#### - Chapter 4 -

#### ENCLOSING GURUGRAM

Vernacular Valorization on India's Urban Frontline

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#### Introduction

This chapter examines struggles over land commodification on India's agrarian—urban frontier. The rural edges of Indian cities have been sites of a feverish land frenzy over the past two decades, as developers, investment funds, local state officials, and industrialists all vie to revalorize 'under-utilized' rural landholdings, and convert them into urban and industrial real estate. Here on the urban frontier, peasant proprietors are throwing themselves into land markets—informally cutting plots, constructing roads, improvising titles, and exploiting customary tenures in order to take part in India's dramatic urban awakening. While narratives of land 'grabs' and dispossession in India have tended to focus on state-led land acquisition programs on the urban frontier these grand state plans are accompanied by far more pervasive bureaucratic and material struggles to mobilize agrarian class power and land's material flexibility to quietly claim land.

Since the liberalization of the Indian economy in the early 1990s, and further deregulation of the real estate sector in the 2000s, the Indian state has sought to open up the Indian countryside for real estate and industrial expansion. From the aggressive marketing of rural land banks, creation of public–private investment vehicles, smart city investment policies, mega-infrastructure development programs, special economic zones (SEZs), and deregulatory planning

environments, the state has sought to provide outlets to real estate capital locked up in oversaturated city centers and facilitate the real estate sector's capture and transformation of rural land (Denis and Zérah 2017; Goldman 2011; Searle 2016). The post-liberalization rush on rural land forms the foundation of a broader political economic shift across India. Real estate-led urbanization, and struggles over emerging rentier economies, have come to shape fledgling, if uneasy, caste-class alliances emerging from the post-agrarian order. The mass urbanization of India's peri-urban and rural areas—of 'smart cities,' special economic zones, and mega-highways—is not only a response to attempts to reconfigure rural space for global capital, but simultaneously reflects a much broader hegemonic move on behalf of the Indian state to forge alliances between land-hungry corporate capital and cash-rich agrarian propertied classes, which form the basis of an increasingly chauvinistic and authoritarian politics across the country (Balakrishnan 2019; Cowan 2022).

Indeed, the geographies of this fledgling hegemonic alliance are laid bare in the vernacular and incomplete character of property regimes across the country. Amidst growing legal and political opposition to state-brokered land dispossessions that have stalled development projects and brought down political dynasties, the Indian state has rowed back from dirigisme,<sup>2</sup> and moved toward a model of facilitating private sector-led land aggregation and development policies. While the period running from early 1990s to the mid-2000s may have been characterized by violent state-brokered land deals (see Steur and Das 2009; Sarkar and Chowdhury 2009), in the contemporary moment regimes of dispossession go under the quieter guise of 'alienation,' enacted incrementally within local bureaucratic spaces, panchayat (village council) meetings and roadside brokerage offices. Today's urban periphery is characterized less by stand-offs between heroic villagers and state bulldozers, and more frequently by a frenzy of land brokers, aggregators, and developers—drawn from the agrarian landowning classes and mobilizing agrarian institutions—to convert heterogeneous rural property regimes into globally integrated real estate.

This switch in the state's approach to land development was pioneered in Gurugram,<sup>3</sup> a city 20 km southwest of New Delhi, where I have been conducting fieldwork since 2012. Transformed from an agro-pastoral hinterland of New Delhi in the 1980s to a privately managed and globally integrated urban center of 2 million people today, Gurugram was—until recently—heralded as a model for a new urban India<sup>4</sup> characterized by private sector-led urban and



Figure 4.1. Gurugram land evaluation. © Tom Cowan

infrastructural development, and privatized urban and industrial governance.

The government of Haryana's neoliberal urban development model developed in the early 1980s sharply contrasted with that in neighboring Delhi, where housing and development controls were tightly policed by the Delhi state development authority. Real estate firms fleeing state land controls in Delhi were attracted to the liberalized development environment in the foothills of south Delhi, adjacent to the Delhi International Airport. What is more, by chance Gurugram was situated in an area with no acting authority to enforce the redistributive land ceiling regulations introduced across India in the 1970s (Gururani 2013). This enabled land-hungry developers to amass land banks through private sales with agrarian landowners<sup>5</sup> on a scale previously considered impossible. For their part, the landowning Jat and Ahir caste communities, who dominate landownership and party politics in the state of Haryana, sold their land and became cash rich and willing partners in the quickly evolving land markets.

As I have discussed elsewhere, the story of Gurgaon's urbanization is pointedly not one of mass dispossessions, but rather of hegemonic alliance between agrarian landowners and corporate capital (Cowan 2018). At a time when state governments were still dispossessing landowners, 'brokering' land for real estate capital (Levien 2013) and attempting to establish territorial 'zones of exemption' (Cross 2010), Gurugram stood as a showpiece of what was possible under a neoliberal urban future, where a provincial propertied class

might by turned to revalorize and assetize their fields (Birch and Muniesa 2020).

These alliances are far from smooth, however, and it has required constant work to translate agrarian social structures, territorial claims, and political and tenurial institutions into capitalist urban forms. Gurugram's agrarian-urban landscape is as such characterized by a patchwork of differently privatized and non-privatized property, rentier and commodity-producing economies, and urban and rural lands—testaments to the compromised hegemonic geographies of agrarian urbanization. Building on recent work on India's decidedly agrarian-inflected urbanization (Chari 2004; Cowan 2018, 2022; Gururani and Dasgupta 2018; Rathi 2020), this chapter is interested in the social work required to repurpose rural class structures, political networks, and property regimes for property-led urbanization.

