

# Touts, Pirates and Ghosts

SOLOMON BENJAMIN

**U**nplanned, slums, non-conforming, illegal, unauthorised, and sub-standard: These are labels that planners, administrators driven with the need for orderly modern cities, term 90% of the city areas where people live and work. Hardly new, this disjuncture – between Master Plans and what evolves on the ground – has plagued the planners of new towns like Chandigarh, and national capital complexes, besides smaller territories under Master Planning. In Delhi, like other metros, only 8-12% of residential space comes from Master Planning. In 1995, 250,000 small and large trade and manufacturing firms underpinned the capital's economy for possibly more than two-thirds of its habitants. Only 11,500 of these, mostly manufacturing, firms were located in planned areas. One realises the wider implication of this when one considers that unplanned and non-conforming trade and manufacturing are interlinked economies of every single town in North India.

The accompanying figures show a map of cities and towns in India that locate major concentrations of networked economies and their particular specialisations. Another is of Delhi, its own particular specialised clusters and their location in non-Master Planned areas. A closer look at Vishwas Nagar in East Delhi provides a vivid illustration of one 'slum'. In 1991-1995, this settlement emerged as India's largest centre for the manufacture of electrical power and control cables and conductors.

With a voting population of 21,000, it provided work to 25,000 in direct manufacturing and another 35,000 in trade and ancillary activities. This does not include the extensive jobs in the construction industry spurred by this emerging economy. Why should this be important for those with an interest in law?

Here are two more photographs. One, a



1. "Neighbourhoods as Factory"

## WEST AND SOUTH DELHI

### URBAN VILLAGES:

1) Basai Darapur	Electrical fans/motors
2) Basti Shalimar	Paints/Plastics
3) Haderpur	Electrical Fans & Motors
4) Garhi Peeran	Plastics
5) Dhairpur	Wood & Sanitary Goods
6) Wazirpur	Metal/Auto Parts
7) Khayala	Wood/Plastics
8) Ram Pura	Plastics
9) Chirag Delhi	Garments
10) Samaypur	Plastics
11) Badli	Plastics/Metal
12) Naraina	Plastics/PVC
13) Shaizadabad	Garments
14) Zamrudpur	Garments

### PRIVATE SUB-DIVISIONS (Un-Authorized Colonies)

15) Shakur Basti	Metal/Plastics
16) Raja Park	Auto parts/ Plastics/ Metal
17) Rani Bagh	Auto Parts/ Plastics/ Metal
18) Tulsi Nagar	Tin work & Metal
19) Inderlok	Tin work/Metal
20) Vishnu Garden & Ext.	Wood/ Metal
21) Ravi Nagar & Ext.	Wood & Metal
22) Hari Nagar	Lights & Auto parts
23) Narsingh Garden	Metal Castings
24) Sant Nagar	Metal Castings

25) Jawala Puri	Plastics Recycling
26) Tri Nagar	PVC/Plastics
27) Shastri Nagar	Wood/ Paper/ Plastics
28) Manohar Park	Plastics
29) Daya Basti	Metal/ Plastics
30) Subash Nagar	Metal/Plastics
31) Ram Garh	Metal/ Plastics
32) Sudarshan Park	Incandecent Lamps & Rubber
33) Kriti Nagar	Plastics/ Wood/ General

### Other (Industrial Estates, Refugee Re-habilitation, Re-settlement Colonies, EWS Housing)

34) Mayapuri	Plastics/Metal/Building
Materials 35) Kirti Nagar	Plastics/Metal
36) G. T. Karnal Rd.	General
37) Wazirpur Inds. Area	Stainless Steel & Plastics
38) Lawrence Rd. Ind. Area	Plastics, Metal
39) Anand Parbat	Auto. Parts, Metal Castings, Plastics.
40) Okhala Ind. Area	General
41) Naraina Ind. Area	General
42) Tilak Nagar	General
43) D.L.F	General
44) Udyog Nagar (I & II)	General
45) Moti Nagar	General
46) Transport Nagar	Transport & General

### URBAN VILLAGE

1) Patparganj	Packaging/ Plastics/Metal
2) Jheel	Auto-Scooter Parts
3) Babarpur	Cable/conductor, castings
4) Khuriji	Printing, Wood, Plastics

### PRIVATE SUB-DIVISIONS

#### (Un-authorized Colonies)

5) Viswas Nagar	Cable & Conductors, PVC Pipes
6) Ram Nagar	Cable & Electrical Parts, Plastic
7) Gandhi Nagar	Readymade garments
8) Jheel	Scooter Parts
9) Krishna Nagar	Printing, Paper, Garments
10) Navin Shahdara	Electrical, mechanical, plastics.
11) Friends Colony	Cable, Conductors, Castings
12) G.T. Road	General, Rolling Mills, castings
13) Chandar Nagar	Plastics, Printing
14) Shiv-Puri	Laminate
15) Dilshad Garden	Cables & Conductors, Electrical, Plastics
16) Babar-pur	Cables, Conductors, Plastics
17) Loni Rd.	Cables, Castings, conductors.

