Politicizing Urban Land Commons in the Indian Context

The Case of Bangalore and Nagpur

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Commons in the Context of Urban Land

• Meaning of Commons in the context of urban land

• Case Studies
  • Nagpur
  • Bangalore

• Findings & Further questions
Conceptualizing Land & Housing Commons

• Urban land and housing commons as political spaces.

• As spaces constituted by groups with competing interests over land and housing.

• As a social construct: Questions of what constitutes commons and whose commons are shaped by the contestations between different groups to claim land, location and territory.

• Move away from a material conception of land and housing commons (common land (resources); traditional community etc.,
Conceptualizing Land Commons

• Following Peter Linebaugh, the Indian case adopted an approach of understanding commons as a verb.

• Departs from a conceptualization of process as “collective” ownership, management or control (i.e. cooperatives)

• Why so?
  • Specificity of city practices

  • Space does not become political just by virtue of being imbued with powers of competing interests but rather by being a polemical place where established norms of social order can be addressed and equality can be demonstrated

• Locate Commoning as the political process of (re) configuring the claims over urban land to prioritize the use value of majority over the real estate interests.
Practices of Land Commoning

- Bangalore and Nagpur

- Both cases illustrate groups’ actions to shape physical and institutional spaces

- Not only about tapping existing administrative provisions but also, for lobbying for incremental changes in law.

- Variation in Scale, process dynamics and outcomes
Conceptualizing Land & Housing Commons

• Manifests as the practices of regularizing occupancy by groups living or working on various land tenure and settlement categories.

• Commoning as the every day political practices of (re) configuring spaces (physical and institutional) enacted by a group with a shared interest in land/location / land setting.

• Why focus on practices?
  • Allows us to locate the politics of urban land & housing in a milieu of legal and institutional pluralism.
  • Map multiplicity of actors, forms of action, instruments used by competing actors, and the forces influencing the communing process. Actors tap a variety of opportunities in the political, legal and administrative arena.
  • Property acquires diverse meanings - relationship to land at an individual level spurring multiple tenure forms, group’s relationship to territory. While title may be an outcome of the process, the group’s shared interest is to reinforce the claims on location and land settings rather than the real estate interest.
Contested Commoning as everyday political practices of space.

Forms of Actions:
Strike; Petitioning & Lobbying; Attending Khata Mela; Tapping into infrastructure; Securing ID card or Voter List & Voting; Physical Consolidating; Reports on Encroachments; Socializing with the MLAs; Applying.

Circuits of Engagements:
Settlement / Occupancy Mobilization; Dalit Sangarsh Samati (DSS) / Pol Party Circuits: Cong./BJP/ JD: MP- MLA- Councilor – Local Leader Caste Networks

Logics / Outcomes:
Boost Occupancy
Get Basic and later more advanced Services
Evictions in whole or in part; Accessible Administrative or Political Space

Actors:
Panchayat; CMC and TMC Councils; Political Leader; Senior Administrative Report Policy; Squatters; Sub-Registrars Office; Revenue Site Holders; Brokers & Fixers; Courts; Advocates

Instruments:
Ration Card, Electricity & Water Meters; Stamp and Registration Act; 94-C → 94CC; 11-B BBMP; Tatkalika (Temporary Hakku Patra, Master Planning Green Belt declaration; Local Body Elections; Cut-off Dates Re-convey Scheme; Stay-orders
Practices of Land Commoning

**Land & Housing Typology**

**Bangalore**
- Master Planned Layouts
- Employee Co-operatives
- Residences on Village land
- Private land Subdivisions (revenue layouts)
- Squatter settlements
- Resettlement colony

**Nagpur**
- developments on erstwhile village land annexed into the city
- land under village administration (Gauthan),
- privately developed layouts on agricultural land (Gunthewari),
- densely developed old parts of the city (Abadi designated as slums),
- squatter settlements.
• Located in the Western Indian State of Maharashtra

• Winter Capital of the State

• Third Largest city

• Population of 2.5 million within municipal limits and 4 million in the metropolitan area

• Covers an area of 225 sq.km (within municipal limits) and around 4500 sq.km (metropolitan area)

• Carved out of Madhyapradesh in 1953

• 50% Maratis and 50% from other regions

• Known for orange production and marketing

• Location of industries (CISCO, Reliance), solar energy industries and warehouses
Practices of Land Commoning

• Gunthewari: Developments on Agricultural Land

• Gunthe: Measurement of ¼ of an acre of agricultural land

• Layouts developed by or with the consent of a land owner; involves forming roads (but not metalled or tarred) and cutting plots.

