The preceding arguments and analyses suggest that Occupancy Urbanism shows serious fractures in this assumption of an easy and inevitable global hegemonic. It subverts the ability of international capital to extract surpluses from rapidly developing city peripheries – via diverse forms of land tenure routing real estate surpluses into small-firm economies and into municipal government. In doing so, it also occupies spaces in uneven and unpredictable ways, and pushes a flexible legality that bogs down Mega politics, to appropriate real estate surpluses where opacity restricts centralised access and accumulation. It also complicates and underpins popular protests beyond the more pliable NGO strategies to suggest murkier ‘workings’ within the bureaucratic system. As important, it appropriates the possibility of a unilateral rendering into commodity, via global branding. Occupancy Urbanism disrupts the smooth flow of global capital from within the commodity process – and within the present, rather than as a strategy for the future.
Globally connected corporate 
markets drawing on state-led 
acquisition via eminent domain and 
allocation subsidised prices 
versus 
diverse tenure characterised small 
land subdivisions – routing real 
estate surpluses into small 
manufacturing firms for capital 
investments and cash flows – 
supplementing trade based finance
12. Multiple occupancies radicalise space
Editors’ Note

For an account of how the lower-level bureaucracy plays a central role in extending infrastructure/services and in regulations allowing mixed land use, especially with regard to lands declared illegal by institutions reporting to higher levels of government, see Solomon Benjamin, “Touts, Pirates and Ghosts”, in Sarai Reader 05: Bare Acts (CSDS, 2005, Delhi), pp. 242-54. Reader 05 online text: http://www.sarai.net/reader/reader_05.html

Notes

1. The rhetoric points to the ‘progressive’ critique (emphases mine):

   > Bangalore International Airport: 4300 acres for Airport, largest airport area in the world; area allocated without correlated air traffic; 60% of the area for non-aeronautical revenue, including real-estate leases for hotels, business centers, and retail

   > Bangalore-Mysore Infrastructure Corridor Planning Authority: 29,000 acres of land, displacing 180+ villages. “Land Acquisition notifications were issued based on the requirement indicated by the promoter company and not on the basis of any technical drawings/maps as approved by the Government in PWD or the project report”. As stated by Anees Siraj, Special Deputy Commissioner of KIADB - BMICP, in letter dated 22 May 2004

   > IT Corridor Planning Authority: 28,000 acres of land, 50+ villages; will expand Bangalore land area by 30%. No analysis on required demand for IT campus development

2. It is hardly surprising that in public forums, performance by activism points to the Constitutional impropriety of neo-liberal reforms bypassing democratic debate and legislation to decentralise decision-making processes. However, the unease and severe suspicion of local politicians mutates their arguments towards a a rubric of greater public participation via ‘proper’ NGOs, and ‘civil society’, which some academics have argued as being equivalent to ‘deep democracy’, while others seek to establish these as ‘social movements’.

3. In a passing comment at an international conference on Indian real estate, globalisation and urban reforms, arranged by the Federation of Indian Chamber of Commerce and Industry, two of the country’s most powerful and influential land developers, one from Mumbai and the other from Delhi, declared that NGOs could be “controlled”, and likened activists to “earthworms” that could be “trampled”.

4. See various issues of The Hindu, Deccan Herald and The Times of India (Bangalore editions) between 30 October and 3 November 2006.


6. With such subversion, it is hardly surprising that Occupancy Urbanism, its intricate politics in municipal government, and the reconstitution of land and economy are all deeply threatening to the upper classes, the high commands of political parties, captains of industries, the English-language/elite media, the globally connected financial elite, and the Supreme Court of India’s ‘judicial activism’. It also threatens those seeking singular proprietary definitions over artefacts enforced via copyrights.