### OTHER (Resettlement, Refugee, Industrial Estates etc.)

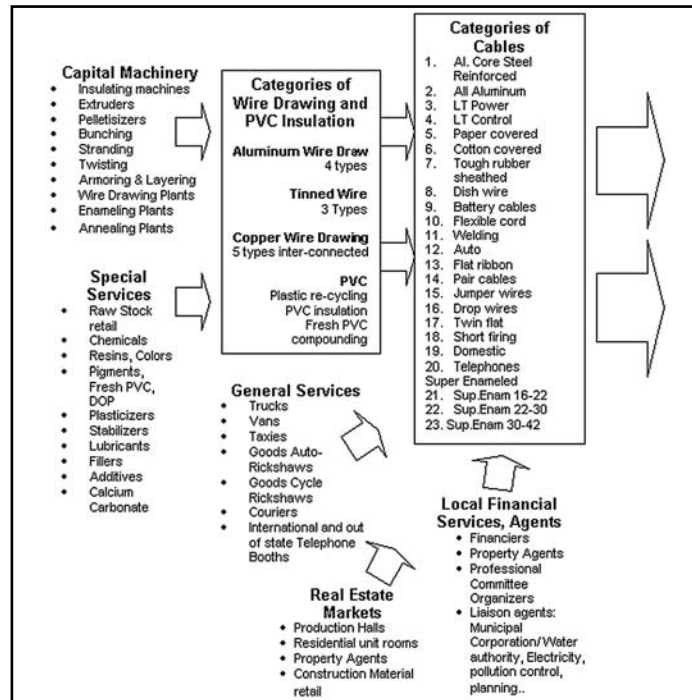
18) Seelampur	Cable stripping & Recycling
19) Nandnagri	Plastics & General
20) Jhilmil Ind. Est.	General, Rolling Mills
21) Patpargunj Ind. Est.	General.



### Land Subsystems Conducive to clustering economies:

- Private sub-divisions
- Urban Villages
- Walled City

2. A map of Delhi showing its specialised manufacturing and trade clusters and their correlation to land settings evolved under 'Regularisation'



3. The Hydra of Viswas Nager's multitudes of inter-connected firms: workers, marketing agents, factory managers, owners, land promoters, liaison agents... artisans, pirates and touts..



4. notice board, shows an excerpt of the Master Plan proposal for Vishwas Nagar as “district centre and CBD”. Another shows a group of people gambling under the board, and in the background, a group of squatters who take their chances against demolition. Their illegal status, and consequently low rentals, allows them to stay close to work. The point of this



5.

essay is to reflect on the quiet and subversive political processes that underpin such disjunctures.

Approaches to the non-Master Planned areas have been varied. One set of actions, made famous by Jagmohan (Vice-Chairman of the Delhi Development Authority) during the Emergency (1975-1977), and again more recently, is to use violent eviction as a way to make way for Planned development. Another view, resulting in designed housing complexes, is mostly by architects supported by bureaucrat benefactors. They seek an Indian identity, and view planning norms as 'Western'. This group feels the need to introduce the *mohalla* (crowded neighbourhood), the courtyards, and the 'Indian bazaar look' as a way to make cities 'more human'. A third approach is how things actually get done for unauthorised colonies: "Regularisation".

This is conventionally seen to be 'legalisation' set in motion by inhabitants in the non-Master Planned area, seeking public improvements of basic infrastructure and services. This is much to the dismay of planners, architects, and senior administrators. For them, regularisation reflects the corruption of the bureaucracy by vote-bank politics. This approach seems to legitimise illegality, is 'boring' and 'un-imaginative', and certainly not the way to build modern cities. In exploring the question of quiet politics, I am not concerned with the morality of Master Planning and of the various approaches, including that of regularisation. For sure, the Jagmohan approach of eviction has terrible human consequences. Perhaps the alternatives of being 'Indian' may be important, but I suspect, just as Gandhi commented when asked about 'Western civilisation': "It may be a good idea..." What seems more interesting to me is to consider more closely the political consequences: the congregations of interests that underpin disjunctures in the way cities get built.

### **Regularisation – A Political Project of Substance**

Regularisation, as it turns out, is the dominant way cities are built. It is not new, nor specific to Indian cities. On the contrary, unauthorised colonies or private subdivisions are common to all metro cities and towns in India, to most urban areas in the South, as also large parts of South and Central America. In Pakistan, unauthorised colonies are termed '*katchi aabaadi* (raw settlements)', and in Colombian cities these are called '*pirata*'. Different forms of 'regularisation' have been a central issue of city management and politics. In this section, I will show the variety of factors that reinforce the political substance of regularisation.

It is important to underline the substance of regularisation as linked to the immediacy of daily life, (and) via land and economy to its deeply emotive sense. Inhabitants strive for better infrastructure and services that impact daily life: children being able to cross drains safely on the way to school; having reliable and cleaner water supply, reducing chances of malaria by getting low-lying areas drained of stagnant water; electricity supply lines so that children can complete homework, allow for street lighting to ensure safe return at night, and congregate after dinner around street corners. When land, bought cheaply due to its poor infrastructure (access) and delicate legal status, is upgraded, people can hope for their children to have something better than what confronted them (when they first moved in). Increasing land values, spurred by upgrading, mean that relatively larger plots can be

sub-divided and rented to new entrants in the neighbourhood. Part of these proceeds can help a new business, or are useful if required for medical expenses of a serious nature. Such immediacy, then, relates to demands by a large political constituency that faces difficult living and work conditions sharpened by crises of malaria, water shortages, water logging, and attacks by stray dogs on unlit streets.

