

# Planning as Practice?

## Governing Conjunctures and Informal Urbanisation in Solapur Town

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Solapur is a town in Maharashtra with a vibrant industrial legacy, yet fraught with spatial and socio-economic divisions in the contemporary moment. It shows a pattern of largely informal development and the gradual emergence of a new industry and politics centred on land. This paper which throws light on the evolution and dynamics of urbanisation arising in Solapur, brings out the disconnects that cut across its industrial, spatial, political and social landscapes and reveals a town functioning at low levels of industrial dynamism and physical and social infrastructure, characterised by high levels of poverty.

Of late there has been a resurgence in theorising the nature of planning in the Indian city context (Nair 2013; Gururani 2012; Bhan 2013; Rajagopal 2011; Roy 2009; 2005; Benjamin 2008), insights that are crucial to understanding the problems of the contemporary city. The empirics of these papers are, however, rooted almost exclusively in the experiences of metro cities or large urban agglomerations. And questions of how a vast number of smaller towns that are central to the larger scheme of urbanisation in India grow and change lie unanswered. This paper studies the process and trajectory of urbanisation in Solapur, Maharashtra, to analyse what insights it can offer into the dynamics of transformation in medium-sized towns. Our inquiry into Solapur, a town with a vibrant industrial legacy yet fraught with spatial and socio-economic divisions in the contemporary moment reveals a pattern of largely informal development and the gradual emergence of a new industry and politics centred on land. The transformations the town has undergone have been crucially shaped by local/regional political economies and mobilisations as well as national and state government interventions through industrial and land-use plans and laws, and illustrate processes of “subaltern urbanisation” (Denis et al 2012), the organic evolution of towns arising from local agency and independent of metropolitan or state-directed planned growth.

A larger objective is to interrogate the overall logics of regulation and planning practice in the medium-sized town of Solapur to understand how the planning regime has nurtured informal development. How is planning law perceived and acted upon and what does it tell us about the exercise, limitations and transformations of state authority and citizens’ engagement with the state? Given widespread manipulation of the law in smaller towns, is there a difference in the way that illegalities are secured and attempted to be legitimised by subaltern and elite groups? When informal development becomes the norm, as in Solapur, what happens to distinctions between categories of “illegal” and “informal” and “planned” and “unplanned” development? If historically the right to make decisions and govern has been distributed between a range of authorities and institutions, and the law forms only one repertoire of authority (i.e., legal authority exercised by the state) covering a few “planned” localities, what is its potential to achieve a more just spatial and social order for the whole town?

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In the paper, we trace urbanisation processes historically focusing particularly on what we call governing conjunctures that are contingent in time and transform the path, direction and practices that make up urbanisation. The term conjuncture is defined by the Cambridge dictionary as a situation in which particular events or conditions combine or happen together. Partly created through deliberate efforts by (elite) actors and partly resulting from forces external to the city, governing conjunctures are important in that they serve as spaces of opportunity for certain (elite) interests to enhance their control of city governance. We recognise the manner in which earlier forms of elites and sovereignty are better positioned to create and exploit conjunctures that are conducive to their interests. Municipalities enabled such elites, for instance, to be converted into the modern system of representative politics (Oldenburg 1984) and as elected leaders they exercised caste authority within new work and living spaces in the town. Further, we argue that conjunctures and the trajectories of urbanisation they set in motion are shaped decisively by planning policy/law, and the adjustment of the state to on-ground (illegal and informal<sup>1</sup>) practice. We posit that state policy/legislation serves as a reference point for defining illegality as well as exemptions, and the adjustment of the state confers legitimacy on the informal practices of certain (elite) groups while those of others are seen as illegal and face the threat of penalty under the law.

The paper proceeds by unpacking the emergence of three key governing conjunctures in Solapur and the trajectories initiated by each. Each conjuncture reflects considerable agency by local/regional (elite) actors in seeing opportunities inherent in a situation and acting to further them. Actors' practices centre on manipulating/skirting formal planning laws and pushing for the creation/modification of laws based on already existing practise. The response of state authorities to these practices is through a dynamic process that typically reproduces the cycle of violating, setting precedents, and adjusting to practise on the ground. Multiple state agencies operating at different scales and administrative jurisdictions in Solapur also use opportunities proffered by conjunctures to promote their institutional interests, often in contradiction of each other. Elected officials, especially play a crucial role in manipulating formal planning law and its instruments to control the opening up, use and development of "urban" land. Going beyond financial and real estate interests, this has significant impact on democratic politics and the configuration of power among political parties.

These practices and the state's adjustment to them reveal the law emerging as an open-ended and constitutive process, subject to multiple interpretations and interests (although elite interests more than others), rather than a terrain with a prescribed and fixed set of regulations (Santos 1987; Rassas 1992). This state of deregulation or calculated informality is, as Roy (2009) argues, an integral feature of the idiom of Indian urbanisation. The overall fragmentation of institutional arrangements only promotes this calculated informality that has adverse consequences for the majority of the town and its workers.

The paper is based on fieldwork that was conducted between March 2012 and June 2013 and involved interviews with key actors in the town's economy, planning and governance (officials, politicians, workers, industrialists, unions, experts) at local and regional levels. Given the sensitivity associated with discussing land and its dealings, interviews were often conducted informally and insights were developed incrementally. Government orders, minutes of meetings, and policy documents were reviewed to substantiate findings.

