Subaltern urbanism in India beyond the mega-city slum: The civic politics of occupancy and development in two peripheral cities in the Mumbai Metropolitan Region
van Dijk, T.K.

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CHAPTER 8: OCCUPANCY URBANISM BEYOND THE MEGA-CITY SLUM: OCCUPANCY, DEVELOPMENT, AND MUNICIPAL CITIZENSHIP

Many studies of spatial politics and practices in Indian cities focus on slums or gentrification in the context of policy strategies towards ‘world-classing’ and ‘slum-freeing’ cities. Such studies place the contradictions and conflicts between subaltern urbanism and neoliberal urbanisation as key for understanding the contested terrain of spatial authority in urban(ising) India (Roy, 2011a). The aspirations of capital interests, ‘bourgeois’ middle-classes and the increasingly entrepreneurial state’s planning, disciplining, public-private-partnering its way to a modern and slum-free city (cf. Bannerjee, 2013; Ghertner, 2011b; and Goldman, 2011) are variably countered by subaltern spaces (i.e., slums) and spatial politics (i.e., vote-banks) attributed mostly to the creativity, endurance, and resourcefulness of the urban poor. Chatterjee’s (2004) ‘political society’ is an account of the civic politics of those whose livelihoods and residences are illegal or unsettle the vision that modern and orderly cities are within reach. These ‘populations’ must negotiate informally with local government for contingent arrangements to draw piecemeal and ad hoc locality development and to guard their occupancy in the city. Chatterjee argues that political society persists both because the majority of Indians cannot participate as “autonomous and deliberative citizens” within civil society because of their lack of resources, and because many aspects of their livelihoods and residences contravene private property relations and development codes. Benjamin’s (2008) “occupancy urbanism” refers to the informal to illegal appropriation of services, land, and markets by the poor, which is managed through negotiating for local political and bureaucratic facilitations of services and protection against intermittent threats of service removal, demolitions and evictions in exchange for votes and fees. In the urban drama outlined by Benjamin (2008), the urban poor engage political society to build up and protect claims with a ‘socially embedded’ local state, and on the other side the middle-class and elite citizens, developers, and financiers engage higher-level state actors in the ‘policy arena’ to build-up and protect property rights and to accumulate exchange value. ‘Vote-bank politics,’ where the poor can offer ‘guaranteed voter lists’ in exchange for protection of their ‘occupied terrain' become obstacles to modernisation from the purview of urban planning, real estate developers, citizens desiring orderly cities, and more recently the courts (ibid.).

Occupancy urbanism describes poor settlements as, “autonomous but engaging the state” (ibid.: 726). However, it does not go into how and why formations develop as enclaves with the capacity to engage the state from an ‘autonomous outside.’ Subaltern urbanism, in general, seems to imply that this autonomy is an aggregate
effect of the poor’s livelihood tactics and micro-subversions that overtime creates these enclaves ostensibly insulated from elites, statutes, and civil society norms (Sheppard et al., 2013: 897). Local power-relations, which shape both practices within political society and forms of occupancy urbanism, are marginalised. Formations, like slums, are constituted from multiple material, social, and political processes and practices (cf. McFarlane, 2011a). ‘Vote-bank politics’ and the resilience of the poor should not be given a priori significance. The extent to which political actors, who deal with residents through political society institutions, may have their own spatial projects and power plays, and how these come to bear upon formations, have the capacity to contest, subvert, or enable state and capital projects. This chapter focuses on comparing the political institutions and material processes shaping forms of occupancy and differences in locality development across three types of urban formations: slum, gaothan, and standard. Locality development refers to the combination of housing, along with the basic services and infrastructure associated with serviced urban land. The goal is to gather insights into the ways in which dealings between supply-side governance actors and residents in political society shape municipal spatial authority and municipal citizenship.

Practices associated with occupancy urbanism are not limited to the poor (see Roy, 2009). People from various socio-economic backgrounds leverage contacts, relations of reciprocity, status, and/or the ability to pay along with rights and formal procedures when dealing with state authorities and functionaries (cf. Ranganathan, 2013; Nainan, 2012). The majority of buildings in Indian cities are ‘unauthorised’ and the majority of spaces ‘non-planned,’ i.e., they do not comply with tenure, layout, construction, services, zoning or other statutory requirements set by various state acts and agencies (Bhan, 2013). Roy (2009) argues that informality is a mode of urbanisation, with both land acquisition and regulation processes rooted in illegality, ambiguity and exceptionality that is used by the state to reproduce ‘flexible territorialisiation.’ For ownership and regulation to remain flexible, cities must be kept sufficiently, “unmapped…a context marked by the absence of centralised, agreed upon, knowable, and locatable land records, an absence that makes it impossible to fix land ownership and thus land appropriation and transfer” (Roy, 2011b: 100). This indicates that the state’s flexible territorialisation is in dialectical relation with occupancy urbanism. On this theme Shatkin et al., (2014) argue that since:

The state has frustrated the ambitions of corporations, consumer citizens, and others who covet a vision of global urban transformation and the commodification of urban space...these goals have progressed through a second channel...a multitude of localised mutations of state-society relations, which have emerged as local actors have looked for opportunities in the fissures of power at the municipal level to gain pockets of urban political influence, and to reshape urban space and infrastructure (emphasis mine: 5).

An interesting question is to what extent this ‘second channel’ differs from the occupancy urbanism associated with slums and facilitated through political society? If political society refers to informal, ad hoc, contingent negotiations and arrangements with the local or localised authorities around securing land, development, and
occasional efforts to reshape urban spaces more extensive and intensively, it becomes a layer of spatial and civic politics that extends beyond slums. In this context, subaltern urbanism becomes the various ways individuals or groups appropriate, occupy, negotiate, or encroach to establish themselves in the city. These processes require entreating municipal officials and staff to either ignore transgressions, or to stealthily facilitate them, thereby implicating government in subaltern urbanisation and subaltern urbanism. How thick or extensive this layer of civic politics is (i.e., in how many sectors or domains is it found and with what capacity and function) within different types of formations, and between formations and the municipality, along with the conditions that enable this, needs to be examined.

8.1 Municipal Citizenship: Residency and Access to Services

To legally qualify for the benefits of municipal citizenship, namely serviced land and tenure or occupancy protection, one should dwell in an authorised residence. In Maharashtra this is evidenced by possession of an ‘occupancy certificate’ issued by the local civic body once a building is ready for habitation and approved to access municipal services (see box to the right). It is proof that the building is a legal construction with all the requisite approvals from government authorities. Use of municipal services without this document is illegal, and the building is then considered unauthorised. This criterion is clearly not universal. All areas within the territorial jurisdiction of the two municipalities studied access municipal services (albeit of varying quality) while most are not in possession of legitimate occupancy certificates.

In a governance context where occupancy certificates have not been issued for most structures, and where the granting of exceptions seems to be prevalent but not formalised or transparent, then the sovereignty of the municipality, while formally dominant, is not prevalent across its territory nor uniformly articulated. Sovereignty, in general, is the capacity to take decisions and to implement them collectively—to govern

**Section 263 of the Bombay Provincial Municipal Incorporation Act**

Completion certificates: permission to occupy or use; (1) Every person shall, within one month after the completion of the erection of a building or the execution of any such work as is described in section 254, deliver or send or cause to be delivered or sent to the Commissioner at his office, notice in writing of such completion, accompanied by a certificate in the form prescribed in the by-laws signed and subscribed in the manner so prescribed, and shall give to the Commissioner all necessary facilities for the inspection of such building or of such work and shall apply for permission to occupy the building.