A hallmark of urbanization across the Global South from the 1990s has been the aggressive extension of private property rights in the countryside. In echoes of Hernando de Soto's work on land titling, the Indian government espouse private property titles as a cure for all manner of rural social and economic ills, and have rolled out an aggressive marketing campaign that sells a vision of post-agrarian futures bound intimately to private property ownership, urban development, and rentier accumulation. And yet agrarian land on India's urban frontier is no terra nullius, it carries a recursive history, subject to colonial, then postcolonial land enclosure and resistance that has left a complex layering of rights, exclusions, and jurisdictions that must be traversed and flattened in pursuit of private property. Across Gurugram, landowners are readying their land for real estate capture—cutting plots, hedges, and walls on the ground, and arranging paperwork and property boundaries in bureaucratic records often in lieu of formal state recognition. These kinds of expectant strategies are akin to what Jeremy Campbell, in his work in the Brazilian Amazonia, has called 'vernacular property-making,' a process whereby peasants 'turn land into a proto-commodity awaiting recognition by the state' through a variety of improvised means (Campbell 2014). In this chapter, I look to build on Campbell's work to explore the ways both corporate real estate firms and agrarian landowners on Gurugram's edges look to mobilize opaque bureaucratic structures and customary landholdings to settle 'vernacular' property claims. These claims often sit outside the formal planning and development procedures of the state, but nevertheless align with a broader political economic imaginary of

a propertied and urban frontier led by politically dominant landowning caste communities.

### **Flexing Land**

Converting rural land on the edges of Indian cities into standardized private property parcels is a complex endeavor, one that involves the careful assembly of the material instruments of property: possession documents, land-use permissions, cadastral maps, land records, survey stones, and boundary walls. While typically understood as resolute instruments of state calculation, legibility, and expertise (Blomley 2003) on India's urban frontier, these bureaucratic materials—embedded in local institutional politics confer ambiguity and flexibility in land. Not only can maps be quietly redrawn and documents rewritten, but beneath these authoritative materials are a set of competing political claims and struggles that come to substantiate property (see Hall, Hirsch and Li 2011). As will be shown on Gurugram's periphery, pliable maps and diverse tenures are deployed by real estate actors to extend territorial ambiguity, bypass regulations, and commodify rural land. These vernacular property-making strategies are not undertaken outside of, or in competition with, the mainstream cartographic practices of the state, but rather permeate and overlap with lower-level state spaces, logics, and strategies of land governance. As discussed by Roy (2003) on India's urban frontier, the state frequently exercises its power through strategies of 'unmapping.' In Roy's account, the absence of formal sight gives scope for the state to flexibly remap and vest property with rural poor vote banks. Here I am interested in how remapping strategies are not simply the privilege of the state but, within the current neoliberal conjuncture, are also creatively deployed by the real estate sector.

These strategies, I argue, are deployed in (at least) three ways. First, property claiming is animated within bureaucratic spaces and practices. The map, grid, and registry, while typically viewed as technologies of abstraction that substantiate the calculative territoriality of state power at the urban frontier, are pliable, earthbound materials that are flexibly put to work to authorize both private sector and landowners' land banks. Bound up in the map and the record book are unmapped property claims and malleable materials through which land can shift in location and contort in size. As will be shown, within the offices of low-level bureaucracy and out

on cadastral land surveys, private actors manipulate the silences of the map and grid to redraw boundary lines, muddy titles, and conjure up property claims. Importantly, attention to contestation over bureaucratic materials politicizes the work of the bureaucracy. It is the disaggregated space of the local state, with its competing interests and constituents, and the pliable materiality of maps, registries, and lists (Hull 2012) that animate flexibility in land and produce ambiguity in state records that can be utilized by those seeking enclosure.

Second, these processes are enabled by ambivalences in local property regimes. Differential forms of land tenure, I argue, frequently act as accomplices to commodification, allowing private actors to exploit the openness of tenures to assert property claims. These ambivalences are in part authored within bureaucratic spaces previously discussed, but are also the outcomes of historical agrarian class struggles that have marked rural property regimes with hybrid private-nonprivate tenures. This chapter will show how differently privatized tenures on the peripheries of the city of Gurugram have allowed private actors to colonize the commons and extend the commodification of land.

Finally, land's flexibility allows real estate actors to physically take possession of land imbued with malleable boundaries and ambiguous tenures, and suture them to official state visions and plans for real-estate-led urbanization. On the urban frontier, a whole host of private actors—brokers, aggregators, developers, state actors—are pitching fences, digging trenches, building on plots in order to substantiate facts on the ground, often in lieu of claiming a legal title.6 These autoconstructions, materialized in the incremental development of roads, housing complexes, and even special economic zones, derive authority from aligning with hegemonic ideological, and material norms that hold together the neoliberal developmentalism of the Indian state. The fixing of facts on the ground profoundly reorganizes land's territorial landscape and offers a pathway toward future regularization. Importantly, it is land's flexibility, the ability to physically reorganize territory on the ground and on paper, that allows these strategies to take place. Vernacular property-making strategies do not exist in a politicaleconomic vacuum; these locally contingent practices articulate with local class struggles over land value and nationally hegemonic forces of real-estate-driven economic growth, which render sensible otherwise illicit property claims.

These three property-claiming strategies—bureaucratic malle-

ability, ambivalent land tenure, and practices of possession—are not marginal to processes of land dispossession driving real estate development across India's urban frontier. These strategies are not peculiarities to an otherwise smooth unfolding of the commodity logic in land—rather, they represent its internal animating features, providing capital with the requisite space to maneuver mixed land tenures, agrarian institutions, and postcolonial regulations in its quest to realize private property. In short, the translation of dynamic land regimes into forms that can cleanly command value, requires flexibility and ambivalence. These processes are complex and deeply contested, marked by territorial holdouts, land scams, high-stakes negotiations, and a host of bureaucratic struggles over the capture of land. These uneasy alliances between the customary and formal, the agrarian and urban, are held together by speculative visions of perpetually increasing land prices, buttressed more recently by Modi's neoliberal Hindutva project that sutures ethnoreligious and caste supremacy to projects of accumulation.