Regularisation is itself deeply political where the complexity of upgrading infrastructure and extension of services relates not so much to technical but to political factors. This is primarily because people demanding basic infrastructure and services find their settlements categorised by Master Planning as 'illegal – non-conforming – unplanned – unauthorised'. Such imposed illegality relates to different types of politics. One is the non-recognition of the land transaction through which people settle in. Generally, Master Planning defines property and norms for settlement in terms that exclude existing (and mostly) lower-income settlers on grounds of land use violations (aimed at small, home-based trade and manufacturing). Another is the complex institutional relationship as linked to the social dynamic of competing interests. Master Planning uses norms and procedures of allocation that identify locations where people already exist, as proposed sites for 'social housing' or 'publicly recognised' institutions. Both of these are contested. Social housing, due to a variety of exclusionary factors of application and access to higher-level administration, ends up catering to the middle- and higher-income groups. Similarly, those institutions allocated land, which has been notified and acquired under Master Planning, tend to be those of higher level of government claiming their space in the entitlement process with their basis in nation-building, or representing the 'public'. These could also be private institutions, deemed by high-level administrators and planners as being essential pre-requisites for the 'modern citizen'. Thus, besides a fire station or a police station, space under civic amenities could be allocated to a community centre (translating into a 'club' accessed by membership), a plot for a school (in reality, under high end private corporate management), entertainment and retail shops and complexes. Increasingly, such contest is sharpened with pronouncements from higher levels of judiciary ruling that 'illegal structures' cannot access public funds for permanent infrastructure. It is important to note that these pronouncements are often framed within the language of planning and of organised city development.

Such politics is reinforced by the economic underpinnings of urban terrain. Specifically, regularisation has an immediate and extensive impact on the local economies of manufacturing and trade. A better road means that a front room can be turned into a corner store or a small manufacturing unit. A new electrical transformer in the block attracts new firms without the fear of 'tripping' the electrical system. Upgrading spurred by regularisation has significant systemic impacts: reliable electricity increases productivity; roads open up access to firms locating in more interior parts. Densification opens up opportunities to customise products responding to new markets at a regional and national level. This, in turn, is made possible by the manufacture of customised capital machinery in close proximity. Such relationships form part of the logic of interconnected production where the output of one firm forms the input of another. Interconnected production improves surpluses despite falling margins, where the increasing intensity of manufacturing gives the

settlement a particular identity to attract small traders, skilled workers; thus, the space becomes a major attraction for firms to locate there. There are other systemic impacts. Traders cluster to sell raw stock in batches small enough for the small interconnected firms to feed on. These economies influence and spur real estate markets with specialised rental structures, and real estate transaction norms customized to the needs of factory operators settling in.

Since almost all locations for economy (trade and manufacturing) in a city are non-master planned and exist in various stages of regularisation, much of urban territory is, in effect, in a dynamic of legality and its politics. Connected to land and the type of infrastructure and services that this embodies, regularisation as politics connects up to a substantive economic constituency. One could also argue that as cities get larger and urbanise in both the demographic and the economic, the political substance of regularisation would assume even more prominence.

Finally, one can also view regularisation as a core feature of a larger level of urban politics. This is when we consider its location in the relationship between municipal councils and higher levels of government at the state and national level. A core issue is the institutional dynamic through which these relationships are established. Master Planning is located in 'Development Authorities' under the control of state governments (and in the case of Delhi, under the national government). These connections are both administrative and political. Development Authorities are an important way through which state and national level governments establish their print on the urbanscape. This happens via the allocation of land in central locations to institutions under their control. Development Authorities also establish political control of local bodies via their control over the regulation of land. Such controls help ensure that local councils toe the 'party line', and maintain the legitimacy of higher levels of government. If so, it is hardly surprising that implicated in Master Planning and the establishment of the "Rule of Law", the need to promote social justice and equity is also a reflection of political control. It is partly due to this contest of political terrain, further implicated in the disjuncture with Master Planning, that regularisation is not a one-off event, but extends over time. Municipal councils respond via regularisation not just to their constituents' economic and other needs, but use this to reinforce their political autonomy.

#### **A 'Quiet Politics' Underpins the Regularisation Dynamic**

If one important aspect of regularisation is the complex two-way relationship between Municipal Councils and their constituents set in a wider politics, another is its day-to-day nature. If one visits non-master planned neighbourhoods, it is not as if people have their banners up, marching along streets in protest. On the contrary, daily life moves on in parallel to a quiet politics, played out in various Associations' meetings held in the evenings, in audiences with councillors normally in the early morning, or as will be explained below, in the untidy rooms of municipal bureaucracies. This is the most accessible arena of government for groups residing and working in non-master planned areas. For any aspiring politician, initiating regularisation, making serious attempts to get infrastructure, or stopping evictions, is a secure way to consolidate a political base. Urban land, with its material and emotive register, is particularly significant as an area of intervention.