• Status influenced by compliance with two regulation: Land Revenue Act (Maharastra Revenue Code) and the Town Planning Act
# Practices of Land Commoning

<table>
<thead>
<tr>
<th>Year</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>GR for one time regularization of housing development on Gunthewari Plots</td>
</tr>
<tr>
<td></td>
<td>Introduction of Gunthewari Act</td>
</tr>
<tr>
<td>2007</td>
<td>Applications collected under 2007 through extensions via government regulation</td>
</tr>
<tr>
<td>2011</td>
<td>Legislation prohibiting amalgamation of plots on gunthewari layouts to build multi storey residential complexes.</td>
</tr>
<tr>
<td>2013</td>
<td>Announcement of a uniform charge for regularization of layouts, which was three times the fee levied in 2001. Regularization scope extended to developments on left over parts within a layout formed before 2001, residential layouts affected by mega development projects and development on green belt.</td>
</tr>
</tbody>
</table>
### Practices of Land Commoning

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</table>
| 2014-16 | Court cases restricting gunthewari development. NMC and NIT review application on a case by case basis.  
Transfer of squatter settlements from NMC to NIT to be regularized along the same lines of Gunthewari Act.  
Mooted of the formation of Nagpur Metropolitan Development Authority  
2016: Another amendment to regularize gunthewari layouts formed after 2001 and squatter settlement was introduced as earlier amendments allowed for regularization of layouts formed before 2000. |
| 2017 | Formation of Nagpur Metropolitan Development Authority and issuance of regularization notices – particularly to high rise development. |
## Practices of Land Commoning

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<tr>
<td>2018</td>
<td>Formation of Nagpur smart and Sustainable city Development Corporation, a special purpose vehicle formed under the Smart city mission. Announces an area development plan for regularization of Gunthewari layouts in the outlying wards of the city.</td>
</tr>
<tr>
<td>2019</td>
<td>Abolition of the Nagpur Improvement Trust. No progress in regularization because of conflict between NIT and NMC over regularization process.</td>
</tr>
<tr>
<td>2020</td>
<td>Resolved in favour of NMC, which will be in charge of regularization.</td>
</tr>
</tbody>
</table>
Practices of Land Development

• 2018- 2019
  • Gunthewari regularization shaped by interaction of different projects
    • Nagpur Smart city mission
    • Nag River Beautification Project (funded by JICA and French interest)
    • Regularization through area based development
  • Institutional contestation : who is in charge of regularization?
  • Contestation linked to pressure from constituencies (sometimes resulting in PIL’s challenging the formation of NMDA by activist-councillor alliance)
Area Based Development Proposal

Retrofitting 951 Acres Pardi-Bharatwada-Punapur using Town Planning Scheme

<table>
<thead>
<tr>
<th>#</th>
<th>Components</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Number of properties (approx.)</td>
<td>15000</td>
</tr>
<tr>
<td>2</td>
<td>HH size</td>
<td>4.5</td>
</tr>
<tr>
<td>3</td>
<td>Total population (approx.)</td>
<td>63000</td>
</tr>
<tr>
<td>4</td>
<td>Properties falling under green belt/no development zone (approx.)</td>
<td>7000</td>
</tr>
<tr>
<td>5</td>
<td>Open area in the delineated zone</td>
<td>200 acres</td>
</tr>
</tbody>
</table>
Practices of Land Commoning

Figure 1: Example of a TPS: 'before' and 'after' scenario
Practices of Land Commoning

• Brownfield development (undertaken after 30 years)

• Ground Realities
  • Betterment charges (double than the 2013 regulation)
  • Mutation of plots not shown in cadastre and shown only in property card. When TP schemes are overlaid, plot owners on one side of the layout lost more land.
  • Formation of TPS roads shaping differential outcome for plot owners. What happens to owners whose sites are now reserved for community amenities?
Practices of Land Commoning

• Ground Realities
  • Ambiguity in ownership
  • No man’s land or disputed land parcel
  • Continuous development of new structures
  • Problem of land acquisition for reorganizing the layout

• Cases heard by special arbitrator
Land Commoning in Nagpur

• Squatter Settlements (listed) 424 settlements.