The arguments explored here as such repose the bureaucratic office, cadaster, and field as contested 'frontlines of value' (Kalb, Introduction), where mainstream forces of value-seeking enclosure entangle with and appropriate localized property regimes. On the edges of Gurugram, it is corporate real estate actors and state officials who are seeking to wield connections with local officials and territorial ambiguities in order to craft land into a recognizably investable resource. Land's flexibility, I argue, is a vital element of capitalist enclosure on the urban frontier.

# **Uncertain Dispossessions**

Harvey's (2003) work on 'accumulation by dispossession' has been incredibly influential in scholarly understandings of contemporary dispossession and capitalist expansion. Harvey's principal innovation was to dispose of the historicisms that tied Marx's 'so-called primitive accumulation' to the foundations of capitalist transitions, and its particular feature as a precondition of waged labor. For Harvey, contemporary land dispossessions are ongoing, central features of capital's reproduction and expansion, typically deployed to capture and revalorize underutilized—but not noncapitalist—land-holdings.

Harvey's accumulation by dispossession extends beyond landbased dispossession and explores a whole host of enclosures of

private and socialized assets: from water to health-care systems to public housing. For Harvey (2003), capital survives shocks of overaccumulation by rerouting surpluses into socialized resources—a rerouting that, in the Global North at least, has required the ideological, institutional, and political apparatus of neoliberalism.

In an appraisal of Harvey's accumulation by dispossession, Mike Levien convincingly argues that while Harvey's concept usefully unmoors land dispossession from historicist analyses of capitalist origins, and severs its strict links to proletarianization, the concept remains ambiguously defined, and overextended to describe diverse forms of surplus absorption that are already characterized by expanded reproduction (Levien 2015). For Levien, accumulation by dispossession's utility resides in its exploration of the "deeply political processes in which owners of the means of coercion transparently redistribute assets from one class to another" (Levien 2015: 149). In other words, for Levien the distinguishing feature of contemporary rounds of dispossession under advanced capitalism is state force. This account forms part of a broader body of work that crucially understands land-based dispossessions as a political process driven as much by class struggle as the functional movements of overaccumulated capital (ibid.; De Angelis 2001)

And yet, as discussed at the outset of this chapter, in contemporary India, land notified for forceful state acquisition accounts for a small proportion of overall transactions. Indeed, despite a throng of state-orchestrated infrastructural and urban development projects across the mid-2000s, very few of these projects have moved past the notification stage. If once state-led dispossessions facilitated quick access to rural land for private investors hesitant to engage in aggregating fragmented smallholdings, today the real estate sector has proven adept at developing infrastructures to navigate these obstacles and directly engage in land dispossessions and enclosures. In this context the state plays a facilitatory role, flexibly master-planning territories, fast-tracking land use permissions, deregulating planning norms (Gururani 2013), and overseeing the real estate sector's piecemeal aggregation and conversion of land (Cowan 2022). Indeed, much of the politics of land enclosure and dispossession in rural India rests not in the deployment of unilateral state coercion but rather in quieter material strategies of remapping land, reassigning tenures, adjusting records, and informally plotting land. On the urban frontier at least, it is the private sector that is carrying the bulk of the work to capture and convert land into a real estate asset.

In this regard, the frontlines of 'accumulation by dispossession' on India's highly sought-after urban peripheries are not necessarily enacted unilaterally by state force, but rather unfold unevenly and without certainty through the interlacing of global capital with customary rural property regimes and agrarian communities. That is not to say that state development plans or territorial engagements are unimportant, rather that they are mediated through a lively, material politics of land, and bureaucratic indeterminacy engaged in by a multiplicity of local actors.

## **Disrupting Calculation**

Attempts to scrutinize the foundations of private property regimes across the world have focused on the state's deployment of technologies-maps, cadastral surveys, title registries-to not only produce tradable assets of property in land, but to materially substantiate private property's territoriality. The deployment of these technologies in North India have however had mixed results. Under colonial rule the will to impose private property regimes was consistently resisted and compromised by class conflict and disaggregation within rural communities, resulting in diverse tenurial regimes that mix proprietary claims with commoning (see Bhattacharya 2019). Put simply, the rollout of private property regimes-from authoritarian colonial rule to the developmentalist policies of the postindependence period-has been uneven, disputed and marked by compromise between rule and custom (ibid.). In the contemporary moment, the requirement to govern diverse tenurial and political constituencies has produced forms of state power that are, as a wealth of scholarship attests, expressed as much by appeal to opacity and flexibility, as to standardization and code (Anand 2015; Anjaria 2011; Chatterjee 2004; Kaviraj 1984). This flexibility extends to bureaucratic materials themselves—as we shall see, many of the calculative instruments deployed by the state to discipline territory and impose normative forms of private property (the grid, the map, etc.) loosen in the dusty offices of the local state. Here bureaucrats in charge of orchestrating private property, oversee the redrawing of maps, the disassembly of grids, and the rewriting of claims. As Matthew Hull has written, on the ground bureaucratic materials act as unfaithful tools of government. This bureaucratic malleability and tenurial diversity fundamentally structure local

territorial power, and the pathways to the assembly of rural land as a standardized commodity.

Against narratives that bestow the master plan, cadastral survey, and land grid with unrelenting and calculative power to dispose of land, this chapter is interested in their ontological insecurity, in the power that ambiguity affords real estate actors to contort land boundaries, reinterpret land tenures, and settle processes of urban development. These contingent practices, of course, mirror global processes of enclosure and 'value grabbing' (Andreucci et al. 2017) that operate through improvised and flexible territorial practices. In India, the utility that ambiguity affords acts as a powerful resource to private actors at a time when state governments are increasingly moving away from directly brokering land through state-enforced land acquisitions, and toward orchestrating regulatory environments that allow developers to directly purchase, aggregate, and develop land on their own terms. The absence of an examination of the contested material deployment of calculative instruments and tenurial regimes in studies of land enclosure and dispossession not only fails to attend to the contingent routes by which real estate markets are established, but also tends to presuppose the certainty of land's inevitable capitalization merely by the presence of the map, title deed, and boundary wall.