To fully appreciate the quiet politics, it is important to note the significant differences between the process and politics of intervention by municipal governments, and of Development Authorities promoting Master Planning. Master Planning focuses on physical planning, located in utopian visions justified on normative arguments that have been set up by planners and legislature. In contrast, municipalities are pressured to respond to what already exists on the ground. Second, their actions lie mostly in the realm of administrative actions – pushed by councillors responding to their political constituencies and exerting pressure. This is not to say that Master Planning is a purely technocratic exercise. On the contrary, behind its normative façade, Development Authorities promoting Master Planning respond to larger political and administrative constituencies. Actions by municipal government are usually more local. While in both cases interventions are set within an interpretation of law and administrative guidelines, I will suggest below how actions to regularise, spurred by municipal debate, needs to be necessarily ‘quiet’ as a matter of political prudence.

One level of politics is that of slums being ‘recognised/notified’. Municipal bodies are usually under intense political pressure from under-serviced but rapidly settled areas forming large political constituencies. Being ‘notified’ allows public authorities to improve infrastructure and services, drawing on ‘scheme-based’ development funds (which are available only for ‘recognised/notified slums’). However, notification involves concurrence by higher levels of government who become interested in this only at the time of elections. Thus, quite often, more than half the settlements remain in a non-notified status for a long time – five, ten years, sometimes even longer. Municipal bodies, under pressure from their constituents to act, therefore draw on their general municipal funds. Interventions are set in motion via ‘administrative orders’, and councils justify such actions on ‘humanitarian’ grounds.

Such interventions strengthen *de facto* tenures – even if absolute titles have not been conferred. Here, again, there is an important political logic to maintaining a ‘quiet’ approach. This relates to the complex power relationships between those who ‘own’ land and the others located in various forms of tenancies. Assuming that a municipal body were to initiate a titling program – as is normally pushed through by the World Bank (titling, here as a way to define ‘property’, is the process of marking out exact physical boundaries) – many would see this idea as a ‘progressive’ ideal, the giving of ‘rights’. However, actual ground level experiences point to quite different consequences. The moment there is some information on a proposed ‘titling’ program, those with a greater degree of land claims ensure that poorer tenants are moved out, or settled with close relatives. This allows them to benefit from the increased real estate values.

Thus, re-shuffling property claims can lead to serious political crises and consequences. for the councillors and the municipal council. There are other threats to municipal councils. A program of establishing absolute titles, as I shall discuss later, jeopardises a neighbourhood economy as much as to seriously underpin the political clout of municipal bodies. It is hardly surprising, then, that municipal bodies usually intervene with regularisation and incremental upgrading that improves *de facto* tenure over time. This approach strengthens the claims of settlers on an ‘As is Where Is’ basis in order to

strengthen claims across the board among diverse groups. Residents and people working in the areas therefore maintain a close tab on municipal debates and the administrative orders framed to initiate investments in infrastructure and services. Such access to the system is partly facilitated by councillors, but also by other more bureaucratic routes to ensure that political and administrative action is being taken in the residents' favour.

*Please note him quoting the reference of the enclosed office. All cases no. (See figure 5 for illustration)*

(West Vihar Nagar Improvement Association) 2207476  
**पश्चिमी विहार नगर सुधार सभा**  
 27/124, गली नं० 6, विहार नगर  
 काहदर, दिल्ली 110032

आंक 00164 दिनांक 19th Feb 1991

The Commissioner,  
 M.C.D.  
 Town Hall, Delhi 6

Dear Sir,

with ref to meet deputation under leadership of Sh. ABJIT SINGH GULATI, Ex chairman who M.C.D. in Asgard Street light in Block 28-29 Vihar Nagar station. Your kind favour has assured on that day on 12th Feb 1991 to pay estimate amount on behalf M.C.D.

For your information estimate provision No. A.C.A.(V) 2052/87-88 and A.C.A.(V) 2057/87-88 No. XEN (LGA) 2007/UBR (96) 73-86/653 Dt. 31-12-86 Drawing No. X.P.L.E) 27-55 (and Circle-1 are pending for Street Light in Block 28-29 Vihar Nagar station.

We request you to take an early step to provide and to revise approved plan for St. light. Arranging for an early reply and an early action.

Yours faithfully  
 Anand Aggarwal  
 General Secretary

6. Letter written by an association general secretary to pressure the municipal administration for street lighting.

Electrification of unclassified area of Block 28-29 Vihar Nagar unauthorized/regularized colony.

(Approved)

EX-SUBJECT: S.R.(CONST.CINCL-1)

HISTORY: Request for electrification of unclassified area of Block No. 28-29 Vihar Nagar was registered through OD vide letter No. CO. II/MSD/2001/9072 dated 1.11.88. Subsequently area was surveyed and it was observed that the area unclassified falls mostly on the land encroached as community centre in the regularized layout plan of M.C.D. After perusal of the plan of Vihar Nagar Welfare Association has offered space of sub-station site measuring 35' x 20' feet for establishing electric sub-station as shown in the layout plan. The site has been taken over by the applicant vide his letter No. D/MSD/142/701 dated 21.11.88. The request has been reviewed vide letter No. CO. II/MSD/2001/9072 dated 31.12.88. In the light of correspondence, Vihar Nagar Welfare Association has offered space of sub-station site measuring 35' x 20' feet of cost for establishing (the) electric sub-station as shown in the layout plan.

PROPOSAL: To meet the load it is proposed to install a sub-station of 400 KVA capacity. The scheme of electrification has been framed at an estimated cost of Rs. 12,00,000/- including and net to CO. II vide the office letter No. CO. II/MSD/2001/9072 dated 31.12.88. The request has been reviewed vide letter No. CO. II/MSD/2001/9072 dated 31.12.88. In the light of correspondence, it was proposed the scheme. The scheme has been approved by the M.C.D. vide letter No. CO. II/MSD/2001/9072 dated 31.12.88.