### 1 Tracing Solapur's History of Urbanisation

Solapur, a town of about nine lakh population (as per the Census 2011), early on established itself as a major textile centre in the country and internationally, known for its trademark Solapuri *chaddars* (bedsheets) and Turkish towels. Since the late 19th century, the textile industry propelled urbanisation of the town and shaped a rich and varied economic and spatial fabric as well as a multicultural and multilingual identity. The town grew on the backs of textile entrepreneurs (Marwaris, Jains and Padmashalis, a weaver backward caste) and workers (Padmashali, dalit and Muslim weavers) who came from different parts of India. The identity of this bustling industrial town was consolidated by its formation as a municipal corporation in 1852. The presence of organised manufacturing (the mills) made the Solapur region one of the bastions of the Communist Party of India (Marxist) – CPI(M) – with its trade union, the Centre of Indian Trade Unions (CITU), shaping the politics of the city as a "workers' city". Little of this pioneer (manufacturing) spirit and politics seems to survive today.

The landscape of the town reveals a dusty and congested core with an array of shops, markets and poorly-serviced settlements in stark contrast to the periphery. The western periphery has large tracts of fallow land and ruralised settings redolent with the smell of sewage from the non-functioning sewage treatment plant. The eastern periphery consists of vast slum-like settlements extending beyond the city interrupted by older public colonies and a rash of newly developed layouts, many of which do not even have approach roads. Signboards advertising the sale of plots in new layouts and apartment buildings are commonly found giving the impression of development about to happen. The emergence of a network of brokers and transactions around land indicates the growth of a new industry and politics in the town, one that sees the possibility for easy/large profits from land and substantially views power loom workers as contributing to the slum-like growth of the town rather than building the economy. How do we interpret the transition the town is undergoing? We do this by studying the emergence and roll-out of three governing conjunctures that have been crucial in shaping Solapur's urbanisation.

#### 1.1 Governing Conjuncture 1: The MIDC Estate and ULCRA

The first governing conjuncture that sets Solapur on a trajectory of largely informal industrial and residential growth was set in motion in the 1960s with the closure of the largest mill, or Juni Mill as it was known. In line with the global trend of decentralisation of the textile industry,<sup>2</sup> this marked the

movement of a majority of mill workers into power looms. Those with sufficient capital (mostly Padmashalis) purchased mill looms second hand to start small power loom operations. The burgeoning power loom industry's attempts to secure state support were successful; a Maharashtra Industrial Development Corporation (MIDC) industrial estate was declared for Solapur in 1970 as part of the Maharashtra government's strategy for promoting industrial development. An area outside municipal limits on Akkalkot Road, an arterial road in the east, was selected as the location for the MIDC estate<sup>3</sup> and land acquisition started. An immediate outcome was a rise in land values in this area.<sup>4</sup>

The central textile policy regime in operation between 1948 and 1985 operated in isolation of city planning and regional industrial planning laws/institutions and promoted deliberate deregulation. The unit registration policy, under which not more than four power looms could be registered under one owner, existed supposedly for the protection of the small-scale sector.<sup>5</sup> The comparatively wealthier power loom owners exploited this policy by registering additional units in the names of relatives to take advantage of tax subsidies and avoid payment of social security to workers even while operating all power loom units under one roof. This enabled a scaling-up of operations at lower costs. Experts in the town claimed that everyone was aware of this misuse, leading to the conclusion that government officials were complicit. The increased wealth of these owners made it possible for some to move inside the MIDC estate where they could formalise<sup>6</sup> and expand their businesses. This set Solapur's power loom industry on a dualistic path: a few larger, formal factories that benefited from government schemes alongside a majority of unrecognised, informal and home-based factories.

The MIDC estate stimulated the formation of a power loom cluster in east Solapur, which greatly contributed to the creation of an informal industrial and residential land market. It attracted large numbers of power loom workers and small-scale entrepreneurs since bigger factories inside the estate contracted out work to small factories.<sup>7</sup> Trading and transport companies set up in the vicinity to be close to their suppliers.<sup>8</sup> An increase in octroi levies at this time spurred several factories that were located inside the city to move outside city limits close to the MIDC estate to avoid octroi charges. This growth happened informally because MIDC's planning for industrial areas did not extend outside the jurisdiction of the MIDC estate and did not adequately account for workers' housing. Moreover, growth was scattered across several gram panchayats that had little capacity or interest in addressing/controlling it.

In 1976, Prime Minister Indira Gandhi enacted the Urban Land (Ceiling and Regulation) Act (ULCRA) with the broad goals of equitable distribution of urban land and curbing speculation.<sup>9</sup> In Solapur, the ULCRA served to meet the need for acquiring land informally and accelerated informal development of the area. Fragmented institutional jurisdictions and responsibilities of the concerned institutions – the Solapur Municipal Corporation (SMC), gram panchayats, MIDC, the district collector's office, and the newly-formed ULCRA authority for Solapur

meant that there was no coordinated planning of land use and development or even maintenance of records. This enhanced the scope, especially for bigger industrialists and landlords to shape land settings according to their interests. We have outlined a range of practices used by different actors to serve their interests here.

#### Using the Sovereign Power of the State to Define Legal Exemptions; Sections 20 and 21 and the Bhopale Case:

To save their lands from being acquired under ULCRA, individual landlords started exploring the "pliability" (Nair 2013) of the law by taking advantages of exemptions built into the ULCRA. A lawyer handling cases pertaining to Section 20<sup>10</sup> revealed how the state government used its sovereign power to exempt landowners from ULCRA in the name of "public interest" and "undue hardship" faced. Several landlords and politicians also applied for ULCRA lands using Section 21 (proposals to develop housing for economically weaker sections) but then built middle-class cooperative housing colonies thus making huge profits off the land.<sup>11</sup>

