



Figure 12. A view of Blue Area comprising commercial buildings on either side of Jinnah Avenue in Islamabad.

With the development of planned commercial areas in Islamabad CDA decided to relocate these kiosks into small shops built by CDA in *markaz* (center) markets. Various ad hoc and partially implemented policies were adopted by CDA for allotment of shops to *khokha* owners until the mid-1980s when Gen Zia-ul-Haq, then president of Pakistan, noticed these small businesses while touring the city and directed CDA Chairman Syed Ali Nawaz Gardezi to give these people better facilities to carry on their livelihoods.³⁵

The first step towards formulating a more comprehensive policy came in the form of CDA-led surveys carried out in order to prepare lists of all existing *khokha* owners in Islamabad. CDA decided that those on the list would first be given ‘temporary’ licenses and eventually allotted permanent kiosks or tea-stalls. The transition from temporary licenses to permanent allotments, however, is not a straightforward process. In fact permanent allotment of shops for licensed *khokha* owners has now become a controversial process as many well-connected people who have recently entered the *khokha* business have been given licenses and allotments to open kiosks in prime locations while many early kiosk owners with temporary licenses still await allotment letters from CDA. This highlights a recent trend of influential and well-off businessmen

³⁵ In 1975-76 it was decided that these people would be given a class -3 shopping centre in which to organize their trade, comprised of shops on the ground floor and apartments on the floor above. Only a few were given these allotments. From 1979-1985, the policy was to allot proper tea-stalls built by the CDA to *khokha* owners.

getting involved in the lucrative hawking industry in Islamabad.³⁶ For a nominal monthly license fee, it is possible for *khokha* owners to get access to prime locations, including parks and green belts in central sectors, thus saving on high rental prices for commercial spaces in one of the planned markets of Islamabad.

In 2012, the Islamabad High Court placed a ban on issuing new *khokha* licenses after a case was filed against a particular *khokha* operating from a public park in sector F-7, one of the most prestigious areas of Islamabad (IHC orders sealing, November 3 2010). This case brought to light fraudulent mechanisms used to issue licenses to people doing business in the city, and the controversial involvement of well to do businessmen in the *khokha* enterprise as the owner of this kiosk was a rich businessman and the brother of the then Interior Minister of Pakistan. The involvement of a well-to-do and politically well-connected businessman in the *khokha* business thus debunks the notion of street hawking as the realm of the dispossessed as in Islamabad those with power and influence are its equal beneficiaries.

In the modernist master plan of Islamabad there is no room for small-scale businesses like kiosks and tea-stalls operating in open public spaces like parks and green belts. These commercial enterprises at odds with the official master plan however enjoy various levels of legitimacy due to special provisions that exist in official regulations. Issuing licenses to *khokhas* (kiosks), for instance, indicates the provision for these activities at odds with the modernist master plan and planning ideology to exist legally under existing regulations.

According to *Islamabad Capital Territory Municipal Bye-Laws of 1968-69*, encroachment, defined as erecting “an immovable structure, hut or *khokha* or overhanging structure” on government land or obstructing “pedestrian traffic in circulation verandahs of all the markets of Islamabad” is illegal “under any circumstances” (Dar, 2010, p. 188). Special concessions, however, are written into these bye-laws for encroachments that have been issued monthly “licenses.” For example, in “Chapter VIII – Encroachments,” of the bye-laws, the conditions for issuing licenses for “roofless movable stalls” is that they should be no more than 16 sq. ft., and that “the

³⁶ According to a news report from 2009, owners of *khokhas* located in prime locations such as next to large public parks earn as much as Rs. 30,000 to 35,000 per day against a monthly license of only Rs. 2000 (Hussain, 21 October 2009).

license shall be revocable by a 12 hours notice” (Dar, 2010, p. 188). It is obvious from these terms and conditions that the bye-laws make provision for “licensed encroachments” to exist in the planned city of Islamabad based on the logic of temporariness. According to this logic, small-scale encroachments in the official master plan can be tolerated as long as they can be easily removed, when need be. Note that the licenses issued under the municipal bye-laws need to be renewed on a monthly basis and can be easily revoked on short notice. This points to another dimension of temporariness, that is, the right of revocation of the temporary. Just as temporariness creates the conditions for certain extraordinary provisions, the same provisions can be withdrawn at will by those granting them owing to their temporary nature. The materiality of the “licensed encroachments” also relates closely to the logic of temporariness as the stalls for which these licenses can be issued are characterized in the bye-laws as roofless, movable structures, that can be easily removed (Dar, 2010, p. 188).