SUBJECT: The total cost of the scheme works out to Rs. 12,00,000/- (Rupees twelve lakhs only) to be met from the M.C.D. account (item No. A-16) estimate for R.B. & P.W.D. works (1989-90) at Page No. 0, C-754.

COST DEPT. JUDGE & ASSOCIATED ENGINEERS

(Sd/-) (P. Gupta)  
 EXECUTIVE ENGINEER (P.W.D.) CENTRAL

7. An internal office notice procured by an association that shows the deal emerging from their negotiations to fund an additional electrical transformer.

**Non-domestic power connections allowed one kilowatt load**

By A Staff Reporter - NEW DELHI, May 4. The city government has decided to allow one kilowatt load non-domestic power connections in residential areas. It is believed that the load to 2 KW is under consideration; the Master Plan may be changed (at present) says a law in the house. City government officials said: "If the land specified in the Master Plan can be changed - the same can be done about non-domestic connections in residential areas". For the moment, 1 KW has been allowed. Only the decision to do so has been taken. Details have also been taken from the Delhi Electric Control Order (DECO) 1988. It is suitably amended. This shouldn't take too long considering the government's inaction. Besides, it is in line with the recommendations of the four member Vasant committee report which has stressed the need to regulate connections more controlled (light due to violations of building bylaws of the Master Plan). A large number of small commercial establishments are operating in areas declared residential. They draw electricity much in excess of the sanctioned load. DESU routinely signs misuse charges on them and bills them for the units consumed. But the inefficient under-consumers commercial rates, much higher than the domestic ones, and for laying and maintaining lines to carry higher power-load.

Once the decision is effected, these consumers will be charged development-charge/regularization charges with a "minor penalty". The sanction, however, will not give the consumer any right to claim commercial status for the premises concerned. The consumer will be given an undertaking to this effect on a non-judicial stamp paper. This will require the civic bodies, M.C.D., DDA or NDMC, can go ahead and prosecute the consumer for violating lease and building rules.

**DELHI ELECTRIC SUPPLY UNDERTAKING PUBLIC NOTICE**

It is notified for the information of general public that in accordance with the decision taken by the Govt. of NCT of Delhi, non-domestic connections shall be permitted in all residential areas subject to fulfilling the following conditions:

1. Load upto 2KW in a part of residential premises in all areas on single phase system of supply without applicability of any documents / clearance from the civic body.
2. The area for which the commercial (non-domestic) supply is allowed shall be confined to the ground floor of the premises concerned and shall not exceed 50 sq. mt.
3. Recovery of development-charge/regularization charges are leviable from time to time. The current rate of such charges are Rs 11000/- per KW or part there of.
4. Completion of commercial formalities and payment of charges are required for providing non domestic connections.
5. The provision of non-domestic connection will not confer any right to the consumer for demanding declaration of the premises as commercial and written declaration in the prescribed format on a non-judicial stamp paper of Rs 2/- will be obtained from the consumer at the time of accepting the application.
6. In case of excessive consumption of electricity than normative to 2KW, surcharge shall be levied as per provisions in the tariff schedule.

Chief Engrs. (Commercial)

8. Press reports and a releases by the Electricity Authority as part of a 'regularisation' policy. This act also helps the authority to raise revenues that would otherwise be lost in a situation of forced 'illegality'. The rules may seem as contradictory, but it is precisely this overlap that allows a 'flexible' interpretation shaped by the Porous Bureaucracy. Richer groups usually oppose such developments, stating issues like pollution, breakdown of 'law and order'. However, the threat is mainly one of resources being diverted to poorer areas, and the increasing clout of 'slum residents'.

CAP 11

## MCD factory licences only a tout away

By Yashwant Raj  
NEW DELHI, September 29

He sneaked up as if on a cue flashed from behind the counter. "Kann se area ka har (which area)?" asked Krishan Pal Sharma, one of the many alleged touts swarming the MCD's factory licensing office at Kashmir Gate.

Sharma knows everybody and for him nothing is difficult. He can easily procure a licence in the local commercial category, — of permitted-local household units, — even in prohibited areas such as Anandra, Saket DDA flats and Vasant Kunj.

He merely wanted to know if the proposed commercial unit is on the ground floor. "Otherwise," he said sagely, "they will not grant the licence." Except this one "impossible," he can swing anything. Sources in the factory licensing department agreed licences could be obtained in the local commercial category for any area,

despite an official policy clearly segregating "allowed areas" from "prohibited areas". This policy exists only for those using the tedious and prohibitive official channel. But it can be easily circumvented, — just wait for that tap-on-the-shoulder from a tout, who will use the use of the officials to cut the red-tape short.

"Touts pull a lot of clout here," and "the more resourceful of them can get the licence made and issued to the applicant the same day," sources said. The site is not inspected, it was alleged, but a report is made out, anyway. Sharma indicated as much. "Come tomorrow," he said, "and I will introduce you to the area inspector." But will he inspect the proposed site? "You don't worry," "I'll pay him," he stated grandly.