A second legal strategy used by landlords to promote their interests was to manipulate the ULCRA's jurisdictional boundaries, thus exploiting the confusion that existed with regard to operationalising the ULCRA. The ULCRA authority for Solapur had a jurisdiction covering the city and a 5 km radius from the boundary of the city.<sup>12</sup> The ULCRA exempted lands that were exclusively being used for agriculture and depended on the city's development plan (DP) to identify vacant urban land that would fall under ceiling. Since there was no DP for land outside city limits, there was confusion as to what constituted "vacant" land and was eligible for ceiling. To resolve this, and clearly to enhance land acquisition under ULCRA, the state government passed a resolution in 1984 directing that a zonal plan prepared in 1972<sup>13</sup> for this area be treated as the DP. Lands within the zonal plan would be deemed as "urban" and under ceiling. Uddhav Tatya Bhopale owned land within the zonal plan. To save his land, Bhopale filed a petition in the high court challenging the legality of this order. The court stated that the zonal plan cannot be equated with the DP and have any legal effect since it had failed to abide by the DP preparation process as laid out in the Maharashtra Regional and Town Planning (MRTP) Act (1966), which is a mandatory requirement for a DP.<sup>14</sup> The ULCRA authority was directed to restore back possession of land to the petitioner. The Bhopale case set a precedent for other landlords outside city limits to free their lands from ULCRA and a number of court cases from 1992 to 1997 were successful in using it to free their land. As a result the 5 km ULCRA belt outside city limits became meaningless and in 1997 the state government passed a resolution stating that all lands outside the city limits would be freed of the ceiling restriction. Thus, the exception to the law became official, sanctioned by fiat of the state.

The cancellation of ULCRA in the peripheral belt of Solapur has had far-reaching consequences for public agencies that had been given ULCRA land for specific purposes. The Maharashtra Housing and Area Development Authority (MHADA), for example,

was given land for the development of affordable housing for beedi workers. After this ruling, MHADA had to compensate landowners for those lands that were already developed and return lands that were still vacant.<sup>15</sup> Landowners have benefited not only from the (said to be handsome) compensation but also from the enhanced property values of the area due to MHADA's planned development in the form of ordered plots, provision of services and civic amenities, and policing of "encroachments".<sup>16</sup> Arguably, the top-down and independent (from local planning and land administration knowledge) functioning of the ULCRA agency facilitated Bhopale's victory and the immense benefits garnered by landowners.

**Informal Plotting for Worker Housing; Matching Needs and the Political Transformation of Elites:** While several landlords saved their lands using the legal strategies outlined in the previous section, others sought to informally sell their land to make profits before it was acquired as "surplus" under ULCRA.<sup>17</sup> Those who sought to sell land near the MIDC estate were particularly successful as there was a huge demand for land for workers' housing and power loom factories. This resulted in the establishment of many informal settlements that also housed small factories. Neelamnagar, Sunil Nagar, Bharatratna Indira Nagar, Kurban Hussain Nagar, and Madhav Nagar are some prominent ones. These informal land transactions were performed using simple promissory notes, affidavits, or sale agreements (*sathekhat*) and bypassed the formal planning and land administration legislation at every stage. In some cases, plots were occupied first without consulting landlords and later records were built when *munims* (agents) of the landlords found land occupied. The case of Neelamnagar illustrates how this settling process enabled earlier forms of elites and sovereignty (i.e., landlords) to make the transition into modern democratic institutions (the SMC) via electoral politics.<sup>18</sup>

In the 1980s, factory owners used their social networks in their native places in Andhra Pradesh to bring workers for their factories in Solapur MIDC. Workers then looked for affordable land to settle near the MIDC estate. Afraid that her land was under ULCRA, Vijaya Thobde, who was a big landlord in the vicinity, prepared a rough layout plan and sold plots to workers using promissory notes through her agent, Ashappa Karli. This is how Neelamnagar that today comprises about 10,000 houses and is one of the biggest settlements south of the MIDC estate developed. Ashappa Karli's son, Srinivas Karli claims that the "goodwill" earned through selling land cheaply to workers helped Thobde and himself to win local elections from the Neelamnagar ward for two terms each.<sup>19</sup> It is necessary to deconstruct this goodwill however. Plot owners have to keep on the good side of the landlord because although they had purchased land they are not legal owners, and every time there is a new transaction they say that they have to pay a "fee" to the landlords.

Numerous small-scale power loom factories, tailoring business, and beedi-collection centres exist in Neelamnagar. The thriving local economy built on the backs of local worker-entrepreneurs has led to a brisk trade in resale of tin-shed houses that are a characteristic feature of Neelamnagar.<sup>20</sup>

Once Neelamnagar became part of the city after limit extension (see Governing Conjunction 2), land prices further increased. Plots of 1,000 sq feet that were purchased for Rs 1,000 in 1980 were going for Rs 4 lakh in 2012.<sup>21</sup> While landowners and a chain of agents garnered the benefits of this vibrant informal real estate market, resident workers who were mostly backward castes, dalits and Muslims have to contend with living in a condition of "permanent temporariness" (Ravikumar 2013) and very poor basic services.

**Insurgent Claims on Land; The Successful Case of Madhav Nagar:** The previous discussion highlights how large landlords benefited through manipulating the law and in the process how workers got access to land informally for housing. Madhav Nagar illustrates a form of insurgent citizenship (Holston 2009) where a community mobilises to build the credentials for rights incrementally around services and landownership critical to everyday life.<sup>22</sup> These claims have also been fostered by systems of deregulation (Roy 2009).

Madhav Nagar is located in the east and today comprises 160 plot owners, with a sprinkling of small power loom factories. A landlord, Taklekar, had originally owned the land and had sold it informally in fear that it would be acquired under ULCRA. In the early 1980s, people of the Padmashali community working in power loom factories purchased plots there. While some plot owners said they did not know the land was under ULCRA, others claimed they did and purchasing the land was a calculated risk.<sup>23</sup> Several entrepreneurs in the locality desired the security that comes with formalisation and formed an association called Vinkar Vasahat Samiti to make their claims. They helped Sangappa Kengnalkar get elected to the SMC and in return he got approval for construction of a road, water pipeline and drainage system in Madhav Nagar.