The arguments presented here are intended as a modest contribution to a body of work that seeks to center the material struggles of capital's global pursuit of land. As Solomon Benjamin writes, progressive scholarship is often quick to view land politics through a lens of conflict and resistance that "flattens and closes over various political spaces" and bypasses the "multiple logics of territorial formation" that shape claims to real estate surpluses (Benjamin 2019: 2). Following Benjamin, I am interested in the ways actors make territorial claims by embedding their claims in disaggregated, bureaucratic institutions and ambiguous property regimes. In order to understand processes of private property-making on India's urban frontier requires an understanding of how diverse systems of tenure and ownership, which exist under malleable regulatory and territorial regimes, continue to act as a key resource for those seeking to capture, aggregate, and convert land into real estate.

There have been numerous concepts developed within scholarship on urban development in the Global South that have sought to get at the incremental, tenurial, or resurrectionary ways the urban poor in particular make territorial and institutional claims (Bayat 2000; Benjamin 2019). Elsewhere the anthropological literature on 'frontiers,' unhappy with the universalist tones of primitive accumulation, have explored a series of ways in which rural communities have been engaged in parceling and enclosing land, and making normative claims to property. The 'vernacular property-making' of settlers and colonists in rural Amazonia, writes Campbell (2014: 240), "can be viewed as vital, if poorly understood, components of emerging processes of accumulation and dispossession on resource frontiers." His exploration of colonists cutting trails, forging documents, and pitching fences in Brazil's rural Amazonia forms part of a broader body of work that examines how local communities anticipate the march of capitalist expansion by crafting provisional and tentative property claims on capitalist frontiers (Li 2014). Here the expansion and circulation of capital via property is substantiated not only by the forceful material technologies of the state, but equally by a commonly felt certainty of propertied futures.

On the edges of Gurugram, territorial and tenurial ambiguity, anchored by histories of uneven colonial property settlement, form the central means through which developers seek to capture and convert rural lands. As Benjamin (2005: 251) writes, postcolonial tenure arrangements provide land with a "powerful fluidity" that disrupts its otherwise fixed materiality. Accounting for property's 'fluid' and uncertain materiality rejects accounts of capitalist enclosure that would position a coherent binary between a dispossessive, calculative capitalist state and a resisting, 'vernacular' rural community.

In this sense, parallels can be made with recent scholarship on labor informality and capitalist exploitation. Just as capital is parasitic of, and differently exploits, so-called 'informal' labor (S. Campbell 2020), so too do the mechanisms of land capture and enclosure frequently operate through the exploitation of opaque customary land tenures, pliable state actors and informal territorial strategies. The route to land's translation as a value-bearing commodity is as such contingent on, and often enabled by, non-normative property regimes. If, as Inverardi-Ferri (2018) writes, "accumulation by dispossession serves to colonize spaces of informality and to integrate them into different territories of market discipline," I would argue that this process of often requires the capacity to wield territorial and regulatory ambiguity.

In the remainder of this chapter, I will explore how private actors look to exploit land's material and representational ambiguity in order to aggregate land and settle property claims. I will do so by drawing on ethnographic fieldwork in Gurugram conducted

between 2018 and 2019 in the offices of the land revenue bureaucracy (Patwari), which is responsible for registering and mapping rural property ownership across the outskirts of the city.

## **Digging for Land**

Neeraj was sat waiting for the senior land revenue bureaucrat to return from court when we met at Gurugram's central Patwari office. "This work requires patience and some intelligence" he remarked, tapping his head as we scoured a draft copy of a new master plan he had accessed through a friend in the local planning department. Neeraj worked as a 'liaisoner' for the Gurgaon-based real estate firm M3M, who have acquired over 2,000 acres of land across the city since 2007, developing a range of high-end residential and commercial developments, including the 600-foot under-construction Trump Towers. M3M, which refers to 'Men, Material and Money,' have also been at the center of a range of alleged scandals over the past decade, including accusations of tax evasion, illegally clearing forest lands for development, and utilizing political connections to fast-track property registration and development projects.

Neeraj's job was to sit and wait in the low-level offices of the Harvana land revenue department (hereafter, Patwari, responsible for the registration, transfer, partition, and mapping of rural property) and facilitate the movement of project paperwork and approvals through the office. While computerization of this department over the past decade has transferred many of these processes to computer operators (Goswami et al. 2017), the field offices of the Patwari remain key shadow sites for the exploration, negotiation, and aggregation of land parcels prior to their registration through the online system. If, for decades, Patwaris—themselves institutions of colonial land settlement—drew their incomes from the authority of the office to facilitate or blockade land conversions, today they trade in their ongoing powers to partition rural property parcels, their intimate knowledge of complex rural land tenures and claims, and their control of the paper histories of rural property. As Manoj, a young assistant Patwari, explained to me, the revenue bureaucrat has two principal roles, the first of which is overseeing everyday village administration. The Patwari offices are at all times busily occupied by village members seeking all manner of documentation, from proof of land ownership, to debt, marriages, and incomes. This work pays little and is typically tasked to young apprentices in the office like Manoj. But overseeing the registration, mapping, and mutation of rural property is a Patwari's main source of income, with fees being charged for the speed, the size, and the potential controversy of the work involved. Within office conversations, these two registers of work—village administration and property work—are lightly satirized through reference to the term 'naukarshah,' the Hindi word for bureaucrat, which when broken into its constituent parts means 'servant' (naukar) and 'king' (shah). When authorizing paperwork, Patwaris refer to themselves as 'servants' of the village. But when facilitating property mutations, they become 'kings' of development (Cowan 2022).