(2) No person shall occupy or permit to be occupied any such building, or use or permit to be used the building or part thereof affected by any work, until permission has been received from the Commissioner in this behalf.
(Davis, 2012). We are interested in both the territorial basis of different sovereignty arrangements related to the granting of occupancy and structuring of locality development in practice, and the political institutions that mediate between the governed and those who govern occupancy and locality development in three common urban residential formations: slum, gaothan, and standard. Following Lund (2011) establishing occupancy and accessing basic services indicate operative political institutions, because these acts rest upon claims, whether rights-based, exchange-based, or morally-based, on local authorities, which, when met, imply recognition of the claimant’s political subjectivity as being that of, for example, citizen, client, serf, denizen, or consumer.

Local authorities in this chapter are any actor (individual or collective) that exercises sovereignty over occupancy and locality development. This suggests that different types or degrees of occupancy urbanism exist, under different sovereignty arrangements within the city. These arrangements become spatially articulated in forms of occupancy and forms of locality development. This chapter looks at to what extent political society actors, by what bases of authority and by which practices, are effectively structuring and granting occupancy and governing locality development within these three types of formations. Stated differently we are interested in mapping the de facto political geography constituting forms of occupancy, municipal citizenship and locality development. Figure 23 shows how occupancy urbanism was operationalised for this study. To explore this we focus on:

- What aspects of municipal formation enable political society, and to what extent do political society actors compromise the spatial authority of the municipality?
- How and to what extent are occupancy arrangements and locality development being governed by political society?
- Through which political institutions and practices are political society actors connected to residents in different formations?
- Do political society actors have their own spatial interests or projects, and how do these come to bear upon formations in terms of the power dynamics of civic politics?

The rest of this chapter proceeds as follows. First we trace the process of municipal formation that enables an expansive territorialisation by political society actors. Then we move to how occupancy is structured and locality development governed in slum, gaothan, and standard formations to both see to what extent such formations can be considered enclaves (autonomous) within the municipality, to trace the sovereignty arrangements and political institutions that produce this distance (to the extent it exists), and to discern how these shape civic politics, municipal citizenship in particular. In conclusion, the three types of formations are conceived in terms of
their occupancy urbanism properties, and findings are discussed in reference to subaltern urbanism and urbanisation more generally.

Figure 23: Occupancy Urbanism Operationalised

8.2 Municipal Formation

Thirteen years after the establishment of the Mira-Bhayandar Municipal Corporation and 20 years later for the Kalyan-Dombivli Municipal Corporation, many municipal services and responsibilities are not closing in on established benchmarks (KDMC, 2007; MBMC, 2008; Ganesh, 2009) or following established directives or protocols. MB has yet to submit its by-laws to the state government for ratification. A recent audit by the Comptroller General of India noted the complete absence of internal checks in the departments audited (GoIb, 2011). When discussing why this with our municipal contacts, we were shown, on three occasions, internal memos or letters to officials at the Department of Urban Development or the Directorate of Municipal Affairs asking for waivers due to local conditions and capacity issues. For example, when inquiring why a slum notification process never happened, and how it was that while JNNURM-BSUP (Basic Services for the Urban Poor) funds are for notified
slums, both municipalities are set to embark on slum redevelopment projects, a
document like this was briefly shown to us. Another condition of the JNNURM is
that each family in slums slated for development is only allowed one resettlement flat,
and occupancy rights are to be in the name of an adult female. These protocols are
not followed. One of the de facto landlords of a slum in our study, showed us 15
promissory slips his family had received, given that they ‘own’ many of the shops and
residences in the slum. When told to look at the biometric surveys carried out for
project-affected-people, only two women (widows) were listed as beneficiaries of
resettlement flats. When discussing this issue with the municipal official responsible
for overseeing BSUP related plans, another sort of internal waiver was presented
briefly. While these waivers may not hold up under legal scrutiny, they function in
practice to enable flexible implementation.

As discussed in chapter 3, the official mechanisms for converting plots and areas to be
in line with plans, codes, and benchmarks received very limited use in these two cities.
Rather, the process of aligning existing formations with plans and statutes is worked
out within a setting of fragmented sovereignties. Most formations came under the
jurisdiction of formal urban government structures quite some time after their initial
development. The actors and institutions exercising spatial authority in these areas
are separate from, or only intermittently integrated, with the state. This means that
regularisation, the process of turning unauthorised constructions or non-master
planned areas into authorised areas and structures, is also a mechanism for
establishing municipal sovereignty, by interjecting it into the materialities of residents
and into pre-existing sovereignty arrangements. In both our case cities many netas
and landowners did not willingly abdicate their authority, but rather saw the
establishment of municipalities as opportunities to strengthen their position. They
acted on such opportunities by positioning themselves as gatekeepers or brokers
between Municipal Commissioners and other state appointed officials, municipal
officials, residents and other local interests, by running for municipal councillor or
fielding a candidate loyal to them, and by fixing recruitment so that many lower to
mid-level staff positions within the municipality are filled by people tied to them by
choice or necessity. Those who managed de facto authority over laissez-faire
urbanisation and the distribution of its profits, rents, and other values have been
important actors within municipal incorporation from the beginning. This amorphous
group of netas, local politicians, builders, contractors, land owners/controllers, and
various small-time political operators, become known locally as the ‘land mafia’ after
municipal notification and become known academically as ‘political society.’ For
government officials, the colloquial construct of ‘mafia’ allows the blame of past and
present laissez-faire development to be externalised from state institutions and actors.
This offers another level of meaning to the admonishment we received from an
Assistant Municipal Commissioner, who said, “you are looking for lines that don’t
exist in practice! There is no line between the land mafia, developers, politicians, and

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83 local elite who brokers information and resources between his locality and various government agencies and actors
bureaucrats…” For him the lines do not exist because there is a revolving door between ‘land-mafia’ actors and the elected and hired posts of the municipalities. The establishment of the municipality did not thwart these actors significance in civic politics, but, somewhat paradoxically, increased it.

Officials appointed by the state, like the chief municipal commissioner, chief city engineer, and transport officer, normally carry out three-year terms, during which they are rarely incentivised to bring the everyday entrenched practices in line with protocols and statutes. Figure 24 lists some of the powers vested at the municipal level relevant to our study. The municipality can enforce new and existing plots to meet standards, if they choose to initiate this process.