Obtaining municipal services was the first step in the process of building rights. The next was to gain exemption from the ULCRA as Madhav Nagar's land was officially under ceiling. Madhav Nagar residents approached Narsayya Adam, a two-term CPI(M) corporator who was planning to stand for state legislative assembly elections. They pledged their support in the assembly elections in return for his assistance in gaining exemption from ULCRA. Adam supported Madhav Nagar residents for several reasons:<sup>24</sup> they were a well-organised constituency who were CITU members and could provide votes. Madhav Nagar was predominantly Padmashali and Adam was also a Padmashali.<sup>25</sup> Most importantly, Madhav Nagar represented one among many informal settlements of workers in Solapur and could serve as a successful model if its regularisation could be achieved through the CITU.

On being elected a member of the legislative assembly (MLA), Adam pursued the case in Mumbai arguing hardship of poor workers who had purchased land without knowing it was under ULCRA. On his recommendation, Madhav Nagar residents submitted an application to the state government for formally revoking ULCRA in lieu of some penalty. Adam who had cordial relations with the then chief minister negotiated a greatly reduced penalty. Giving exemption under ULCRA means that the

land reverts back to the original owner since all transactions after the imposition of ceiling are informal and not legally recognised. In this case, however, the state used its sovereign power to recognise Madhav Nagar residents as occupiers of the land despite them not being formal owners, allowed them to pay a fine and then gave an order of exemption from ceiling.

The success of Madhav Nagar in manipulating the law can clearly be ascribed to its close political connections with Adam and the CPI(M) union and its strong community leadership and cohesion. Both Adam and community leaders were adept in their knowledge of shifting political alignments at local/state levels and used this strategically to further Madhav Nagar's interests. It is one of the few instances where poor workers have benefited from the pliability of law rather than the systematic pattern of elite advantage that we see in the rest of the city. Madhav Nagar is also unlike most other informal workers' settlements because residents acted to legalise their tenure. We argue that this arises from the higher class background of its entrepreneur leaders and their need for security over a longer time horizon.

The advent of the MIDC estate and the opportunities and threats posed by ULTRA contributed to setting Solapur on a path to urbanisation outside the formal purview of planning and land law. The MIDC estate, the informal power loom cluster and workers' settlements it triggered had shifted Solapur's growth eastwards. Over the 1980s and early 1990s, however, middle-class populations in the south started partaking in the informal development of land and the town's growth spilled beyond municipal limits in the southern and eastern directions. This highlighted the potential for profits to be made in developing land. This was also a period of greater competition and fragmentation within the ruling Congress Party leadership of SMC. The SMC proposal in 1992 to increase its limits promised an innovative solution to realigning electoral constituencies, altering the balance of power between parties, and using planning and its instruments as a resource to manage land and win the support of different actors. The state government passed a formal order in 1997 expanding the city from 33 sq km to 180 sq km, possibly the biggest expansion of municipal limits in the history of any small- and medium-sized city in India.

## 1.2 Governing Conjuncture 2: Limit Extension

The legal framework for making decisions on expansion of cities is obscure and this obscurity seems to have been deliberately exploited by politicians at local/regional levels. Conversations with state officials indicate that the proportion of population engaged in non-agricultural activities is a criterion in deciding whether to extend city limits. However, in Solapur's expansion the SMC incorporated 11 villages including farmlands under cultivation, completely overlooking this criterion. There seems little technical justification for expanding Solapur limits, and in fact, the SMC is today struggling to govern this huge area. The decision is even more inexplicable given that the state government has for years ignored many limit extension proposals submitted by other urban local bodies (ULBs).

The decision to expand limits thus raises crucial questions: given a fragmented and obscure institutional and legal framework what factors and interests came together and created this conjuncture, how were opportunities within it exploited and by whom, and what practices are seen in response?

Interviews reveal that the dalit leadership within the SMC, particularly a senior MLA, played a central role in this decision.<sup>26</sup> Historically, the Congress Party has ruled Solapur, with the dalit community taking over party leadership in the 1980s from Padmashalis. In the 1990s, however, a Maratha leader challenged dalit leadership of the Congress Party. Extension of city limits was a way for the dalit MLA to split the Maratha opponent's constituency and considerably erode his support base.<sup>27</sup> Equally important, it enabled the creation of two new MLA constituencies, one of which was informally reserved for the CPI(M) union leader and the other for the Bharatiya Janata Party, thus negotiating an equilibrium between political parties and an understanding between them on larger issues, including those pertaining to land use control and infrastructural development.

The desire to create large tracts of "urban" land, exploit the potential of a land market, and control the development of newly-added lands was seen as a tremendous opportunity for local politicians and officials of all stripes to make windfall profits off land and win the (political) support of different individuals and groups.<sup>28</sup> This was to be achieved through the planning powers vested in the SMC. The preparation of a DP for the newly-expanded city involved the power to use planning instruments, such as reservations to control and shape land use and politics. In the MRTD Act, reservations represent an instrument whereby the planning authority (in this case the SMC) can reserve certain land for public amenities and acquire this in the public interest. The large number of land parcels that were reserved especially in the newly-added areas triggered an informal development thus reinforcing the pattern of informality that had already been set in motion. As the range of different responses by actors reveals the decision to extend city-limits was a carefully designed and implemented strategy that largely benefited elite political and landowning interests and those officials involved in the planning, building construction and land administration process although some poor communities did benefit too.