Neeraj had previously worked in the office himself, informally hired as an assistant Patwari for fifteen years, and he now formed part of an army of private actors who sit within the bureaucratic office day in, day out. The vast majority of these actors are drawn from dominant agrarian caste-communities—the Jats and the Ahirs—whose caste identities were bound to property-ownership under colonial land settlement policy (Cowan 2022), and who as a result have an intimate connection to the institutional and politicoeconomic life of land in the region. The job of the liaisoner, who sometimes referred to themselves as 'company Patwaris,' was not simply to use their connections within the office to expediate paperwork, but also to use their access to state records and their intimate knowledge of the daily workings of the office to gain insights and clues as to potential movements in the city's land market. Who was buying what and where? Where were the state planners acquiring land? What were the rates? And in which direction might the master plan be expanded.

I sat and waited with Neeraj that day to request a senior Patwari to partition a series of small plots of land in an area south of the city. When one buys agricultural land in Gurugram, it is usually a 'share' within a larger co-owned landholding. Consolidation programs, brought in under the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act of 1948 (hereafter, the Holdings Act), intended to remedy the scourge of fragmented, rural smallholdings that were the antithesis of the postindependence government's developmentalist agenda. This included the ambitious Intensive Agricultural Development Programme (IADP), more popularly known as the 'Green Revolution,' that required a territorially gridded landscape, and large areas of cultivatable land. Throughout the 1950s and 1960s, the Holdings Act reorganized en masse the majority of the Punjab countryside into 43,560 square-foot rectangles in a

remarkable feat of representational enclosure. Consolidation fundamentally altered the territorial and legal substance of property, as it involved laying down fences, digging trenches, maneuvering hills, and creating ponds. As the field manuals of land consolidators attest (Planning Commission 1958), this was a project of valorization—of how to value and convert highly divergent lands (in terms of soil type, productivity, irrigation, improvements, location) into something standardizable and effortlessly exchangeable. Consolidators were engaged in pricing trees, ponds, bunds, and hills that could be exchanged in the process of repackaging land. This process reposed land as a strictly financial asset, one that could accrue rents and command value, and it was under these conditions that land was repackaged as private property in favor of existing landowners.

While consolidation fundamentally reorganized the formal representation of property in state records, it did not necessarily alter the way landowners owned, used, and traded land. Perhaps due to persistent pushback from landowners and tenants who favored existing systems of jointly and commonly owned property, the practice of holding 'shares' in land remains a predominant mode of landownership and possession across the state. A landowner will, for example, own numerous 'shares'—some in possession, some not in fragmented parts of the village. Today, the shareholding practice reinscribes the fragment into the picture of geometric consolidation. The inclusion of hundreds of thousands of fragmented land uses and claims into the land revenue maps would, according to state officials I spent time with, disturb the geometric integrity of the map; as such, the territorial details of land shares (their location and contours within the rectangle), while recorded textually in land record books, would not be mapped out on state cadastral maps. There exist almost no commensurate records of property ownership on Gurugram's urban frontier. Rather, the task of the Patwari's office is to broker alignment between the various distinct registers of land and property ownership, and provisionally settle claims in title deeds (Cowan 2022). Indeed, the ambiguity over property boundaries and uses, hidden by the authoritative glare of the modernist grid, fundamentally shape land aggregation and property development on the agrarian-urban frontier. This state of unmapping requires that those seeking to alienate or aggregate property engage in creative bureaucratic work.

The Patwari office is as such occupied by numerous private actors, brokers, and dealers digging through state record

books, searching for information on land shares, and accumulating evidence of a land parcel's owners, tenants, its tenurial status and historical encumbrances. "I am an expert in shares," Neeraj boasted as we sat waiting for the bureaucrat. He proceeded to discuss how the unmapped shares are no obstacle to projects of land acquisition or aggregation, drawing out a series of rectangles on a torn sector plan document to demonstrate, he explained, that in order to capture land shares and partition them from their existing joint-ownership, liaisoners like him can buy up any share in the rectangle, and from there can negotiate with co-landowners over the exact position and size, or else buy them out at a later date. The penciled piece of paper now resembled a zig-zagged lattice, with a giant circle gesturing Neeraj's entire colonization of the land. The 'negotiation' he referred to is of course a far more complex process, in which caste-power and association become particularly important, as liaisoners like Neeraj use local and political connections to put pressure on stubborn tenants and landlords to sell on or give in favorable locations. In this manner, the rectangle's opaqueness, when ensconced in local agrarian hierarchies, works for projects of land revalorization. On the one hand, the rectangle provides real estate firms with a geometric framework to buy up shares, in an already consolidated rectangle of property; on the other hand, it provides the requisite space for maneuver and negotiation that is required to part people from their land. The rectangle thus provides a generative canvas for property-making. Through working closely with the revenue officials, Neeraj explains as he sketches out land plots shifting across a grid on the back of an envelope, one is able to secure a desirable plot. Neeraj's narrated tour of the share-system demonstrated the imaginative work that the grid affords, allowing real estate actors space to conjure up parcelized plots within undivided rectangles. If we often think of state ambiguity and 'unmapping' as a resource that enables the postcolonial state to vest land in vote bank communities (Roy 2003), in places like Gurugram incommensurate state records and unmapped land enables private firms the space to maneuver and flex their intimate connections to local agrarian institutions to envision, aggregate, and capture land.

### Flexing Ambiguity

Property-making strategies also rely upon ambiguous tenure regimes. Over the past two decades, thousands of acres of village common and forest land in Gurugram have been controversially bought, plotted, and developed by the local state, landowners, and private developers. These include a series of luxury residential complexes and a USD \$100 million 'special economic zone' project developed by New York investment firm, JP Morgan, and the Indian developer, ASF group. The capture and transformation of Gurugram's southern periphery, noted for its mountain range, forests, and water bodies, has been aided by the government's expansion of the Gurugram master plan, and the construction of two eight-lane highways connecting Gurugram with neighboring Sohna, itself recently rebranded 'South Gurugram.'