The practice of issuing licenses to hawkers in urban areas everywhere follows the logic of creating a planned economy in which every aspect of trading is monitored and sanctioned by the state. In historically evolved cities, mechanisms of state control like trading licenses impose a formal structure of regulation on indigenous modes of economy like hawking. In the case of Islamabad, licensing informal businesses functions in reverse by legitimizing and introducing ‘unplanned’ elements of economy into the planned framework of the city and its regulations.

According to the municipal bye-laws, all persons carrying out trades in Islamabad are required to obtain licenses from the Directorate of Municipal Administration (DMA), a CDA department tasked with the management of municipal functions including supervision of commercial activities in the city (Dar, 2010, p. 201). The provision to accommodate exceptions in Islamabad again exists in the municipal bye-laws as hawking is listed as one of the thirteen licensable trades. The bye-laws define the term hawking, as “exposing or carrying goods for sale, either in the hand, or any part of the body, or in a cart, wheel barrow or any other wheeled conveyance, and shall include setting up a stall or otherwise selling or exposing for sale on a street” (Dar, 2010, p. 221). In Chapter XIII – Hawker Bye-Laws, “hawkers and squatters dealing in goods, eatables, perishable or imperishable, selling wares of any kind or description at a specified place or on cycles,

taxis or by any other means ... within the municipal limits of Islamabad” are allowed provided they have been issued a monthly pass for a fee (Dar, p. 194).

In addition to hawkers in Islamabad DMA also has the authority to issue “temporary” licenses to owners of kiosks, tea-stalls and even pushcarts for a nominal monthly fee paid in advance, according to the municipal bye-laws of Islamabad. Licenses for mobile hawking carts are also issued in small blue books kept with hawkers, while those who are granted a site to set up a stationery kiosk or tea-stall are issued a 3-page document. Both forms of license also include the terms and conditions for doing business in Islamabad for mobile and stationery hawkers set by CDA written in English (DMA official, personal communication, March 22, 2013). The language choice is interesting given the low literacy level of hawkers. These license-bearing documents thus serve to fulfill a bureaucratic formality rather than an actual need for communication of municipal rules to the license holders.

The regularization process of the stationery kiosks doesn’t end with the issuance of monthly licenses, as the licensee is required by law to follow the design specifications officially fixed for these businesses. The CDA-approved design for licensed kiosks in Islamabad also follows the rationale of “temporariness.” Figures 13a and 13b show two iterations of CDA’s approved design for kiosks. The kiosk in the CDA-approved design comprises a simple structure made with brick masonry walls on a concrete slab foundation. The roof in the earlier version (figure 13a) was made from reinforced concrete and covered with terracotta tiles while a later design (figure 13b) incorporated a steel truss structure with corrugated fiberglass roofing. This change in roofing material and technology can be explained by the official desire to make these structures easy to dismantle and relocate to another site, if need be. A concrete roof cannot be moved without destroying the building material completely, while steel truss roofing can be easily disassembled and reassembled. A note in the legend of the working drawing issued to the kiosk licensees in the later version underscores this point: “The construction is totally temporary and it has to be removed by the owner whenever required by the CDA” (figure 13b).

The restrictions on building materials and construction techniques are such that these structures can be taken apart on short notice without incurring much financial loss

to their owners, and are thus in keeping with the same logic used to issue licenses, that is, the ease of revocation. The notion of temporariness inheres in the materials and construction techniques that comprise different types of kiosks and tea stalls based on their legal status. For instance, unlicensed tea stalls avoid using building materials that are conceived permanent as a tactic of survival, and hence appear temporary owing to their illegal status. Most unlicensed tea stalls are made out of mud walls and thatch roofing as opposed to the brick walls and steel roofing of licensed kiosks (figures 14 and 15).