**Controlling Land Development by Threats to Reserve Lands and Negotiations to De-reserve Lands; Section 37 (1A) of MRTD Act:** While in practice the ULB rarely acquires or develops reserved lands according to its intent in the plan (usually citing lack of funds), coalitions of politicians use the threat of putting reservations on land as a political strategy for winning support and forcefully controlling opponents. If lands are reserved in the DP, then building permission cannot be given, nor can regularisation be done if construction has been carried out. In the new DP (1997-2017) that was brought into force in Solapur in 2004, the 145 sq km of newly-added area represented a tremendous opportunity to (threaten to) reserve many parcels of land. The flexible use of reservations for

political gains rather than planning purposes has meant that reserving, and in turn, de-reserving or cancelling of the reservation become negotiable processes. The very power to reserve or de-reserve gives political actors immense leverage and control of the land market.

If plot owners are affected by the reservation of a particular plot, one provision exists for them to appeal for de-reservation under Section 37 (1A) of the MRTP Act. Although, the final authority for confirming de-reservation is the chief minister, the support of the general body of the SMC is a crucial step towards seeking final (i.e., state level) authorisation. Thus, the SMC functions like an informal marketplace for negotiating de-reservation and this has become an important agenda item for general body discussions.<sup>29</sup> This process confers benefits on individual politicians but to control this process the ruling party of the SMC must reach an understanding with other parties.<sup>30</sup>

**Informal Development of Reserved Land; Matching Needs of Landowners and Slum Communities:** In Solapur, while only 6%-9% of all reserved lands have been acquired by the SMC to date, almost all reservations have been informally developed as slums or plotted layouts.<sup>31, 32</sup> As previously discussed, informal development has been facilitated through matching needs: (poor) communities need land for housing and landlords/developers want to earn some money from reserved land. Unlike contiguous development in the areas around MIDC estate, this development depends substantially on the location of the reserved plot: if it is located near a road or economic activity, then the demand for this land is greater. Since reserved lands are scattered across the city, they are less attractive to middle-class groups. It is typically poor communities (termed slums by SMC because they are encroachments) that benefit through this informal development.

According to Section 127 of the MRTP Act, if reservations are not acquired within 10 years after the DP comes into force, the owner can file notice, reservations will lapse and the land becomes available to the owner for development. Despite SMC officials and planners at the regional level being aware of this, the SMC pleads lack of funds to acquire and develop reserved lands. Its no-action policy has enabled the development of most reserved land parcels informally, with SMC officials being complicit in and benefiting from this process.<sup>33</sup> Arguably, therefore, the act of not acquiring reserved lands, which can only be initiated by the SMC with the state government, can be viewed as a deliberate strategy to retain the negotiability of reserved lands and/or to protect informal housing.

**Ring Road Development Using Reserved Lands; A Partnership between Planners, Politicians and Developers:** Citing lack of finances and the need to acquire reserved lands for development, a few bureaucrats within SMC pushed through a policy of transfer of development rights (TDR). TDR means giving a certain amount of built-up area (virtual floor space index) in exchange for land surrendered by the owner so that he can use this built-up area himself or sell it to a developer. What is striking about the way that TDR has been implemented in

Solapur is how public (bureaucrats, politicians) and private (developers) actors have successfully collaborated to acquire 28 reserved lands amounting to 60 acres<sup>34</sup> and serve their individual interests. Informal conversations with corporators reveal that politicians gain from controlling the value of land through influencing alignment of the road, placement of reservations and the decision of whether to use TDR to acquire land. Planning officials, on the other hand, serve as intermediaries in facilitating the implementation of TDR policy by identifying landowners of reserved lands to be acquired, connecting them with developers interested in purchasing land and facilitating negotiations between them. Developers are among the biggest gainers as TDR enables them to surrender land in the less-valuable newly added areas where the ring road is coming up in exchange for built-up area in the more valuable core city. Clearly TDR has been introduced to acquire reserved lands for ring road development rather than for other public purposes such as workers' housing or parks because it benefits certain interests. This process reveals local actors' sophisticated understanding of land dynamics and their convergence in treating planning instruments as a resource.

Solapur has developed based on a wide variety of informal land transactions, especially in peripheral areas. The process of building informal housing involved both poor and middle-class buyers, sellers, developers, intermediaries and complicit government officials at many levels because it served interests ranging from housing and land for enterprises to making rents from land transactions and real estate investments. Over time these actors, particularly the middle classes, started lobbying with the state government to regularise housing built through informal sale of land. This legislation served to entrench and expand informal development and growth of the land market, with consequences for tenure security, housing quality and the provision of basic services, particularly in newly added areas. It also shaped the definition, meaning and entitlements of housing developed through informal land transactions within the state. Prior to the Act, different towns in Maharashtra called informal housing by different names, but after the passage of the Gunthewari Vikas Act, the word *gunthewari*<sup>35</sup> came to be the established term across the state for such housing.<sup>36</sup>

### 1.3 Governing Conjuncture 3: The Gunthewari Vikas Act

The Maharashtra Gunthewari Developments (Regularisation, Upgradation and Control) Act (hereafter mentioned as Gunthewari Act) was passed in 2001 in order to formalise informally developed plots before 1 January 2001. The rationale given for regularisation was that it is neither practicable nor desirable to demolish so many long-existing constructions when they are "a positive response, however flawed" to meet shelter needs. This depiction of "resigned pragmatism" of the state (Nair 2013) is contrasted by a local planner within SMC who blames the state government for not considering the needs of workers when planning for industrial areas and politicians for using this opportunity to settle workers informally and thus earn their votes. The informal settlements that result

prove a headache for the local administration as well as problems for residents themselves.