Figure 24: Powers Vested in the Chief Municipal Commissioner

<table>
<thead>
<tr>
<th>Some of the Powers Vested in the Commissioner from The Bombay Provincial Municipal Incorporation Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>164. Commissioner may enforce drainage of undrained premises situate within hundred feet of municipal drain</td>
</tr>
<tr>
<td>165. Commissioner may enforce drainage of undrained premises not situate within hundred feet of municipal drain. New building not to be erected without drains</td>
</tr>
<tr>
<td>178 A. Power of Commissioner to require owner to provide water-closet or privy accommodation</td>
</tr>
<tr>
<td>185A. Power of Commissioner to provide house drain, water connections, etc. in premises where owner is not willing to do so</td>
</tr>
<tr>
<td>200. Prohibition of fraudulent and unauthorised use of water (1) No person shall fraudulently dispose of any water supplied to him by the Corporation. (2) No person to whom a private supply of water is furnished by the Corporation shall, except when the water supplied is charged for by measurement, permit any person who does not reside on premises in respect of which water-tax is paid to carry away water from the premises to which it is supplied (3) No person who does not reside on premises in respect of which water-tax is paid shall carry away water from any premises to which a private supply its furnished by the Corporation, unless, in any case in which such supply is charged for by measurement, he does so with the permission of the person to whom such supply is furnished.</td>
</tr>
</tbody>
</table>

The territoriality of municipal sovereignty is kept flexible and uneven not only by political and economic calculations of state actors (as argued by Roy 2009) but also by localised control of resources and structures of access that influence the pace and magnitude of municipal consolidation of spatial authority over its territory.

However, there are times when the level of ‘corruption’ enabling laissez-faire development pushes the GoM to act. In 1999 the Municipal Council of Mira-Bhayandar was dissolved and officials from the District Collectorate of Thane took
over temporarily. During that time they demolished approximately 200 unauthorised buildings. In 2006 the GoM's Urban Development Department (UDD) issued a directive to KDMC to charge owners of illegal buildings or flats 500 rupees per square foot to become regularised. The directive also stated that instead of eviction and cutting off services, double the property tax could be levied as well as double water tariffs to deter future unauthorised development. Ostensibly, the point of this was to dissuade future buyers from purchasing unauthorised properties. Pressure to act presumably came from the Bombay High Court in response to a Public Interest Litigation (PIL) related to rampant illegal construction in the city. The UDD took their directive verbatim from the 1988 Kakodar Committee Report, which discussed in detail how ‘the entire KDMC machinery worked in collusion with developers and builders to construct more than 2,500 illegal buildings’ (Varghese 2006). These efforts to discipline MBMC and KDMC, builders, and flat purchasers were in vain, and unauthorised development on private land and encroachments on public land continue largely unabated (cf. Nair 2011b). Another PIL filed in 2007 (originally targeting unauthorised construction in the Vasai-Virar area of the Mumbai Metro Region) prompted the Bombay High Court to demand surveys of unauthorised construction and encroachments in all municipalities within the Thane District. The court also ordered statements from relevant authorities regarding their plans to address this issue. Through this process, and the media attention it attracted, it came to light that unauthorised construction and encroachment are still the norm in these cities and that municipalities remain unable or unwilling to stop these practices. Estimates range widely from 25 percent to 75 percent of development in KDMC and MBMC being unauthorised.

Labelling a flat, building, floor or entire plot unauthorised reveals as much as it conceals. It can apply to:

- structures missing some required documents and permissions (administrative irregularities),
- structures with documentation, but that do not actually adhere to the plan sanctioned by the buildings department (technical/physical infractions),
- structures on areas clearly reserved or zoned for something else, thus illegal both procedurally and geographically, and
- those structures where some of the documents are contradictory, fraudulent, missing or rubber-stamped (issues of corruption, institutional fragmentation and staff capacity).

Surveys submitted to the High Court (pursuant to the 2007 PIL Case 14-2007 mentioned above) were either internally produced or internally sanctioned. After a few years of the blame game and creating plausible deniability, for example: residents blaming municipal authorities and developers; municipal authorities blaming purchasers, developers or the ‘land mafia'; politicians blaming bureaucrats and vice versa; appointed officials blaming municipal hires and vice versa; authorities claiming ignorance or capacity issues; and developers conducting business as usual—all the
authorities in question, according to the statements included in the resolution of the 2007 PIL Case 14-2007, opted for demolition over regularisation. Municipal Commissioners have requested special courts and police offices to more quickly carry out a demolition and eviction campaign. This means that owners or leasers will be punished, rather than civic authorities, builders, developers and landowners. If the smattering of demolitions, so far, are any indication, if residents cannot produce their 'occupancy certificate' this is grounds enough for the municipal authority to demolish under the MRTP. If the owner or occupant wants to sue the developer, original flat owner, or landowner for damages, this is a separate issue that need not stall the demolition. The lawyer representing the petitioner of the 2007 PIL is surprised at this 'sea change.' He thought that the state would opt again for wide-ranging regularisation. However, he is not surprised, that at the end, ranks were closed and a path chosen that largely spares officials, politicians, builders, and developers. Most important for our argument here, this situation indicates that the occupancy of non-poor, non-slum dwelling residents in the city is not nearly as settled as discussions of subaltern urbanism implies. The legality of residents across different formations can become tenuous and susceptible to intervening factors, such as a PIL, increased media coverage, or changes in development code regulations. Most buildings consist of ownership flats, most of which did not register their cooperative housing societies, companies, or trusts because they lack all of the necessary documents (cf. Nair, 2009). Although it is impossible to know actual numbers, given the lack of integrated digitisation and computerisation in the buildings department, an engineer at KDMC disclosed that in the past seven years he issued many 'Intimations of Disapproval' and 'Commencement Certificates,' but very few 'Occupancy Certificates,' and he does not remember issuing any 'Building Completion Certificates.'

Officials of the Thane District Office of Housing Societies and the MB and KD Housing Society Associations said that majority of residents of flats likely do not possess occupancy certificates. Most residents think that the contract between them and the promoter or original owner suffices. When owners want to track down developers or builders years later in order to demand title conveyance, or in order to make use of FSI changes for redevelopment, or because they risk possible demolition, because of lack of occupancy certificates, many cannot be reached or cannot be bothered. The result is that many may find their municipal citizenship on precarious ground.

According to the last census slum households have increased 159 percent over the last decade in KDMC and 59 percent in MBMC (Indian Express, 2013). Slums in addition to being viewed as encroachments on the property of others (state or private)

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84 Evidence on these issues in Mumbai confirm these contradictions with a RTI query showing perhaps only 48% of buildings whose building permits were approved went on to obtain occupancy certificates Suryawanshi 2013). Also, for 90 percent of cooperative housing societies in Mumbai, the actual holder of title is uncertain (Rao 2012).

85 The Maharashtra Ownership of Flats Regulation of the Promotions of Construction Sale, Management and Transfer) Act defines the “promoter” as the person who constructs or causes to be constructed a block or building of flats or apartments for the purpose of selling some or all of them to other persons, or to a company, co-operative society or other association of persons, and includes his assignees; and where the person who builds and the person who sells are different persons, the term includes both.
are also considered to be areas of deprivation and haphazard structures unsuitable for habitation. Gaothans (urban villages) that were present before municipal incorporation are labelled non-formal. What developments landowners are allowed to carry out in gaothans remains fairly unregulated, and it is not uncommon for parts of gaothans to be identified as slums due to status of structures and services. Where the recognised gaothan begins and ends remains in practice negotiable. Gaothans in areas notified as urban technically refer to the portion of the land of the village, which was used for housing as determined by section 122 of Maharashtra Land Revenue Code. During site visits and interviews, it became clear that the areas recognised in practice as part of a gaothan, and thus mainly under the control of landlords, extended beyond the areas originally built up.