Today the local revenue office responsible for the mutation and partition of rural land in the area is bustling with brokers, liaisoners, and landowners seeking to get their claims to the land paper, while the land itself is marked by the ubiquitous materials of expectant 'development' - pitched fences, proxy farmhouses, and roadside brokerage offices. The competition to plot the commons, is one contested by different rentier alliances, with distinct interpretations of the commons and visions for its future. For the local state, the commons is public land to be utilized for political supporters and to facilitate industrial accumulation, while for landowners and developers the commons is private property. These struggles to commodify the commons are activated by the ambiguity of the status of the land itself.

Ram Singh sat outside a bungalow in the foothills of the Aravalli Mountain range, which runs south from New Delhi. The bungalow was sparse, not lived in, and occupied by some plastic chairs. Ram Singh's family home was on the other side of the village. He came from a family that had their rights to village land enshrined under various colonial land settlement laws at the turn of the twentieth century. While his grandfather had worked a small strip of land as an owner-cultivator, he and his brothers owned various village properties and ran a small construction business that drew its business from Gurgaon's insatiable urbanization. Ram Singh's family, in other words, form part of this fledgling agrarian-urban class alliance that is doing much of the work to assemble and convert property in and around the city.

Ram Singh's family had constructed the bungalow in the 1980s on land that, he assured me, was fully owned by his family. Pulling out a copy of the land record (*jamabandi*), he fingered the column displaying his grandfather's name and the size of the family's share in the joint-owned plot. Stapled to the back was a hand-drawn sketch of the land parcel, attested by a land revenue official. After constructing the bungalow, his family petitioned for a demarcation and registration of his share in the land to be undertaken by the local Patwari office, which duly made the requisite amendments to the land record to show his possession of the land. "We had this house built on our land," he explained as we looked over a landscape of sparse forest, tall residential towers, and large villas, "but others here sold land [to developers] years ago."

Ram Singh's land forms part of over 460 acres of common land in Gwal Pahari village, valued at over 3,000 crore rupees (500 million USD). This privately owned common land was later vested with the village councils (panchayats) for the common-purpose of the village. Since the municipalization of Gurugram in 2012 the jurisdiction and possessions of the old village councils have formally passed to the Gurugram Municipal Council, transferring crores of land value to the government. And yet, for decades prior to this administrative transfer, these lands had been partitioned, sold, and developed by a host of private actors from real estate developers and industrialists to former judges and politicians (Khatry 2018). This complex history of land transfer has even made its way into the local master plan. For the state, the common lands are public property, and as such have been zoned for 'public purpose' special economic zones. How this stretch of commons became private property, falling into the hands of real estate developers, relates to a longer history of land privatization that has produced ambiguous common property regimes.

The recent history of the commons in Gurugram, and Haryana, is one of iterative privatization and enclosure—sites of successive government efforts to maximize agricultural productivity, and slowly eaten up by landowners under threat from growing tenancy rights in the postindependence period. As Gururani (2018: 114) notes, the 'commons' in North India is a rather "capacious category" capturing a broad divergence of land tenures and social meanings. The commons has frequently been a site of tussle and compromise between conflicting principles of land: of productivity and livelihood, of commune and privatization, and of profit and social reproduction. Common lands in North India are, in principle, a series of different land tenures and uses managed in common by the village, a marker of ongoing socioeconomic transition. The commons do not represent some prehistory to capitalism in India but rather a territorial compro-

mise marked by competing visions for rural futures: between agriculturalists and pastoralists, settlers and nomads, production and social reproduction. There is no singular nor static 'commons' that is designated a transhistorical function of community; the commons has always referred to a variety of property regimes, each with differing customs of ownership and use, and has always been the subject of political struggle (Chakravarty-Kaul 1992). While there is not space here to dive deeply into the fraught histories of land settlement that produced a variegated commons, it is relevant to briefly outline the piecemeal privatization of the commons in Gurugram under British colonial rule.

British land settlements in the mid-nineteenth century sought to identify and cultivate a class of agrarian property-owning cultivators. As part of this process, the 'commons' were mapped, enclosed and formally assigned as the joint-property of village landowners (malikan deh). The village landowners held the right to use, manage, possess, and partition these common lands, while non-proprietors held grazing and limited usufruct rights (Charavarty-Kaul 1992). The colonial intervention not only formalized commons arrangements into land registration systems of obligations and responsibilities (Bhattacharya 2019), but in doing so sought to erode non-agrarian, communal land uses, and to convert common lands into an fungible form of property at the expense of non-landowning pastoralists and tenants (Chakravarty-Kaul 1992). While still titled 'common' lands at the turn of the twentieth century, village landowners now held a definitive share in the commons and could sell, partition, and cultivate that share. The commons, always a form of property, were iteratively transformed into an exclusive-if jointly held-form of private property. The land remained 'the commons,' but not as we might know it.

The village landowners' proprietary rights over the commons were substantially extended by processes of land consolidation between the 1950s and 1970s. Land consolidation schemes, ostensibly instruments of Green Revolution modernization, gridded land and extended villages' cultivatable areas substantially by reclassifying former forest, grazing, and waste land (previously 'commons') as cultivatable. While most schemes did reserve non-alienable common lands to enable the extension of residential areas, many others replaced the traditional commons with new land-uses altogether. These included lands reserved for revenue-generating purposes for village panchayats, and additional privately owned lands that had been leased to the panchayat by landowners for common purposes (known as *jumla mushtarka malkan*, hereafter 'jumla' land). This jumla land was the undivided property of village landowners, many of whom utilized the land for cultivation, but was formally vested in the village panchayat councils. In short, the process of consolidation not only significantly extended the privatization of the commons, but in doing so it also produced multiple, overlapping land tenures that all came under the term 'shamlat deh,' the commons. The commons is at once private property and communal property, for private and public use, vested with the state and owned by landowners.