Though, the MCD's vigilance branch has not yet stumbled upon this network, it is aware of other irregularities. During a scheme of ad hoc registration of illegal com-

mercial units last year, "four-five licensing officials were suspended". The vigilance branch director M. P. Sharma said over 200 files (each of an applicant) were investigated on receipt of specific complaints. For the on-going ad hoc registrations, the vigilance wing is keeping a close watch.

The DC factory licensing, Mr S. Y. Harit, admitted the involvement of his office staff with the touts. In fact, Sharma advised this reporter to ask Mr Harit's peons "for his whereabouts". "They all know me," he added. Mr Harit was both surprised and disgusted that the touts were operating in the main hall. He said, "I have tried hard to keep them out of the premises." But every time they were chased out by the police, they returned.

For their evasion, he has also written to MCD's additional deputy commissioner for local quarters, in charge of the building housing the licensing department, education department offices and

the municipal election commission. In fact, Mr Harit said, the most recent letter was sent last week. "Even if the entry to the premises was regulated," he complained, "the touts will get in on some excuse." These middle-men look keen and resourceful enough.

"A file ban jayegi," Sharma assured this reporter. A "file" has a filled-up MCD application form, copies of the three operative pages of the ration card, a copy of the lease-deed and the building plan of the flat/house. He posed a vexing problem over the proposed "photostat shop" which was to be housed in a DDA-built flat. Though Mr Harit was not very sure, he said "as for policy it was not permitted in planned colonies with designated shopping areas." But touts, Sharma said, and his friends. They can swing even this, for a price. Rs 500 is his flat rate for every licence. And Rs 3,500, he said, was the processing charge.

Chapter 6: The politics of Neighbourhood as Factory

9. A journalistic (and largely elite) view of the parallel regulatory system at work.
  - > This captures the extensiveness and organised structures at play ("A").
  - > Although seen as 'illegal', note that there are limits within which this operate ("B").
  - > There is a close link to the Office / municipal orders procedures evolved out of the Porous Bureaucracy ("C1") and gets incorporated into this ("C2").
  - > Finally, the issue is also linked to the regulations framed by the Delhi Development Authority, a body that seeks to not only control such activities but to maintain their exclusivity in capturing the commercial potential for "their planned commercial centers" ("D"). It is popularly known that the Planned area too is situated in a similar circuit of bribes and agents or "touts".

10.

License for electrical power connections within "un-planned" / "mixed land use" categories incorporated into office orders from the 'Porous Bureaucracy' process				
(Parallel to, if not over riding Master Plan regulations) (From Benjamin 1996, compiled from various MCD documents)				
LOCAL COMMERCIAL AREA	URBAN VILLAGE	HOUSEHOLD INDUSTRY	HEATING & COOLING LOADS	AD-HOC REGISTRATION
<ul style="list-style-type: none"> <li>• Local Commercial areas are identified by the Delhi Development Authority \Municipal Corporation Delhi and the Ministry of Re-habilitation periodically — usually main roads or declared 'Light Industrial Areas'</li> <li>• Power load restriction is upto 7.5 HP.</li> <li>• License is expandable and promotional</li> <li>• Location not allowed adjacent to any medical clinic</li> <li>• Includes light industry, light mechanical workshop, repair shops, cooling and refrigeration plants and service trades.</li> </ul>	<ul style="list-style-type: none"> <li>• Village to be in urban areas.</li> <li>• Typical trades allowed are: Dal (lentil), rice, wheat flour, mill, kutti cutting, cotton carding</li> <li>• Power load is upto 20 HP and nos. of workers upto 10</li> <li>• Expandable license</li> <li>• No license needed inside the 'Lal dora' (village settled area) if power consumption is upto 20HP</li> </ul>	<ul style="list-style-type: none"> <li>• Entrepreneur operating from dwelling unit.</li> <li>• Power load allowed up to 1KW (3KV), raised to 15-20 HP.</li> <li>• Maximum nos. of workers:4</li> <li>• License is granted to listed 38 trade groups of D.F.C list.</li> <li>• Permissible on all floors except basement.</li> <li>• Enterprise should not be more than 300 Sq. ft area.</li> </ul>	<ul style="list-style-type: none"> <li>• For main road enterprises with loads upto 11 KV: A/c showrooms, restaurants, clinics, auto maintenance shops.</li> </ul>	<ul style="list-style-type: none"> <li>• For registration purpose of units in non-confirming areas functioning in a un-authorized way without any license, the units which have come up upto 31.12.89 are eligible (proof of date to be submitted)</li> <li>• <b>Polluting/ Obnoxious/ hazardous units not to be registered (listed under Annexure C in master plan)</b></li> <li>• Maximum ceiling of power is 40HP, increased to 70-80 HP in 1982-83, and 100-120 Hp under Ad-hoc certificate policy of 1990-91</li> <li>• Grant of permission only on Ground Floor.</li> <li>• License is non-renewable or expandable</li> <li>• No change of trade allowed, no passing of factory to Entrepreneurs heirs.</li> <li>• Cases which were booked in un-authorized const. after 10.6.92 shall be kept pending until further instructions.</li> </ul>

The municipality as a locale of such politics is important. Given the rigid forms of legality (and hence property) imposed by Development Authorities, there is a strong political imperative to keep interventions quiet and unobtrusive. Municipal councils, in addressing a constituency whose only asset is the vote, know that if an interpretation of law and administrative guidelines can suffice to initiate upgrading, there is little need to press higher levels of government to legislate for it. Also, as cities get increasingly divided along income lines, politics reflects an alliance between the elite and higher-level bureaucratic and political levels. Most councillors with a constituency in poorer areas realise fully well that seeking to legislate is likely to attract the attentions of the elite, who would use their alliances to pressure government and the judiciary to restrict municipal government from spending public resources in what are, technically, illegal areas. Once such judicial or administrative orders are passed, they do harm by closing up space for any future actions. In a sense, then, we can also see how economic contest between different groups relates to quiet subversion to dilute larger 'vision' based Master Planning.