Both municipalities show many signs of incomplete consolidation of authority over their territory as evidenced by the following: level of unauthorised construction, increasing slum population, creeping gaothans, limited progress or no progress in reaching benchmarks and service protocols, rampant rule breaking, bending or non-utilisation, and hiring irregularities. How political actors occupy these governance gaps (or structural and cultural holes) and lapses in regards to occupancy and locality development is the focus of the next section.

8.3 Occupancy and Basic Services in Slum, Gaothan, and Standard Formations

Each formation reported the same top three basic service concerns: water, garbage, and gutters and drainage. However, as figure 25 shows, few people reported going directly to the municipal department responsible. The majority of survey respondents in all formations go through fixers and brokers. Contrary to prior research on state-society relationships across classes, the municipal councillor (MC) was the top channel for municipal services and grievances in gaothan and standard formations, but not in slums. This prompted further inquiry.

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86 In total 550 households were surveyed: 200 slum residents, 100 gaothan residents and 250 standard residents.
Figure 25: Pivotal Actor for Basis Service Issues

**Slum**
- Councillor: 21
- Middleman: 42
- Partyworker: 14
- Municipal Contact: 11
- N/A: 12

**Goathan**
- Councillor: 95
- Municipal Contact: 2
- Middlemen: 3

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*169*
**Slums**

The MCs in three out of the four slums included in our sample failed in the minds of residents. In slum (98) they opted for the candidate who was offering the most money for votes. He ended up only being interested in using his position to benefit his family’s construction business. In slum (36) they decided to vote for ‘one of them’ (i.e., a man from a backward caste who lives in the ward). He proved ineffectual in dealing with internal conflicts within the ward and in developing connections with municipal departments. Being the only BSP councillor elected, no one bothered networking with him, making it difficult for him to motivate officials or staff to act on his requests. When one section of his ward went from getting one hour of decent water pressure a day to barely 30 minutes, they discovered that he had okayed an additional line to a different part of the ward. When they approached him he told them to contact the plumber to arrange another connection. When this did nothing to address the pressure problem, they returned, but at this point he washed his hands of it. Over his term, he came less and less to his office. Residents with good relations to the de facto landlord (whose father is said to have founded the settlement) in the formation, go to him for advice, conflict resolution, and to leverage influence. The rest approach party workers who live there, or to the few residents of the slum who work or know someone who works at the municipality or one of its administrative ward offices. During two focus group discussions it came up that the residents of ward 98 and 36 would not make the mistake again of voting for someone outside the ranks of one of the established political parties.
The MC of slum (2) disappointed his constituents for quite a different reason. They feel that he spends too much time working on city-level issues and on challenging the local machinations of MLA Barbosa. He worked to bring an additional fire station and crematorium to the city, and he claims he thwarted the MLA’s plans to develop upper-scale housing and shopping on land reserved for a public hospital. During this conflict, he alleges that one of the MLA’s goondas stabbed him. The residents of this slum want him to focus on improving their immediate living situation. A few commented that the slum suffers because of his confrontations with the MLA. Many reported that they would not vote for him next time, even if he distributes more money than the other candidates.

The third term MC of slum (37) sees the ward as her main priority. However, in recent years, the work she 'attracts' does not match the priorities expressed by residents. She managed to draw the construction of two new toilet blocks and three community halls into the ward. Those unhappy that she has not used her position to improve water, garbage or drainage systems, claim that she only wants works that earn her the most kick-backs and that function as monuments to herself—noting how it is not possible to put your name on footpaths, pipes, or unclogged drains. One way of determining the influence of a MC is to see what happens when the municipal crew comes to unclog the drains. If they remove what was dredged up, rather than simply leaving it by the side of the gutters and drains, this indicates a MC with standing in the municipality. The waste was disposed of in slum 37, but not in the other three. A councillor’s ability to get better slots and durations of water during times of shortages is another sign. Slum 37 receives better water in times of increased scarcity than the other slums surveyed.

Residents, along with many municipal staff and officials, say that when you are looking for the difference between slums look for differences between MCs. Given that these two cities did not formally notify slums, development hinges upon councillors and landlords. Occupancy certificates are not issued for properties in slums; occupancy in slum formations is worked out between renter or leasers, landlords and MCs. Most legal landowners of slums on private property are absent or unknown. In these cases, the original encroacher or ‘founder’ and their descendants become de facto landlords, because it was strategic to encourage others to settle there. Since the creation of the municipality, it is common for a share of the rent or sale of a property in the slum to go the councillor to strengthen the connection between them and the locality. These two actors, de facto landlord(s) and the councillor, can combine efforts to enable incremental development, if they have the connections or ‘money and muscle power,’ plus an interest in improving locality development. If they do not, these areas languish. For example, the head officer of the Poverty Cell in KDMC said that even though she is from the same caste as the councillor from slum 98, he had no interest in her cell carrying out projects (organising women’s groups for

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87 He also showed us his scar and the police report he filed.
micro-credit and training seminars) in his ward. Consequently, the poverty cell is not active at all in slum 98 even though, formally, these projects have nothing to do with councillors and certainly do not require their permission. There is an added layer of complexity in slums located in part or totally on state or central land, where the possibility exists that the Collector or the Railroad Ministry could accuse the municipality and councillor of aiding and abetting slum development. Collectors are easier to manage with shares of rents, but the railroad is more difficult. De facto landlords and MCs, with varying levels of coordination between them, govern occupancy in slums. These also shape locality development. The importance the signature, visiting card, call or text from a councillor or connected landlord possesses indicates their authority as well. Many residents come to local offices of MCs to ask for their signature on various documents, or a note on the back of their visiting card asking for the person’s issue to be addressed or document processed, and in some cases a phone call to whoever is holding up the process or to who could facilitate it. All of the above function as vouchers of residence and claims to municipal services among other things.

Does this situation indicate ‘vote-bank politics’ as guaranteed voter roles in exchange for occupancy protection and locality development? The political parties with leverage in the KDMC and MBMC are: Shiv Sena, Congress, National Congress Party, and the BJP. Except slum 37, whose municipal councillor is part of the NCP, the rest are not affiliated with these parities. Figure 26 shows that no party with leverage at the city level has a firm hold of any slum formation in our sample.

**Figure 26: Political Party Membership Slums**

![Diagram showing political party membership in slums with number of respondents and slum formations]
The vote-bank thesis is further weakened because the municipal councillor parties do not enjoy a sizeable majority either, in terms of official party affiliation. Many residents are not affiliated, or at least do not openly display their loyalty, to a particular party to be able to receive money from all candidates running during elections. These slums do not mobilised themselves, nor have they been mobilised as ‘vote-banks.’ However, except for slum 2, where only half reported voting in the last municipal election, all respondents voted in the last election. Besides those who vote along party lines, others vote because they believe that the parties are tracking the percentage of registered voters who vote. The concern is that if candidates distribute cash or cash in kind to areas, and there is a poor turn out, then that may lower the amounts of cash distributed during the next election cycle. While there is not strong evidence of ‘vote-bank politics,’ there is evidence of clientelism, given the dependence on certain actors to protect occupancy and to facilitate locality development. Rather than being a type of grass-roots democratisation of access to services, the political institution dominant in these slums is a sort of negotiated authoritarianism. The power-relations between slum residents and councillors and landlords are accepted. What puts a councillor out of favour is not whether they have too much power over area development, but whether they are too indifferent to the needs of their ‘clients’ to use it to improve their localities.