*Topiwaale aagey jaatein hai, prashasan peeche. Log aagey, kayda peeche. Agar kaydaa aagey ho, log peeche toh problem nahi hoga.* (Politicians act first, the administration lags. People pre-empt the law. If people followed the law then there would not be problems.)

While certain areas were declared ineligible by the Act,<sup>37</sup> it included “excess lands” under ULCRA as eligible for regularisation, clearly bowing to pressure from landlords. Below are different practices that emerged in response to the Act.

**Gunthewari Housing; Gradually Serving the Needs of Middle Classes, Land Brokers and Developers:** As developers realised the tremendous time and money savings obtained by evading formal land, planning and building legislation<sup>38</sup> they started developing gunthewari housing for the middle classes. Construction was done with the expectation (borne out of a history of practice) that regularisation would happen. This meant that developers were strategic about not locating middle-class gunthewari on land that was not likely to be eligible for regularisation such as forest land or within the green belt that is supposed to be free of development.<sup>39</sup> While sheer necessity motivated poor workers to develop gunthewari housing, what were the motivations for middle classes?<sup>40</sup>

Interviews revealed that initially the middle classes bought informal plots because they were focused on savings that accrued to them in the short term. Large-scale violations were

the norm, they felt gunthewari would not be threatened with eviction as “slums”, and they were confident of securing services on their own. A planner in the Regional Planning Office described this middle-class mentality as, “they want something cheap – they want a house and are ready to see to other things (i.e., planned amenities) afterwards”.<sup>41</sup> Some middle-class gunthewari colonies have done self-provisioning-collecting money from each household for developing last-mile service connections. An SMC engineer revealed that middle-class households can get municipal water connections because they are willing to pay for them and the SMC is desperately trying to enhance its revenues.<sup>42</sup> Gradually, with the growth of the land market, longer-term concerns of security and investment outweighed short-term cost savings; the middle classes wanted regularisation and were willing to pay for it. A chain of non-agricultural (NA) agents and lawyers emerged to meet this demand. The larger bribes that could be charged to middle classes benefited land brokers, developers and local officials.

Post-2001 developers have seen a new opportunity in fudging the date of plot purchase in order to regularise plots via the Act. Interviews with an SMC planner indicate that developers submit a photocopy of a (forged) date of purchase of a plot prior to 2001 and on that basis permission is given to regularise the new buildings that come up on these plots.<sup>43</sup> The constitution of the Act thus not only encourages continued evasion in expectation of the deadline being extended

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but the innovation of new interpretations of the Act through new (informal) practices.

**Gunthewari Housing; An Instrument of Revenue Generation for the SMC and Mobilisation for CITU:** Under the Act residents had to apply for regularisation with necessary documentation, submit a rectification plan for Development Control Rules (DCR) related infringements as well as proof of rectification, and pay penalties. Penalties were to be collected in a separate account and ploughed back into the same neighbourhoods that had paid penalties to support upgrading of infrastructure. Importantly, the Act specified distinctions between regularisation of the structure (to be done by the ULB) and regularisation of the land (to be done by the collector) but in actual practice, the Act only regularised the construction but not the land on which the building was located (see Bhide in this issue). This meant that it did not transfer legal ownership or permission for NA use to gunthewari residents. Unsurprisingly, given the numerous layers of informality, it was difficult for gunthewari residents to amass the needed documents for regularisation. This together with the lack of clarity about how regularisation actually benefited residents contributed to the weak response to the Act in Solapur.

Meanwhile, the cash-starved SMC saw the Act as an opportunity to generate revenues and make up for the substantial revenue foregone as a result of gunthewari bypassing land and building permission fees. The general body council of the SMC came out with guidelines for implementation of the Act that outlined in detail different kinds of fees payable for different properties, reduced the number of documents to be produced (from 24 to 3) and completely bypassed the requirement of the “rectification plan”. Further, it specified an increase in rates of 10% every year. Arguably, allowing regularisation by maintaining the status quo only encouraged continued evasion and undermining of planning norms, especially from those who could afford to pay the fees. Until September 2012, 20,251 applications for regularisation have been received out of which 9,115 have been approved (SMC building permissions data).

The deliberately incomplete regularisation operationalised via the Gunthewari Act, which does not confer legal ownership, invited strong opposition from CITU since most workers’ housing is classified as gunthewari.<sup>44</sup> Mobilising around regularisation of unauthorised settlements forms a key part of the union’s strategy to retain and enhance their membership base. CITU argued that regularisation is purely a revenue-generation strategy by the SMC that neglects tenure security and poor living conditions and cited the following factors as proof of this. The Building Permissions Department of SMC was given charge of implementation of the Act and not the Town Planning Department and there is no coordination with the revenue department, evidence of the deliberate separation of the built structure from the land on which it sits and of the fragmentation of governance that has enabled such artificial separation. The union also argued that the Act penalised residents that had been paying house taxes and utility fees for years, but not landowners or developers who had evaded planning and land administration

laws with the help of complicit officials. Additionally, the SMC collected a total of Rs 10 crore in penalties from gunthewari residents but there has been no expenditure on infrastructure upgrading in these neighbourhoods since 2007<sup>45</sup> and there exists no account for how penalty fees have been spent.<sup>46</sup>

City planners echo CITU opposition to the Gunthewari Act:

*Shaadi se pehle baccha ho jaye aur baad mein shaadi ho, vo gunthewari hai. Baccha shadi se pehle ho ab shadi toh karna hi padta hai. Lekin baccha achcha nahi hoga. (Gunthewari is like an illegitimate child. If a child is born outside of marriage then one has to marry to legitimise the child. But the child will not turn out well) (SMC planner).*

Planners’ opposition is mainly on the grounds that regularisation promotes evasion and undermines the formal process of land and building permissions. The metaphor of illegitimacy emphasises the inseparableness between evasion and regularisation as each leads to the other. Additionally, regularisation ensures political acceptance of gunthewari but the stigma of lack of planning and livability remains.