• 296 are notified settlements and others are non-notified

• Located on the following types of land
  • Public and Private
  • Nazool (land held by state and allotted to people either through auction or leasehold; still seem to be state holding), manzool (reserved land), Jori-jungle (forest land, shrubs, wooded development, unsurveyed number), river bed / catchment area (nazool).
Practices of Land Commoning

• 2002:
  • Government Regulation to issue titles
  • Mandatory to form cooperatives
  • Cooperative control of land

• 2002 - 2006
  • Not much progress
  • Difficulty in forming housing cooperatives
  • NOC from land owners
  • Clarity on the number of cooperatives particularly in large slums

• 2007
  • Implemented in the then chief minister’s constituency
  • Elected representative (MLA and lawyer by training)
  • 165 pattas of 1200 households till date
Practices of Land Commoning

• 2007
  • Regularizing the Layout plan (TP Scheme)

• 2013, 2014:
  • Amendments to the GR for providing pattats on individual basis
  • Applied to squatter settlements predominantly on the Nagpur Municipal Corporation land
  • Outcome of lobbying by the non-governmental organization and federation of slum dwellers (YUVA for example)

• 2016
  • Two new GRs (Government Regulation) for providing housing and lease rights to slums on the land owned by Nagpur Improvement Trust (dated 16 July 2016 and 24 August 2016).
Practices of Land Commoning

• 2017
  • Government Regulation to provide housing and lease rights to residents of squatter settlements on Nazool land

• 2018-2019
  • 3 amendments to the Nagpur Municipality Act to pave way for the lease and housing rights of squatter settlements on Nazool and Manzool land.
  • Restriction of political space: PIL by other groups in the high court against the regularization of occupancy on nazool land in 2012 and in 2016

• Lobbying and collective mobilization
Case 1: Squatter Settlement

- Virupaksha Colony
- Administratively declared as gomala land
- 1200 households
- 3 groups
  - Tenants from a nearby village (Bettarayanpura).
  - Migrants from other parts of Karnataka (Palace Ground)
    - Village residents
- Heterogeneous language group
Virupaksha Colony
Virupaksha Colony
**1979-90: Transformation of Gomala Land (Local-Regional Politics)**

- Protests by Dalit groups to allot land to the community (1977).
- Demand for allotting the gomala land for housing and cultivation.

- Election of Devraj Urs (congress) to office
- Appointment of three Dalit leaders – as ministers: Basvalingappa: radical Dalit leader as revenue minister

- 1979. creation of jakkur layout in part of gowmala land. 500 sites to Dalit/poor households via Land Grant scheme
- Allotment to land to temple Poojari and Wood Measurement Institute (1990)
- Remaining 3 acres + rajkaluve (storm water drain)

- Squatter Settlement facilitated by Dalit Sangarsh Samiti come up
- Start of Land sales and thatched huts, Transforming marshy land
### Transformation of Gomala Land: 1991 -1996

- **1994 -96: Conflicting Narratives**
  - Remaining part of gowmala 3 acres claimed by Jayaprakash Naryanan (JDS Yelhanka MLA) Trust for school
  - DSS and squatters agitate and foil attempts to reclaim the land
  - Two attempts of eviction but settlers reclaimed the land
  - Meeting with then Congress Minister Bangarappa (pro-regularization)
  - Death of the MLA and trust dropping efforts of reclaiming land

- **1995 : Electricity connection**
  - Identity Documents and Address Proof (Ration Card)
  - Applied on the basis of their Children’s school address
### Virupaksha Colony: 1996 - 2008

**1996 - 2000**
- Election of Deve Gowda to office
- Introduction of 94C Amendment to the Regularization of Unauthorized Construction in rural areas (1999)
- Yelahanka Taluk Office opens application for regularization (2000) under 94C