**Gaonthans**

In gaon than (42) the municipal councillor is also the primary landowner in the ward and landlord to the majority of its residents. In gaon than (27) a slum was allowed to come up on around 30 percent of the land with the rest, literally on the other side of the main road, remains inhabited by families of the original village formation. Since the establishment of the municipal council, the councillor in gaon than 42 has been someone tied to the landowning family. First, it was the current councillor’s husband. When he died she took over. This makes the councillor important on two fronts. They can draw development to their areas, and as landowners their approval is needed before the municipality will carry out works in gaonthans. The Bombay Provincial Municipal Corporations Act vests with chief municipal commissioners the power to carry out works on private land, if it is shown to be necessary for the proper functioning of services and infrastructure for the plot in question and for adjoining plots. However, in practice if the landowners, or those with power of attorney, do not push for these developments, they do not happen. The councillor’s authority over residents is proprietary (landlord) and personal (broker and fixer). In practice the authority landowners in gaonthans exercise over locality development and residents is greater than that of the local state. If they do not actively try to expand or improve infrastructure and service development in their area, nothing will happen. In gaon than

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88 MC for 36: BSP, MC for 37: NCP, MC for 2: India Socialist Party, MC for 98: RPI
89 Taylor (2004) in relation to clientelism defines negotiated authoritarianism as a political system where the power relations between parties are acknowledged and accepted as being unequal but each needs the other in order to further their cause, thus the subaltern has a little power (214).
42 the residents do not have indoor, individual toilets and they did not benefit from The World Bank and Mumbai Metropolitan Regional Development Authority’s scheme to build toilet blocks, because “Nanny” the landowner and councillor refused to give up any land or sign ‘no objection orders’ for these purposes. No residents in gaothans have occupancy certificates. Granting de facto occupancy lies with the landlord. In gaothan (27) the MC is a lady from a landowning family, but she has been very diligent in developing ‘her slum,’ which compared to those on public land seems very well planned and maintained. The gutters are covered and the drains are regularly cleaned. Each residence has a number and a meter for electricity. The lines of dwellings adhere to a grid type layout, and she walks around her area once a day to monitor cleanliness. Paraphrasing her own words and those of her political mentor, she knows how to manage the babus, touts, and netas. She speaks directly, but respectfully, and stays on ‘their heads’ until the work is completed. They know she is working for the people, and not her pocket, so they tend to her work. The authority to grant occupancy lies with the landlord and locality development rests with them as well, and the municipal councillor, who in both these cases is the same person.

**Figure 27: Political Party Membership Gaothan Formations**

To what extent does this arrangement match up with ‘vote-bank politics’? When these areas first started urbanising, landowners became concerned about their future status. Many began to encourage unauthorised development, to both protect them from imminent domain and to procure votes for candidates of their choosing. Figure 27 shows expressed party affiliation. In gaothan 42 the councillor is from Shiv Sena and in 27 she is from BSP. Neither coincides with a majority party membership in the formation. Both candidates were uncontested in the last election. However, 40 out 50...
respondents voted for their incumbent in gaothan 27 as a show of respect, but only 2 out of 50 voted for their incumbent in 42. They do have some vote-bank characteristics, but supporting a candidate that is not supported by the landowners is unlikely. To do so would be risking eviction or other sanctions. In a Kalyan gaothan we did not survey, when the councillor found out only 25 percent of the registered voters in ‘his’ slum voted, he cut their cable and electricity connections. The scope for holding the councillor to account is more limited, and it is unlikely that some external authority would protect their right to occupancy and services. The only exit option is moving.

The power-relations between residents and those who determine access to municipal services and development in general are not challenged. However, the political institution functioning here seems more indicative of manorialism than clientelism considering the monopoly landowners currently wield over municipal councillor candidates and how locality developments are at their discretion. In feudal times the lord of the manor was vested with legal and economic power over the serfs or peasants living on his property. Lords wielded almost complete jurisdictional dominion over their manor, which consisted of three types of land: the section directly occupied by the lord and his family, the land holdings where peasants had obligations to the lord, and land which was rented or leased with no other obligations other than making rent or lease payments (Comninel, 2000). In gaothan 27 around half of the male slum residents work for the landowners on the salt pans, and part of their remuneration is lodging in the slum in the gaothan. Gaothan 42 was originally dominated by agricultural activity, but no longer. Many residents entered into 99-year lease agreements with Nanny’s family. While legally the landowner should not infringe upon the civic and political rights of residents, in practice this happens given their monopoly over residents’ occupancy security and locality development. Landowners in effect appropriate residents’ votes. Municipal officials, in practice, abdicate spatial authority and obligations in gaothans by deferring to the authority of landowners. Politically and civically, they are still ‘lords of the manor.’ Controlling the office of municipal councillor compounds their power in civic politics.

**Standard**

Four or more story buildings consisting of ownership flats populate standard formations. Under section 10 of the Maharashtra Ownership Flats Act flat owners must form and register cooperative housing societies, trusts or companies. Buildings constructed by a promoter for the purpose of selling the flats should register societies once 60 percent of the flats have been purchased. Societies of flat owners become responsible for the maintenance of the property and for managing basic service issues. However, only 9 percent of standard formation residents surveyed report their housing society as handling basic service issues, with 61 percent going through MCs,

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90The flat is owned by the purchaser, but the land its on is not. The promoter or the housing society, colony, or company owns it.
12 percent going through middlemen, and 17 percent using personal contacts who work in the municipality (see figure 25). This contradicts previous research on the differences between how the urban poor and more middle-class citizens engage the local state and prompted further investigation.

According to local cooperative housing advocates, few housing societies register with the state. Registering a housing society requires submission of 22 documents to vouch that protocols for the forming and functioning of the society are there on paper, and that the building is legal with the title in order. If the promoter fails to comply with protocols and to pass on the necessary documents, housing society registration technically is not possible. Acquiring the appropriate permissions and sanctions to construct a building from start to finish becomes a long and bureaucratic process. The promoter must provide evidence that they have the right to develop this property, which normally comes in the form of a land search report (7/12 extract) and a title certification from a property advocate to show due diligence. Then they must submit a plan made by a licensed architect for approval by the buildings department, who then sends a junior engineer to conduct a feasibility report concerning civic infrastructure and services. A licensed structural engineer, hired by the promoter, must approve the structural plans. If the building layout is approved, then a building permit is issued with an Intimation of Disapproval that lists the various ‘No Objection Certificates’ (NOCs) the promoter must acquire from various municipal departments and other government agencies. For some plots over 40 NOCs may be required. Once all the NOCs are obtained the promoter will be issued a commencement certificate and may begin construction. Before purchasers can take up residence an occupancy certificate must be issued. This requires a formal letter of request stating that the building has been constructed in accordance with the sanctioned plan, and the licensed architect, structural engineer and site construction manager must sign it. If the municipality is satisfied that there are no deviations or irregularities, they issue the occupancy certificate. The promoters should also apply for the building completion certificate, which is necessary for title to be transferred to registered societies.

