

Instructive Instruments: Land Records Modernization in Urban India

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There is currently a move towards modernizing land records across India. By default, these modernization efforts have focused on rural areas, due to colonial legacies of records focusing on agricultural land holdings and collecting agricultural revenues. Translating these modernization interventions to urban areas highlight both the (1) uneven geographies of urban property rights regimes and (2) the conflicted relationship of these regimes to different scales of urban governance. On one hand, property relationships in urban areas are evolving rapidly to keep up with demographic growth, economic transitions as well as spatial expansion into periurban areas. On the other hand, urban records modernization initiatives are attempting to 'see' cities' landscape, through the simplified lens of ownership and titling. This paper analyses the emerging terrain of governance, rights and land use in urban areas and highlights not only the disjunctures embedded within current initiatives, but also the challenges of undertaking comparative research and analysis within this emergent terrain.

In 'Seeing like a State' Scott speaks to the design of state instruments and the intent of the state in deploying these instruments. The paper uses this two- part conception of state devices as a heuristic to analyze ongoing initiatives to modernize property records in urban India. Scott's analysis is built around comprehending state attempts at legibility, simplification and standardization, as the means to gain a better administrative 'handle' on subjects and their habits of social reproduction, as well as 'central recording and monitoring'. Scott's analysis resonates with Massey's work on the 'flattening' and depoliticisation of space, not only as a dominant and often unacknowledged tendency within social theory- building, but also as a methodological lens into modernization projects. This is the fundamental challenge for property records modernization initiatives in urban India. On one hand, there is need for deep place- based comparative research into the uneven geographies of tenure- based property relations, across the spectrum of formality- informality, engendering urban growth and fostering urban social and economic reproduction. On the other, there are capacity challenges and business and investor-led pressures to create external- facing standardised records of urban property relations, premised on simplified registers of ownership and titles.

Current land modernization initiatives are designed as technical initiatives, with explicit objectives of improving administrative efficiency, enabling end- user transparency and improving performance on metrics assessing 'Ease of Doing Business'. However, the standardized format of ownership and titling that these initiatives are focusing on, especially in urban areas, highlight instrumentalities that are not technical, but legal. The duality of technical instruments and their legal intentionality, reveal attempts to simultaneously traverse narratives of transparent governance, better investment climate and improved citizen services. While these narratives may merge seamlessly in the context of a liberal state, civil society and a free market, they are manifesting in political and economic disjunctures, between different scales of governance, within India's urban context of multiple tenurial practices, unequal ownership patterns, significant informality, unevenness of economic growth opportunities, aspirations to attract external investments, speculation in land markets and heavily litigated realm of property claims. The disjunctures between different scales of government in operationalizing updated urban property records, highlight that multiple political instrumentalities are shaping interactions between the central and regional governments, challenging conceptions of an undifferentiated, sovereign state.

Meanwhile, a focus on ownership and titles also means that modernized records are capturing a limited segment of urban transactions, in a limited number of planned neighborhoods, which implicates their relevance as administrative instruments to govern urban economic transitions. Urban informal networks and spaces, which contribute to 40%- 60% of urban GDP are fostered by tenorial arrangements, beyond ownership. Meanwhile, even within the formal end of the market, high property values means property rights are being commodified and transacted in multiple forms, including transferable development rights, incentive FSIs, retail and institutional investment options in real estate and land- based public- private partnerships.

The paper draws on two years of fieldwork conducted over 2014- 15, by a team of researchers at IIHS, across five states - Haryana, Himachal Pradesh, Karnataka, Bihar and Gujarat. It also draws on historical analysis of post- independence land reform attempts, in rural areas, aimed at land redistribution, and transition to a post- liberalization focus on transparent and efficient governance to attract external investments, particularly in urban areas.

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