To understand such quiet processes in a more concrete way, I present in the next set of illustrations, the subversion of the day-to-day by the 'ordinary': a news article on 'touts infesting' the factory licencing office, routine newspaper notices from an agency responsible for electricity supply, a seemingly poorly drafted scrawl of a 75-year old threatening a middle level official, and photos from the semi-covered parking lot of a government office that houses the street level legal 'experts'. For the Master Planners, these are the 'illegal' operatives catering to the Ghost that haunts the image of the planned and orderly city; for the elite, these are touts, the land encroachers and builders, and land mafia of unauthorised construction, the slums staining the imaginary of the grand plan and thus to be cleared away; for big business, these are the pirates, the violators of copyright, the tax evaders.

### **Multiple Fluidity in Fixity**

I now probe deeper into the nature of this 'Quiet Politics' as a way to understand the relationship between the legality of land and economy. Besides the arena of local government as one form of politicisation, another is that of forms of tenure. In this, we see an interplay of two issues. First, that legality is not absolute, but is fluid and shaped by a variety of actions. Academics and practitioners focusing on issues of regularisation (in a vast number of settlements in cities in Asia, parts of Africa, and Latin America) are well conversant with the importance of *de facto* tenure.<sup>1</sup> What turns out to be important is not *de jure* tenure, but rather the *de facto* status of land as impacted by the process of regularisation which influences the 'perception of legality'.<sup>2</sup> Here, upgrading and introduction of better infrastructure and services also means that land is generally more secure against evictions. Second, of critical importance and linked to the concept of *de facto* tenure, is the concept of property itself. Land as an economic terrain, as well as a place for residence and urban relationships, has a fluid materiality. Land is highly material – as seen in the close connections to real estate. Yet, in this very connection to real estate and its supposed 'fixity', lies a powerful fluidity – in the varied forms of tenure. Another material basis to the logic of interconnected tenure is that this underpins the clustering of firms, which in turn

leads to increasing productivity and economic advantage (that, as I argued earlier, underpins municipal autonomy). When first viewed, the uneven distribution of infrastructure in a non-Master Planned settlement seems chaotic, 'slum-like' creating the rationale for 'Planned intervention'. A closer examination of clustering shows, however, that the varied firms that constitute a network of interlinked firms operate their manufacturing and trading activities in direct connection to the varied infrastructure of the particular land parcels they are located on.<sup>3</sup> To put it simply, a firm drawing copper wire from a thicker gauge to a thinner one does not require as high a level of infrastructure, say, as one coating those wires with PVC, or a firm that enamels the finished copper wire for motor winding. Similarly, a small trading outlet selling raw stock of PVC pellets compound (to the insulating firms) requires not high infrastructure but 'market access' on a street corner. Since access to the level of infrastructure impacts land prices, firms locating differently need to sink varied capital investments. It is the ability of a neighbourhood to have expensive and cheap areas in close physical proximity, that allows for the networking of firms to take place.

### **Multiple Fluidities**

'Entrepreneur/Artisan/Worker/Trader/Financier/Political Strategist'

There are other types of fluidities. A closer look at the human face of an economy constituted by clustering small firms shows that we can hardly use the conventional binary of 'entrepreneurs and workers'. Tracing life histories shows that these labels are interchangeable. Workers move on in three to five years to become foremen, and after that, link to a variety of trajectories to start off their own firms in the main line of production, or into capital machinery. Some move to be trading agents. At times, these identities switch. Entrepreneurs and factory owners, even those from the financially astute group of the *marwari* and *bania* (trading castes), need to operate the machines on the shop floor to keep in close contact with the technological options that open up, and to respond to complex and dynamic market demands. Much of small firm finance is driven by complex local mechanisms such as pooled funds linked to real estate markets. These financial systems draw in all – workers, factory owners, renters and land 'owners' – even if in varied degrees. This intimate knowledge of financier circuits, even if power within these is unequally distributed, is critically important to make possible transitions between factory owners/workers/traders/innovators/artisans. Finally, the politics of regularisation implies yet another fluidity of multiple identities. The link between varied land tenure and economy means that those participating in it have a direct stake in the politics of establishing location, of regularisation, and of access to infrastructure. Thus, meetings to decide on political strategy during election time include not only 'landlords' but a variety of other groups, including workers. These last are included not as 'labour', but have chosen to be present due to their direct implication in the form and process of production, as well as in their connection to property via multiple tenure regimes.