In reality, most residential buildings in standard formations do not have occupancy certificates and title conveyance rarely happens. Real estate is booming and ‘vacant’ land is practically non-existent in Mumbai, and prices are prohibitive for many people looking to buy or rent a flat there. This drives suburbanisation and sprawl in the region as well as the market for unauthorised housing. Some promoters utilise local contacts (i.e., self proclaimed ‘real estate brokers’) in these cities to help them determine what land can be easily acquired. Sometimes these real estate agents initiate contact with possible promoters, if they think an area is ‘developable,’ meaning that it will be easy to build and sell the flats before any troubles arise, such as absentee owners showing up or court orders to cease construction. A common practice is to find land occupied by leasers where the landowner lives far away, preferably in a different state or country. Given that no land will actually be purchased the profit margin is very good, and the leaser(s) and real estate broker will receive a nice
percentage. We witnessed an absentee landlord, an NRI from Canada, discuss this very issue with an assistant municipal commissioner via a cousin residing in Mumbai. The cousin tried to lay blame on the municipality for not scrutinising the documents more and for not bothering to check whether the person paying property tax and the person claiming to be the owner were different. The advice was to avoid all these headaches and to accept a cash offer: “If you go to court, perhaps his son will still be alive when it’s finally resolved, better to sell now or extend leases to the tenants of the new buildings.” Creating a situation of a ‘forced choice’ to sell or not make problems after the fact is a common tactic. Needless to say, these new buildings were not issued occupancy certificates. This case shows how the actions and capacities of real estate brokers, builders, and leasers can reduce the value and efficacy of private property rights.

Promoters with adequate resources, and who are concerned with their reputation, try to follow protocols and to only leverage intermediaries and pay ‘speed-money’ to move the process along. When confident that their building plans and development rights are legitimate, many begin construction before the commencement certificate is issued. Given the extent the Buildings Department has been politicised, i.e., the extent MLAs and MCs’ permissions are sought before plans are sanctioned and NOCs given, and the extent competing builder-politician alliances can use their influence to sabotage each other by recruiting engineers to drag their feet, to find irregularities, or to demand exorbitant extra ‘fees,’ starting construction before being issued a commencement certificate is risky.91 However, promoters want to complete buildings enough for buyers to submit final payments as quickly as possible, and buyers are anxious to take possession. Thus, it is not uncommon for building completion certificates and occupancy certificates to be overlooked if the municipality is uncooperative. Other promoters, because of resource restrictions or reliance on ‘money and muscle,’ intentionally construct unauthorised buildings. Some opt for the forged document option and buy building permits and commencement certificates to put potential buyers at ease. Those with ties to nodal politicians, officials and engineers can, for a fee, acquire rubber-stamped documents and permits with irregularities and informalities being actively ignored. However, completion certificates and occupancy certificates are rarely secured in this manner. These are issued after, rather than before, the building is constructed and notarised signatures of licensed professionals (architect, structural engineer, site manager) are required. Explaining why occupancy certificates and completion certificates are issued for buildings with clear irregularities or illegalities proves more difficult, and signatories could lose their license or be blacklisted if they sign off on illegal buildings. Some builders obtain occupancy certificates, but neglect to convey title so they can utilise additional floor space index (FSI) when development regulation codes change.

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91 see also Yeshwantrao 2013
The reasons residents offer for missing documents range from ignorance, to developers refusing or disappearing. Some also blame original housing society members for conniving with promoters to keep prices lower in order to hoard benefits of future redevelopment opportunities and to charge larger fees when transferring ownership of flats. Another factor is the belief, based on the past predicting the future, that regularisation will be possible if problems arise as, “this is an industry [real estate] where every irregularity is eventually regularised” (Kapoor, 2012). Occupancy takes place when the buyer is satisfied enough with the status of the property to pay and take possession. Often possession is taken when the building is still dependent on tanker water and with other services in fairly ambiguous stages. Most purchasers claim they were assured that these issues were due to backlog at the municipality and that soon everything would be worked out.

Whereas de facto landlords and local politicians grant occupancy in slums and gaothans, occupancy in standard formations begins with promoters. While development trajectories of basic services and infrastructure are placed upon de facto landlords and local politicians in slums, and in the hands of landowners in gaothans, in standard areas it begins (and also incurs path dependencies) with promoters and how and to what extent they complied with statutes and protocols. Whether they secured services (water connections, drainage etc.), or whether they only do what is necessary to sell flats and then become unreachable when problems arise, shape how services can be acquired and maintained in the future. If occupants cannot reach or entreat the builder to lobby the municipality on their behalf, they need to try other channels. Rights to municipal services in unauthorised buildings rest upon the extent the irregularities and illegalities remain undetected or not utilised by competing stakeholders in urban land (re)development. This helps interpret why 90 percent of residents surveyed from standard areas leverage municipal councillor or other intermediaries for assistance, and why hardly any legal or collective actions occur regarding municipal irregularities or their slow progress towards meeting service and coverage benchmarks in standard formations. Official procedures exist for resolving or avoiding the majority of issues that arise within housing societies and between them, promoters and the municipality. The advocate, who donates his time twice a week at the Mira-Bhayandar Cooperative Housing Society Association, claims that few people pursue formal procedures for conflict resolution because they lack the required documents, or because they worry about the legitimacy of the ones they have. When the realisation sets in that the promoter lied or was mistaken about things working out in terms of services, the safest option is either to arrange private provisions or to have someone 'fix' access to public provision for you.

While the responsibility for the large number of unauthorised flats lies significantly with the municipality, in practice the uncertainty of title and the status of buildings, in terms of statutory violations, is a weapon that can be wielded by municipal actors. This also helps explain why residents of standard formations, who are not normally expected to depend upon political society actors, leverage MCs. Bringing rights-based claims can backfire given the chance their ownership flat may be deemed
unauthorised. Recent events in Mumbai point to this. Residents of a housing society in a well-developed area of Mumbai were demanding municipal water services. The municipality responded that the approved building plan was for ground plus four while many of the buildings in their complex are ground plus seven to ten floors, and ordered that the illegal floors be demolished (Deshpande, 2013). The Supreme Court recently upheld this decision. There are similar cases of unauthorised buildings or floors being demolished in both our case cities. Concerned residents express frustration at the arbitrariness by which properties are demolished, and they are dismayed by having to bear all the consequences. Residents in standard formations equate paying for the flat, for taxes, for duties and services as evidence of fulfilling their citizenship obligations. Now, some find themselves in the ironic position of the stereotypical slum dweller: their home being declared illegal, set to be demolished, and in the words of one lady set to lose her home, “we have become refugees in our own city” (Ram, 2013).