**2001-2005**
- 350 households in Jakkur get hakku patras/title deeds from the then Chief Minister. Overall in city around 25,000 hakku patras

**2006**
- Announcement of Arkavathy Layout in Jakkur
- Agitation to extend the deadline for 94 c plus bring in separate amendment for regularization of occupation in urban municipal limits
Virupaksha Colony

<table>
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<tr>
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<tr>
<td>• 2013: Amendment 94CC to the land Revenue Act during Congress Regime for regularization of occupation in urban municipal limits</td>
</tr>
<tr>
<td>• 2013: Invitation of application by Yelankha District Revenue Office for hakkupatras</td>
</tr>
<tr>
<td>• 2017: issued BBMP khata (property tax document) to the first set of allottees.</td>
</tr>
<tr>
<td>• 2015: Scheme finance for house construction for temporary hakkupatra and land on Rajkalve</td>
</tr>
<tr>
<td>• 2017-18 temporary hakkupatras to 180 households</td>
</tr>
</tbody>
</table>
Land Commoning : Bangalore

- Law Thickens with Time
  - Land under the administration of the Revenue Department
  - Mobilized the provisions in two acts: Karnataka Land Revenue Act 1961 and the Karnataka Regularization of Unauthorized Construction 1991
  - Provides space for residents of squatter settlements and privately developed layouts to on the city’s outskirts to regularize the land development
  - Act’s Preamble: acknowledges the inability of the development authority to produce serviced plots for all citizens and the need to regularize occupancies.
# Land Commoning in Bangalore

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<tr>
<td>1961</td>
<td>Introduction of land reforms act to provide security to tenants against eviction and to prevent landowners from taking away plots which their tenants had cultivated.</td>
</tr>
<tr>
<td>1974</td>
<td>Amendment act and strengthening of individual tenure security to farmers</td>
</tr>
<tr>
<td>1990</td>
<td>Introduction of 94C for regularising occupancy on land with built structures</td>
</tr>
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# Case: Land Commoning in Bangalore

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<tr>
<td>1990</td>
<td>Section 95 of the Revenue Act, an occupier of agricultural land has the right to construct, either by himself or through his legal representatives or subordinates, any structures for the improvement of cultivation of the land.</td>
</tr>
<tr>
<td>1998</td>
<td>Section 94B</td>
</tr>
<tr>
<td>1999</td>
<td>Section 94C regularisation of unauthorised dwelling houses constructed on Government land, constructed prior to 14, April, 1998 outside the municipal limits (Rural land).</td>
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<td>2009</td>
<td>Scheme closes after several amendments from 2000 (CAG report 2010).</td>
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<td>2012</td>
<td>Section 94CC introduced and passed by both houses. Grant of land in the case of unauthorised construction of dwelling houses in government land in urban areas.</td>
</tr>
<tr>
<td>2013</td>
<td>Objection by the governor who returns the bill noting that it does not serve any public good or social cause. On the other hand, it may lead to illegal grabbing of government land.”</td>
</tr>
<tr>
<td>2015</td>
<td>Enforcement of section 94CC</td>
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Practices of Land Commoning
Land Commoning in Bangalore

• Amendments in response to pressure from political constituency.

• Specificity of the time /space politics

• Dalit Mobilization and the movement’s connection to the Regional Politics.

• Community based mobilization (Karaga) at the city level and notions of relationship to land /territory.

• Field bureaucrats (revenue Department)
Conclusion

• Conceptualizing common(ing) as political practices of constituting space (physical and institutional)

• Contextual specificity (where co-operatives was limited)

• Contestation over land which involves the meaning of commons. Understanding land and housing claims as a group process, as a process shaped by competing interests of different groups.

• Competing groups tap into, seek to shape institutional spaces (administrative, political and legal spaces)

• Forces shaping the regularization policy: Political space – here that shapes the institutions. Process and Outcome influenced by contextual specificity (tenure, opposition from competing actors in the city, political regimes, interaction of plural laws and institutions)
Conclusion

• Process and the outcome
  • Meaning of property

• Focus on outcome: questions the relevance of commons in the two cases

• Outcome not limited to title but one of expanding the boundaries of law and property.