## **Common Struggles**

These overlapping tenures and purposes, and the ambiguity they produce in the present conjuncture, animate property-making claims. According to a report by a former director general of consolidations in Haryana, Ashok Khemka, the government have routinely engaged in processes of consolidation within forest, hill, and common land areas in southern Gurugram as a way of transferring hundreds of crores worth of land to private actors (Khemka 2013: 12–13). These include the denotification of forest areas and the privatization of different forms of village commons. Since Gurugram's property boom in the 1990s, real estate developers on Gurugram's southern periphery have jumped on common land's tenurial ambiguity, and have utilized a variety of legal and material instruments to substantiate their territorial claims.

Ram Singh's bungalow sat, he claimed, on his family's share of the jumla land. Landowners like Ram Singh have routinely utilized Power of Attorney—a legal instrument that bypasses formal property registration—in order to trade titles in common lands. They have also ordered land boundary demarcations, constructed roads and infrastructure, assembled paperwork through the Patwari office, and incrementally developed 'facts on the ground' to substantiate their claim on the land. As Caldeira (2017) notes, this kind of irregular autoconstruction forms the predominant mode of urbanization in the majority world, a practice of city-making that Caldeira notes stands 'transversally' to official state and planning domains. And yet, much like Neeraj's office-work discussed previously, the plotting and construction of common lands is engaged in by a wide range of actors, including corporate real estate firms and the state itself. It is, in other words, not a peripheral or transversal practice but rather the central driving force of real estate expansion on the frontier.

The issue on the land came to a head in 2009 when, following the inauguration of the Municipal Council of Gurugram (MCG), the village common lands were formally transferred from the village councils to the municipality. The MCG claim the high-value land is government land for public purpose, and have used 'public purpose' instruments to plot and masterplan a special economic zone on the land. The MCG persuaded land revenue officials to mutate the ownership of the land in the state registry in their favor. For landowners, developers, and the owners of luxury farmhouses that sit on the land, the municipalization of the commons is an act of aggression, a denial of their constitutional rights to private property.

Beyond material acts of constructing boundary walls and small bungalows, and assembling the paperwork, actors like Ram Singh in coalition with corporate real estate actors have leveraged their significant political and financial clout to appeal the transfer in court on numerous occasions (Khatry 2018). The latest ruling, issued in September 2018, ordered that the land, being jumla land, was the exclusive property of village landowners, but could only be used for common purposes, thus putting both the state and private actors in a tricky position. The land can neither be sold to developers nor plotted privately, nor can it be transferred to the municipality free of charge; so, if the MCG want the land, they will have to pay out crores to acquire it.

These tussles to settle the commons are widespread across India's urban frontier, with tens of cases involving thousands of acres of land across Gurugram's southern villages alone.<sup>7</sup> On one hand, this latest ruling has effectively re-commoned the land, removing legal titles from scores of developers and private actors; on the other, it has reaffirmed the land as the exclusive property of village landowners. The entirety is complicated by decades of land transactions, the plotting and development of operational residential complexes, and high-profile owners on the ground who have attempted to substantiate their claims on paper and on the ground.

#### **Capturing Urban Futures**

Ram Singh and I first met as he was attempting to firm up his claim on the parcel by applying for a land-boundary demarcation at the local Patwari office. While officially these demarcations had been stayed by the government, it was still possible, if likely expensive, to persuade revenue officials and private surveyors to conduct a survey. Just as described by Neeraj previously, these land-boundary demarcations require a degree of creativity. Property within the commons is not mapped, and the few survey reference stones that anchor the ground to state maps have been destroyed by landowners and developers in their own property-making engagements. In lieu of maps, land surveyors have to get creative, and rely upon existing developments and landmarks (no matter their formality) to conduct land surveys (Cowan 2021). Here the informal plotting of farmhouses and bungalows folds into demarcation maps and formal documentation. Obtaining a survey report importantly contributes to a host of documentation that landowners are able to wield to alienate their undivided land-shares and claim property.

The presentist survey image and historical documentation of possession work in tandem then with the physical occupation of a piece of land. In this regard, working property is both a spatial and a temporal practice, so it requires hauling together different registers of property, each with their own quite distinct temporal frames. While paperwork can substantiate (or at least gesture toward) legal ownership, physical possession via the pitching of boundary walls, construction of a plot, or connection to trunk infrastructure evokes an immediate aesthetic of formality that is important to claiming property (Ghertner 2015). Echoing Neeraj's comments, many of those I met who were busy readying land for property claims explained that claiming physical possession (kabza) of a share in the land—by erecting boundary walls, conducting GPS demarcations—was a vital component of the process. Indeed, much to my surprise, many of those I spent time with placed far less importance on the specifics of documentation than they did on the material presence of real estate development on the land. As one landowner explained, "if [we] make a proper house and there is a proper road, then the paperwork will follow . . . with companies [developers] and sectors [residential complexes] coming here, this development is good for everyone, [so] the government won't destroy this."

The confidence to lay physical claim to land, often in lieu of formal ownership rights, has to do with yet another temporality of property-making. Behind many private actors' claims to property on the former commons is an assured confidence in the commonsense hegemony of real estate uses for land (proper roads, industrial parks, real estate investment, etc.) and the propertied claims of agrarian elites, no matter their particular legality. This confidence is perhaps unsurprising after all. City planners have long projected a future-oriented vision of rural land in a singular movement toward

urbanization. More than simply a material endeavor, landowners like Ram Singh understand that their property claims are substantiated by who they are and what they are claiming. Were it scheduled castecommunities tentatively claiming residence (Cowan 2019) or pastoralists claiming forest and grazing lands, these vernacular property claims would no doubt be given short shrift by the state. As a Patwari explained, "this land is for the benefit of the *bhumidars* [landowners] ... there have been plots like this all over Gurugram for many years now. We cannot tear down the whole city, in time these will be regularized." Indeed, over the past five years alone, the municipality have sought the regularization of land encroachments in fifty settlements across the city.