KDMC recently announced that they plan to utilise the powers vested in them through the MRTP to arrest occupants of unauthorised buildings (Singh, 2013). Officials defending the decision to take a demolition approach claim that if sustained and not diluted by political pressures, it will bring relief to the residents of these cities in terms of better water supply and less congestion. Perhaps, but this implies that those having their homes demolished are not residents. Standard formation residents considered MCs to be important contacts for dealing with basic service issues and local area cleanliness. However, few thought that they needed to be cultivating relationships to protect themselves against eviction or demolition. Many councillors are trying to stall the development of special courts and police stations dedicated to eviction and demolition, and make public statements of solidarity with residents. However, the official position of state officials remains that, while they sympathise with people who perhaps unknowingly purchased unauthorised flats, there is nothing that can be done legally because they are not entitled to regularisation opportunities in this scenario (Marpakwar, 2013; Deshpande, 2013). In the past, after the spotlight faded, it was back to business as usual. However, this time cluster redevelopment, FSI opportunities tied to expected changes to the development codes for these cities might outweigh the electoral backlash politicians risk, and the political backlash bureaucrats risk. Housing societies or individual flat owners without occupancy certificates cannot claim legal rights to compensation to a flat, if the promoter opts for cluster redevelopment opportunities. Housing societies that were not conveyed

93 In practice complaints filed with the police are rarely pushed through or followed up on. Political pressures/power relations on the ground mean that in practice often only small parts of constructions are torn down. Calls are still made to the MLA or MCs before construction plans are approved or NOCs given. Some unauthorised buildings that were torn down when they reached the first floor have been rebuilt under different names on the same plots (email communication MC Mahtre). Competing builders and the local politicians they are affiliated with often instigate the threat of demolition or eviction. Also a few bandhs (strikes) were called for by local politicians across municipalities in the Thane district to protest against demolitions being organised by state officials (Nair 2013b). Additionally, MBMC Councillors recently all voted to allow electricity connections to all unauthorised buildings (Nair 2013c).
title are not legally entitled to benefit from additional FSI possible in cluster redevelopment. Thus, if the promoter redevelops they will be compensated with a similar flat, but they are not entitled to share in the profits from the extra FSI.

In these conditions, residents of standard formations cannot easily be placed in either side of Chatterjee’s understanding of civic politics. Surface appearances place them in the citizen/civil society slot, and they have a sort of spectral citizenship. However, municipalities and other government authorities are allowing them to be scapegoated now that the unauthorised aspects of their homes and services have surfaced. Given their relatively high educational status and economic resources, they cannot draw easily on scripts slum dwellers can when facing demolition. One could look at this as the underside of consumer-citizenship and market rule. They are being constructed as having made the choice to buy these flats and having chosen not to be vigilant, and now they are paying a price for their poor choices. Opportunities for investment and speculation in the real estate market manifest as changes in development codes that then guide municipalities and other state authorities to opt for demolition rather than regularisation. In this way, the market can undermine occupancy security in standard formations as well as in slums. The informal to illegal practices of promoters, often in consort with municipal actors, emerge as central to occupancy security and access to municipal services in standard formations past the point of purchase. Residents have a limited temporal relationship with promoters based on exchange, rather than the cyclical dependency politicians have with slum and gaothan residences during election cycles, and the everyday dependency relations slum and gaothan residents have with local politicians and landlords. In this situation their consumer citizen status makes them more vulnerable when their occupancy, and thus municipal citizenship, come into question. Given this situation, billboards like the one shown in figure 28 are becoming quite common.

**Figure 28: Buyer Beware Notices**
8.4 Dimensions and Forms of Occupancy Urbanism

The findings presented in this chapter contradict other studies that compared the civic politics and state-society relations of the urban poor, middle-class and elites in large metros like Mumbai or Delhi. In KD and MB, residents from all socio-economic groups reported relying on or leveraging MCs and other fixers and brokers when establishing, building up, and maintaining locality development. The vast majority of all surveyed residents (89 percent) know their electoral ward number, the name of their municipal councillor, and they can speak of him or her at least in general terms. A large majority of respondents from standard formations reported voting in municipal elections. The presence of occupancy urbanism in each formation helps to explain why these findings contradict established knowledge in this area. Using the indicators of authorised residency and rights-based access to municipal services, all three urban formations can be considered forms of occupancy urbanism. Encroachment on public and private property, as well as the informal or unauthorised use of municipal services are enabled and governed by key political society actors who are able to exercise authority over occupancy within these formations and encroach upon the sovereignty of the municipality. Consequently, municipal services become club goods, rather than public goods. All together this produces an informal and unsettled municipal denizenship for slum residents, a manorialism in gaothans, and a brokered form of consumer citizenship in standard formations (see table 7). These findings add to our understanding of subaltern urbanism as being a set of culturally instituted practices and relationships not limited to the poor or to slums. In KD and MB it is through formation-based political institutions, at the level of occupancy, and in the domain of locality development that civic politics is constituted in its political society configuration.

The rationales and interests of political society actors facilitating these forms of occupancy urbanism will only intermittently and contingently benefit residents. When the political-economic calculus changes there is no reason to presume that they would not use their position to facilitate eviction or the cutting off of services.\(^94\) Demolitions of ostensibly standard residential building, likely undertaken by those who facilitated their construction, is indicative of this. Also, de facto landlords of slums being able to hoard most of the resettlement flats at the expense of current leasers being dispossessed, indicates this contingency as well. These mediators too often become ‘vanishing mediators’\(^95\) that many discussions of subaltern politics and spaces (both positive and negative) miss, given their focus on the poor and the nominal aspects of their settlements and livelihoods. In the case of standard

\(^{94}\) See Weinstein 2008 and Jeffrey 2009 for discussions of how political society actors (development mafias and well educated unemployed men respectively) use these arrangements to reproduce privilege and to accumulate economic and political power.

\(^{95}\) A vanishing mediator is one that disappears after facilitating the passage from one situation to another, which after the transition becomes a sort of absent presence (Jameson 1973).
formations, the promoter mediates between flat purchasers and the municipality in ways that unsettle perceptions of promoters as only builders and sellers of flats. They co-produce with municipal officers and staff, MCs and purchasers a spectrally legal occupancy. Without the practices of the promoter (i.e., playing on the ignorance and desires of buyers, forging, acquiring ‘rubber-stamped’ permissions and certifications, and faith in the avenues to regularisation) purchasers could not take on the identity of municipal citizens. Once buyers take possession this change is complete in the minds of the occupant, which is reinforced by people assuming or acting as if their residence is authorised. At this point promoters, in matters of occupancy and locality development, become ‘vanishing mediators.’ The trend towards a ‘buyer beware’ policy reinforces the vanishing as does research which misses or marginalises their role in who occupies the city and development in general. Following Jameson (1973) they become an “absent presence” more palpable during times when authorities are compelled to acknowledge and address unauthorised construction by targeting those easiest to find and the least able to mobilise power relations to their advantage—flat owners and occupants.  