The anti-gunthewari campaign launched by CITU<sup>47</sup> made Solapur a centre of opposition to regularisation by the mass of poor workers. The Gunthewari Act continues to be in force with middle-class families seeking and obtaining regularisation. Construction of gunthewari housing continues unabated.

## Conclusions

The paper throws light on the evolution and dynamics of urbanisation arising in the industrial town of Solapur told through three governing conjunctures. These reveal the disconnects that cut across its industrial, spatial, political and social landscape to reveal a town functioning at low levels of industrial dynamism and physical and social infrastructure, characterised by high levels of poverty. There is a deep schism between formal power loom firms that garner the benefits of government schemes and physically planned locations for industry and informal ones that are not acknowledged by and do not benefit from state plans and policies. The uneven spatial development of the city is reinforced by a core – limit extension differentiation in terms of quality and access to basic services, nature of (informal) housing and associated land economies. Disconnected governance and planning also substantially shape the town’s trajectory. There exist a multiplicity of governance institutions with fragmented jurisdictions and powers. Little control is vested with local government for formally nurturing dominant industries like power loom, for city planning and for land administration. The SMC is also riven by coalition politics that has propelled a dance of negotiations between alliances to evolve a consensus on important governance decisions, such as those to do with land use and control.

Overall, a systematic pattern of elite advantage is seen although matching needs (such as the need for buyers of land) and insurgent mobilisations in rare cases have enabled poor workers to also benefit from systems of deregulation. The case of ULCRA revealed that overall elite interests benefited as when excess lands were exempted, it went back to the original owner, the landlord, and when acquired by the state, it primarily benefited elite middle and business classes. The



Gunthewari law penalises residents of informal housing in limit extension areas but not developers and focuses on regularising the building but not the land on which it sits. Additionally, it is largely middle-class residents who can afford to pay the fees and benefit from regularisation. Limit extension has been used as a tool to urbanise and provide land for development that has benefited a few elites but not the livelihoods and fortunes of the town and the bulk of its people.

The case study of Solapur clearly reveals the predominantly informal nature of the planning regime that has nurtured urbanisation. What distinguishes this informality? In consonance with the work of other scholars, the informality in Solapur's planning regime incites illegalities from the poor and the indigenous bourgeoisie at the same time (Nair 2013, 2005; Gururani 2012; Roy 2009). Both poor groups and the economic and political elite strategise to craft alliances to bend the law to their advantage and influence governance processes. Drawing from Nair's concept of "pliability of the law" we focus on the agency of different actors in creating/exploiting this pliability. This leads to a continual improvisation of practice that recognises and responds to shifting political alliances, insurgent mobilisations, material restrictions and cultural norms. The local/regional state makes policy adjustments in response.

Practices are an exercise of power inherent in the state but go beyond the state considering how de facto sovereign powers have historically been configured and distributed in the town (Hansen 2009). While Roy (2005) describes informality as being created by the sovereign power of the state to determine the state of exception, the case of Solapur highlights that everyday administration, political mobilisation and implementation of laws in localities remain firmly mediated by what Hansen (2009) refers to as hierarchies of "big men" who exercise de facto sovereignty. This leads to understanding sovereignty as exercised not only by the state, but also by a hybrid assemblage where the functioning of the state and the law at the level of localities is both dependent on as well as manipulated by such figures. This highlights the dispersed structure of governance and sovereignty and the limits of state authority, as exemplified by the response to planning law, in the town.

The case of a metro city like Bengaluru reveals that more, rather than less, planning is seen as panacea to the city's ills, with faith being placed in implementability of the law beyond a few small pockets (Nair 2013). In a medium-sized town like Solapur, there seems to be a rather different relationship to planning law. The law seems important not so much for its implementability but because it serves as a (moving) reference point for defining and differentiating between different types of illegalities and informalities, the public legitimacy given to each and the differential possibilities for negotiating exemptions. An indigenous bourgeoisie that places importance in the law as a vehicle to impose greater order and control urban space is largely absent. Most residents have violated planning/land laws including government officials and the SMC.<sup>48</sup> The certain benefits of evading the law (for instance, via cheaper informal housing) outweigh the risks of facing penalties for violations. If land can be obtained cheap,

residents are confident of their ability to negotiate services later. The middle classes are willing to pay for these services, and in a context of increasing neo-liberal governance where ULBs, including the SMC, are under pressure to recover costs and generate revenues from services, they are likely to get them. The formal planning process is also seen to convey few benefits – having NA use is considered important only to access loans; if you have other access to capital there is no real need for NA. The context of a developing land market, however, is slowly changing this. Whereas earlier the middle classes formed a relatively stable section that was less interested in the resale value of their house, there are indications that this is no longer the case. Increasingly the middle classes perceive the benefits of and desire legalisation. Despite comprising a relatively small segment of the population in the town, the middle classes have an important effect on the land market. And they seek regularisation because it has the potential to enhance their land values.

The paradox that emerges from the case of Solapur is that, on the one hand you have a system that generates planning laws based on practice that are actually relevant to the Indian condition unlike the formal legislation adapted from British Town and Country Planning Law. However, this system is by no means a just one – it is shaped by and benefits (historically constituted) economic and political elites disproportionately. Privileging private interests at the expense of public ones means that public goods, the environment, and public spaces – the "commons" – are casualties of this process. It is also conducive to the privatisation of systems where those citizens who can pay, garner the benefits.