There is, as these accounts show, one direction that rural land moves in—one in which it is owned as exclusive property (by the state, developers, or agrarian landowners) and used for industrial and real estate accumulation. A court judgment on the Gwal Pahari case, which disposed in favor of the private parties in 2018, affirmed this logic, claiming that "since the land has changed its agrarian character, after coming within the municipal limits, it is essential that all the stakeholders in the society . . . realize that a 464.6-acre grazing ground is not required in the heart of the [National Capital Region], where the suit land is located" (Siwach 2018).

The mere presence of private property, municipal administration, and propertied citizens, no matter how illegal or informal its past, holds together an ideological project of real-estate-led urban development within which non-normative forms of property—here common grazing lands—appear archaic and almost inevitably out of place. Practices of occupying ambiguous territories and navigating bureaucratic spaces to secure property, in this sense are animated by a broader hegemonic conjuncture within which future development is tightly bound to real estate and private property.

#### The Frontlines of Property

For mainstream planners, academics, and activists, the vernacular private property-making strategies that I have briefly explored here can be characterized as 'informal'; they take place outside of capitalist land markets, and signify the over-zealous state regulations, corruption or else poverty that plague the non-Western world (de Soto 2000). And yet these practices are mainstream pathways to the expansion and reproduction of conditions of real estate-led accumulation on the urban frontier. That is to say, incremental occupation, territorial ambiguity, and negotiated bureaucratic settlements occupy a central place within commodification processes. These are, as I have argued, structured by an attendant class alliance between agrarian landowners and the state that renders sensible particular outcomes of land use and tenure. By attending to these vernacular modes of enclosure, we are able to distance ourselves from unhelpful binaries—formal vs informal, state rationalization vs popular resistance, planned vs unplanned—that frame these kinds of territorial practice as "weapons of the weak" (see Benjamin 2019). The master plan, cadaster, land tenure systems may be inventions of the (colonial) modern state, but in practice they are embedded within a fraught socio-material and institutional politics that 'insidious' capital lands itself in and looks to exploit. Central to strategies of property-making on Gurugram's peripheries is the fluid character of land itself. On the field and in the office, land boundaries are imaginatively laid, plots swapped, and tenures reassigned, in ways that creatively package together private property. As Hull (2012) suggests, bureaucratic materials are contested artefacts, deployed within political terrains by competing actors mobilizing competing visions of property; from Ram Singh's bungalow to a multinational SEZ complex. These strategies are not simply spontaneously assembled, but are strengthened and affirmed by histories of landed-class compositions, complex tenurial regimes, and a current politico-economic conjuncture that ideologically pins rural futures to real estate development.

In this way, these property-making practices have much in common with Solomon Benjamin's "occupancy urbanism." In opposition to parochial representations of urban enclosures, Benjamin examines the intensive and incremental reclamation of private property across the world's urban centers by everyday people. Utilizing opaque land tenures, porous spatial strategies, and the patronage of local political institutions, occupancy urbanism, he argues, disrupts the view of the map and 'disfigures' singular forms of property. And yet, while Benjamin accepts that these "complex occupancies" are struggles central to the commodity process, occupancy urbanism tends to describe the actions of the urban poor. In Gurugram and indeed in much of India's urban periphery, we have an occupancy urbanism for valorization, rather than as acts of commoning or redistribution. Here it is capital and private interests that are mobilizing opaqueness and encroaching on land in order to ready it for commodification. These actors occupy for property, not against it. This process, nonetheless, is not smooth. In common with Benjamin,

processes of vernacular enclosure disrupt modernist linearities that presuppose land, of diverse kinds, as private property. Further, it relies on complex negotiations between village landowners, tenants, and state officials, and the deployment of ambiguous agrarian land tenures and pliable bureaucratic materials. The implication of territorial subversion and compromise in enclosure projects affords power to a variety of actors to make claims and counterclaims on land in ways that leave the fate of property claims contingent upon a vernacular reorganization of territory to enable capital's enclosure of land.

The real estate moment on India's urban peripheries has forced a series of, what Don Kalb (2014) has called, "shifting alliances between blurry groups, based on complex moral visions and desires" that are becoming "more frequent, more intense, more massive, [and] more confrontational" in modern capitalist urbanization. These hegemonic class maneuvers structure the repurposing of agrarian property institutions—the land revenue bureaucracy as well as the commons for capitalist purposes. The penetration of 'insidious capital' in the form of corporate real estate into the socio-material machinations of property-making as discussed here is an instance of these uneasy and fluid class alliances.

These spaces are, in other words the frontlines, the contingent (though certainly structured) points of encounter, where global forces of enclosure, standardization, and dispossession meet the socio-material specificities of land to produce unstable and deeply contested geographies of value. Importantly, attention to the sociomaterial pliabilities of land-shifting plots, captured commons, reclassified tenures-provides a lens through which to understand the guiet politics of enclosure that persists on the urban frontier.

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#### **Notes**

- 1. See Singur controversy.
- Especially in North Indian states in which landowners hold significant demographic and political influence.
- 3. Known as Gurgaon prior to 2017.
- 4. In 2008 the chairman of DLF, the developer that spearheaded Gurugram's rapid urbanization, proclaimed the city to be 'a showpiece of the new urban India.'
- 5. Exemption from Ceiling Regulations.
- 6. See Sud 2014.
- 7. In 2019, the government of Haryana passed a bill that further opened up forest land for real estate capture.

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