### Table 7: Forms of Occupancy Urbanism

<table>
<thead>
<tr>
<th>Occupancy</th>
<th>Law based access to Services</th>
<th>Political Institution</th>
<th>Key Actors</th>
<th>Form of Municipal Citizenship</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slum</td>
<td>Informal</td>
<td>Negotiated Authoritarianism Clients</td>
<td>De facto landlord and councillor</td>
<td>Informal, brokered, and unsettled</td>
</tr>
<tr>
<td>Gaothan</td>
<td>Non-formal</td>
<td>Negotiated Authoritarianism</td>
<td>Landlord and councillor</td>
<td>Manorial</td>
</tr>
<tr>
<td>Standard</td>
<td>Spectral formality</td>
<td>Exchange-Consumer or Purchaser</td>
<td>Promoter</td>
<td>Brokered Consumer-Citizenship</td>
</tr>
</tbody>
</table>

While promoters become vanishing mediators of legal and spectrally legal occupancy at every level, landlords and MCs are visible mediators between the residents of slums and gaothans and the municipality. These political society actors are central to the

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96 The recently passed Maharashtra Housing Development and Regulation Act protects developers from criminal prosecution and consumer court cases thus solidifying in legislation that the burden of making sure properties are in order falls mostly on the buyer (email communication, July 2013).
production and reproduction of informal and non-formal occupancies and municipal service provision. The manner in which water and other municipal services are perceived as expanding and contracting in line with the capacities and interests of these actors indicates their significance. The way residents see them as being essential for transactions between themselves and other authorities also indicates their constitutive role in these processes. They do not only take on essential mediating and intermediating functions for residents, but for municipal departments as well who often default to them when determining beneficiaries for programs and projects and for handling the local politics of implementation (see Chapter 6). In the Government of India’s Second Administrative Reforms Commission report, it also states:

Politicians at times tend to act as ‘executives,’ intervening in transfers, postings, sanctioning of local bodies’ contracts and tenders, crime investigation and prosecution — all of which are therefore often at the mercy of the local legislator. Given the compulsions of survival, the State Government, which depends on the goodwill and support of legislators, does not usually intervene except where the Constitution specifically and unambiguously directs it (2008: 22).

Landlords and MCs also gate-keep between the municipality and slums and gaothans. Unlike most promoters, they live in their localities and are regular fixtures. They are not vanishing mediators to residents and municipal officials and staff. However, they tend to vanish in many official urban development policies, plans and projects. Being at the interstices and interface of local and extra-local dynamics, opportunities and risks, they are Janus-faced mediators. They facilitate occupancy and services for a variety of reasons that only contingently coalesce with buttressing the footing of poor and other subordinate groups in the city. If the likely scenario of developable land becoming scarce in these cities, land prices rising, development code regulations changing, and slums increasing, then the positive spill over effects or relatively positive aspects of obligation relations in different formations could quickly slip away. For example, Nanni, the landlord and councillor in gaothan 42, has been leveraging money and muscle power to ‘encourage’ residents to vacate before their 99-year leases terminate. Thirty years ago, building and leasing chawls was the best way to protect land from being acquired by the state, to make some money, and to secure votes. Now that official development regulations for gaothans are being negotiated, and the area has urbanised allowing for higher rent; Nanni wants to build ownership flats.

Our focus on the formation-level political institutions granting occupancy and gatekeeping information and resources between the municipality and different formations offers a more realistic and nuanced discussion of the possibilities and trajectories of varieties of municipal citizenship. These cases show that the ‘autonomous but engaging’ status between slums and the state, for example, cannot be presumed to be the outcome of the quiet encroachments of the poor aggregating

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97 Mitra (1992) drew similar conclusions in her study of netas in rural villages.
into a ‘social non-movement.’ The uneven development of housing, infrastructure, services, and the existence of different formation-based political institutions (all arguably indicators of enclave urbanism) manifest significantly from the political and administrative entrepreneurialism of visible and vanishing mediators operating through political society. They accomplish this by occupying structural and cultural holes between these formations and the local state. Their facilitation or indifference to unauthorised occupancies and services is also a means to the ends of reproducing domination and securing benefits from land development opportunities—both legal and illegal. Slums are not the only form of spatial occupation facilitated by political society actors to safeguard or construct benefits from future real estate opportunities. Structural domination exists when actors making decisions or taking actions which effect you cannot reasonably be held to account in practice. Slum residents can vote for a different councillor, but they do not vote on whether or not ward development hinges upon his or her capacities and interests. Renters or leasers in gaonhans could vote for a candidate that claims to put their interests above the landowner’s, but the likelihood of this candidate being fielded by a political party and voted for are highly unlikely given possible sanctions. The organised or tacit arrangements between promoters and municipal actors are not accountable to the flat owners, some of whose occupancy status is coming undone. These actors impact the capacity and achieved functioning of residents’ capitals in the fields housing, development and civic politics in general. Presently, residents do not feel they can do much to reduce the influence of these actors.

Occupancy urbanism discusses the importance of a ‘socially embedded municipality’ with whom the poor can negotiate informal occupancy rights and access to services. However, in these cases, all data points to ‘lawful’ residents being a minority, even in standard formations. There is evidence that code and law bending and breaking can be more about benefiting from the unauthorised housing market, than a derivative of vote-bank politics or certain municipal actors being more socially motivated rather than neutral administrative arbiters. Several municipal mid and lower level officials and staff grew up and reside in these cities. However, there is more going on here than placating the masses, or exceptions being granted because of social or cultural ties. Acquiring profits and rents from the informal second circuit of capital figures prominently here, as do local elites adapting and manoeuvring to hold on to their privileges.

These cases challenge the position that municipalities are ‘socially embedded’ and therefore inclined by definition, to recognise the claims of the urban poor and other marginalised groups as ones that need to be met in some fashion. Rather whether a municipality, in this context, is utilised as a platform to build up or to dismantle the claims and spaces of various informal, non-formal, or spectral consumer-citizens is

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98 Quiet encroachment refers to the incremental, stealth, intentionally not politicised encroachment on the property of the state and capital. These individual, largely un-coordinated actions over time become social non-movement given the impact of aggregate effects (Bayart, 2006).
bound up in power relations, with loyalties and alliances likely more contingent than what is implied in discussions of occupancy urbanism in particular and subaltern urbanism in general. The power relations, most crucial here, are the ones between political society actors with the social authority to grant occupancy and shape access to services and locality development in general. If political and landed local elites’ interests and values are conflictual, then garnering votes for MCs and MLAs aligned with them become crucial. If cohesion dominates among local elites, in terms of interests and values, then mobilising ‘vote-banks’ or other types of populist constituencies becomes unnecessary to use the municipality to reinforce their political dominance, by using it to carry out developments that suit their interests. This is not to say that no disputes or rivalries come up between this set. However, the informal institutions and practices for accumulating advantages from the de facto control of land and the structural domination of occupants are not contested. Disputes concern distribution of surpluses; they are not over how political or economic surpluses are created.

So far the establishing of municipal corporations adds mainly to the complexity of governing urbanisation in these cities, but not much in the way of reforming political and spatial practices of laissez-faire development. The reach and form of municipal authority is mediated by de facto sovereignty arrangements among actors vested in different types of urban residential formations. In this context, it becomes very difficult to maintain that slums, or any other form of occupancy urbanism, are protean forms of self-determination by the residents. In MB and KD, they are more accurately described as forms of spatial occupation, facilitated by local elites through political society to safeguard or increase political dominance, profits and rents from maintaining control of land, who occupies it, in what manner, and for how long.