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## NOTES

- 1 In line with Bhan (2013) we understand "illegal" to be those practices that contravene the formal planning and land administration laws and "informal" to be those practices that have documented purchase and sale of property even if these documents are not legally recognised.
- 2 Tirthankar Roy (2004), "Indian Textiles in the 20th Century", [http://www.digitalis.uni-koeln.de/JWG/jwg\\_146\\_129-139.pdf](http://www.digitalis.uni-koeln.de/JWG/jwg_146_129-139.pdf), accessed on 5 September 2012.
- 3 This formed part of the city's industrial belt—several power loom factories and a cooperative industrial estate were already located there.
- 4 Interview with MIDC official.
- 5 This policy treated units with less than five power looms as equivalent of handlooms for tax purposes.
- 6 MIDC estates provided access to cheap land – a token of Re 1/year was charged as rent and renewable leases were granted for 95 years. Since the land is legal, lessees can use it as collateral to take loans. MIDC also provides better services than the SMC.
- 7 Interviews with entrepreneurs, 1-3 April 2012.
- 8 Interviews with traders and owners, 1 April 2012.
- 9 For a review of the goals of the ULCRA in Maharashtra, see Phatak (2005).
- 10 Interview with a lawyer, 19 February 2013.
- 11 Interview with a CITU activist, 12 June 2013.
- 12 This measure was taken to enable the planned development of the area just outside city limits that was considered the most susceptible to haphazard development.
- 13 This zonal plan was prepared by the Director Town Planning (State Government Resolution dated 20 November 1961) for the area outside Solapur municipal limits with a view to controlling development.
- 14 *Uddhav Tanya Bhopale vs State of Maharashtra 1992*.
- 15 Interview with ULCRA official, 13 June 2013.
- 16 Interview with ULCRA official.
- 17 Once land is designated as "surplus" all legal transactions on the land are frozen; the owner has to surrender it to the state government for very low compensation. In order to make some money off their land, owners therefore started selling it illegally.
- 18 Several settlements today bear the names of their feudal patron cum present-day corporator.
- 19 Interview with corporator, Karli, 12 August 2012.
- 20 Most plots have houses built completely of tin sheets that can be easily reassembled somewhere else. Making such a temporary shelter is a common practice by workers who never have guaranteed jobs.
- 21 Interview with residents, 12 August 2013.
- 22 As Das (cited in Nair 2013) argues, claiming and accessing rights is a process since insurgent citizens do not treat the law as fixed and static, where they either have rights or not.
- 23 Interviews with CITU leaders on 12 June 2013 suggest that identifying ULCRA lands and then assisting workers to settle there was a deliberate strategy, particularly because applications to access ULCRA lands through Section 21 had proved futile.
- 24 Interviews with residents on 23-24 September 2012.
- 25 It should be noted that the language of caste was antithetical to the CPI(M)'s ideology and was not used explicitly by the party as a means of mobilisation. Yet we argue that it played a role in getting community members together and creating a bond with Adam master.
- 26 10 August 2012; 18 February 2013.
- 27 Such a scheme became possible because the dalit MLA subsequently became chief minister and could personally approve this decision.
- 28 Interviews conducted on 19-20 February 2013.
- 29 The year 2012 alone registers 40 Section 37 (1A) requests (General Body meeting minutes, SMC).
- 30 Interviews with SMC planner and corporators; 10 August 2012; 24 September 2012; 12-13 June 2013.
- 31 SMC data and interview with SMC planner, 24 September 2012.
- 32 Those few reserved parcels that are undeveloped are reported to be either under dispute or under negotiation for being de-reserved.
- 33 Interviews with SMC planner and corporators, 24 September 2012.
- 34 Interviews with SMC planner and developers, 5 June 2012; 26 September 2012; 19 February 2013.
- 35 The word *gunthewari* actually means "as per the gunthas" (1 *guntha* = 1,000 sq ft). *Gunthewari* referred to sub-dividing larger land parcels into plots of 1,000 sq ft and selling them. Later, irrespective of the size of the plot, people referred to this type of housing (through informal sale of land) as *gunthewari*. The term originated in Sangli, a district town in Maharashtra where most housing is produced via *gunthewari*.
- 36 SMC officials consider *gunthewari* housing to be developed by purchasing land via informal transactions and different from slums that result from occupying land illegally.
- 37 Ineligible regions include Mumbai-Metropolitan Region, notified hill stations, special tourism areas, scheduled areas, as well as lands under forests, and coastal regulation zones.
- 38 The first violation is in not obtaining permission to convert the land use from agricultural to non-agricultural (or NA). Second, preparation of the layout has been done without planning sanction. Since the layout plan forms the basis for plotting and selling plots, the third violation is not updating the details of plot subdivision in the land records office. Fourth, the transaction has not been registered in the sub-registrar's office in order to save paying stamp duty, which is a major source of revenue for the state. This prevents the transfer of ownership of the land from original owner to the plot purchaser. Fifth, after occupying the plot, the residents built structures without adhering to the city's Development Control Rules (DCR) that guide building construction.
- 39 Interview with SMC planner, 24 September 2012.
- 40 The term "intermediate classes" is perhaps a more accurate term than "middle classes" but a thorough examination of this is beyond the scope of this paper. See Harriss-White (2003).
- 41 14 June 2013.
- 42 18 February 2013.
- 43 12 June 2013.
- 44 Union leaders observed that strikes have little effect nowadays and that issues that succeed in mobilising workers pertain to land and services.
- 45 Details of amount collected were obtained from Building Permissions Department and expenditure on infrastructure from SMC budgets.
- 46 SMC engineers informally revealed that penalty funds have been used for salaries and not for basic services in newly-added areas.
- 47 CITU has also filed a petition in the high court that is still pending.
- 48 There has been a recent case of the SMC encroaching on a reserved land parcel to build a colony for its employees.

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