In considering the concept of fluidity, I return to consider more closely the issue of 'landlords' and 'tenants'. I suggest that this line is very thin, with a process of switching from one to another. Here, it is important to return to land tenure as a bundle of rights or claims, rather than set in absolute or singular relationships. Often missed out, this view of land

tenure as being a heterogeneous entity needs to also be linked to the concept of 'land controller', to draw from Dharma Kumar.<sup>4</sup> Viewing landlords and tenants as 'controllers' opens up a conceptual space to appreciate the wider distribution of surplus from incrementally developing land markets. This can also help us to view the concept of 'property' in the context of a local society,<sup>5</sup> rather than be boxed in a narrow conception of a homogenous market. The spectrum of land controllers includes property agents, as well as ex-tenants who partake in the increased surplus when land is subdivided, via the division of the security deposit in locally negotiated ratios.

An important point here is that land tenure is usually viewed in narrow terms of residence, separate from its other uses. Also, land is seen as static, deriving from a sense of its fixity. When we open up the land dynamic to include non-residential use intermixed in a fluid way with residence, we can then appreciate that tenure can signify a much broader range of actions linked to forms of regulation that shape its use by a set of actors or agents. Thus, settings like that of Vishwas Nagar, and inherent in figures 9 and 10, are reflections of both forms of tenure (what form of regulations allows you to put the parcel of land to a particular use) and agents (the range of touts, but also other 'fixers', consultants to help an 'entrepreneur' or a land 'owner' adjust that land parcel's characteristics to allow production to happen). I have elsewhere shown how, in the case of Bangalore, poor groups had at least 12 forms of tenure systems to latch on to urban space.<sup>6</sup> If we consider the case of economic settings like that of Vishwas Nagar, each of the categories mentioned in the table of figure 10 can be construed to be forms of tenure settings.

To fully understand the multiplicity of tenure, it is important to connect it back to the politics of daily reality. If regularisation is the way most urban terrain gets access to basic infrastructure, suggests that its politics is not one-off, but extensive across a vast urban terrain. Moreover, in being centred on the actions of the day-to-day, the fluidity of legality implies that such politics is not 'led' by a singular person but rather congregates multiple actors, with a strong though not necessarily leading role played by councillors. Finally, in dealing with the fluidity of legality, its accumulative politics within municipal government has evolved conventions and practices, rather than 'Law'.<sup>7</sup> By this I refer to the administrative procedures that put in motion investment, and the implementation of public works. Since these interventions impact tenure, they in effect also represent a form of law-in-process.

In my descriptions of neighbourhood life, economy and politics, I have posed that the fixity of land is embedded in the fluidity of tenure, which underpins a networked economy, and also has in parallel an intensely material basis. The economy, despite its fixity in space and identity as a location of specialised skills, is constituted by fluidity of identities. This is also paralleled in an intense politics incredibly intertwined with daily life. Residents here take on multiple identities of being residents, political strategists, and activists. These themes of multiple identities mirror the multiple identities of the economy of 'entrepreneurs/artisan/workers/traders'.

### **Moving beyond the *Dirigisme* of State and Market**

Political, social, economic theory, and especially that of planning, has usually framed the urban question from a *dirigisme* of state and market. Fitting into this binary is the location

of 'civil society'. We are led to believe that the local is to be subsumed within a larger structure of the Nation State, or be homogenised, responding passively to the market's vibrating price signals travelling magically through space and location. The politics of the local within this binary is reduced to a 'civil society'. Here, passive locals are led via a progressive and visionary leadership pressing for a 'rights framework', or for 'transparency, accountability, and Good Governance'.

If city building is reflected in such streetscapes, it is useful to reject such binaries, as well as reflect on a mirrored question: What forms of politics of society and city building are envisaged when a larger political project is posed centred around the *dirigisme* of the state and market? Specifically, what does this tell us about the political economy of the constituent groups, including academics who choose to pose issues this way? We know that such political projects are afloat, well-funded, backed by state power at the highest level, and paralleled today with significant corporate might. All this is to contest space occupied by a 'quieter politics'. If so, what does this contest tell us about cities as a political arena constituted by the quiet but subversive economy and society?

### NOTES

1. See Fernandes E. and A. Varley, *Illegal Cities: Law and Urban Change in Developing Countries* (Zed Books 1998); and Durand Lasserre A., and L. Royston, "Holding their Ground: Secure Land Tenure for the Urban Poor in Developing Countries" (*Earthscan*, 2002).
2. Doebele, W. "Concepts of Land Tenure". In *Urban Land Policy: Issues and Opportunities* (Oxford University Press, 1983).
3. Benjamin S. "Urban Land Transformation for Pro-Poor Economies". In *Geoforum*, Volume 35, Issue 2, March 2004, pp. 177-197.
4. Dharma Kumar, *Colonialism, Property and the State* (Oxford University Press, 2001).
5. See Abramson A., and D. Theodossopoulos (eds.), *Land, Law and Environment: Mythical Land, Legal Boundaries* (Pluto Press, 2000); and Sousa Bonaventura Santos, *Towards a New Common Sense: Law, Science and Politics in The Paradigmatic Transition* (Routledge, 1995).
6. Benjamin (2004), *op cit*.
7. Here the work of Karst et al, and Razzaz is critically useful to consider in understanding the process and social implication of law. See Karst, K., M. Schwartz and A. Schwartz, "The Evolution of Law in the Barrios of Caracas", *Latin American Studies*, Vol. 20 (Latin American Centre, 1973, University of California); and Razzaz, O, "Land Disputes in the Absence of Ownership Rights: Insights from Jordan". In Fernandes et al, *op cit* (1998).