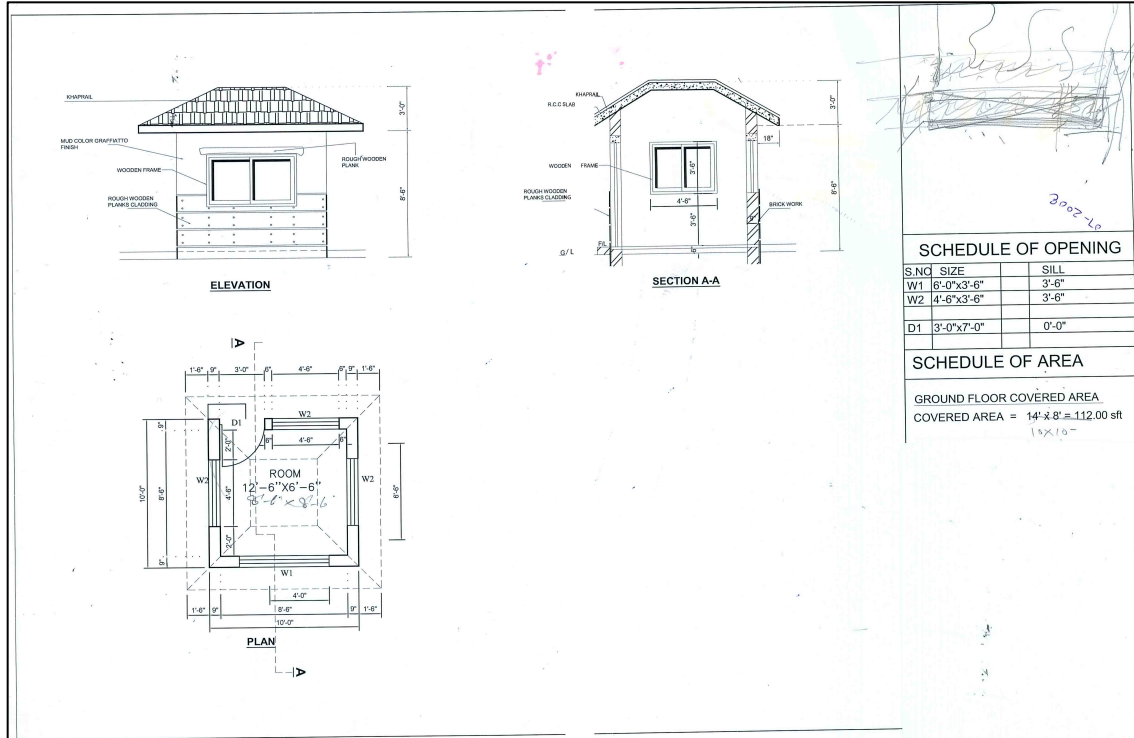


Figure 13a. Earlier version of CDA-approved design of a licensed tea-stall/kiosk with concrete roof

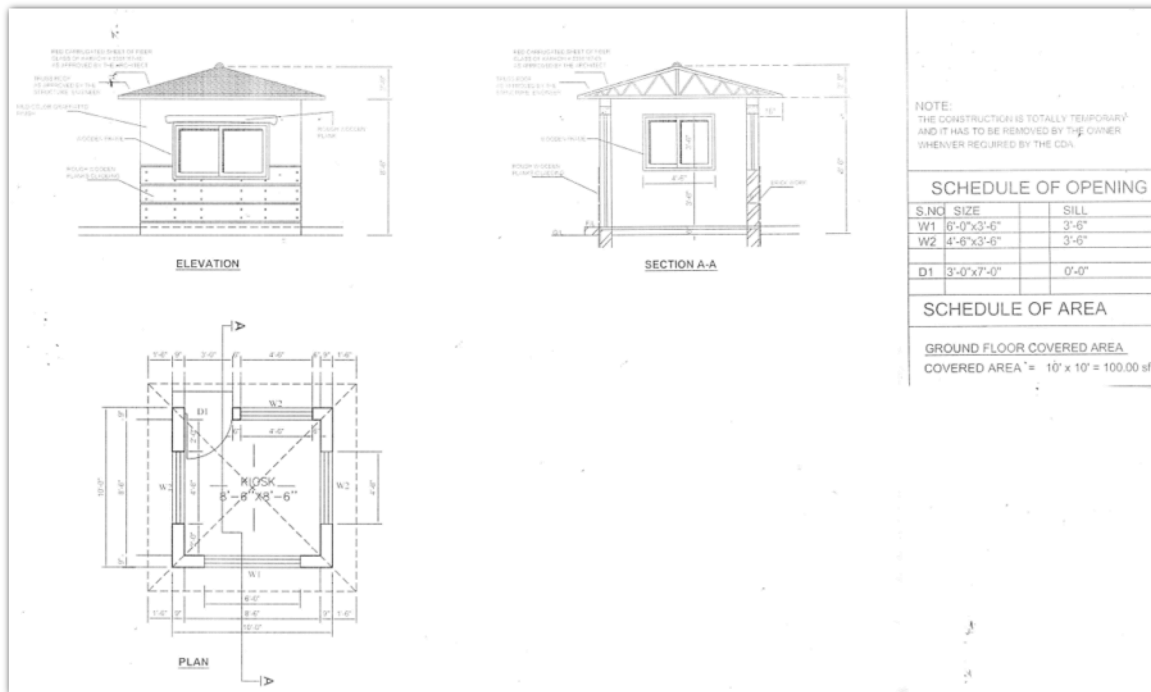


Figure 13b. CDA-approved design of a licensed tea-stall/kiosk with steel truss roof



Figure 14. Photo of a licensed kiosk in Islamabad using durable construction material following the prescribed design set by CDA. The shed to one side is an illegal extension, using semi-permanent materials and construction techniques.



Figure 15. Photo of unauthorized roadside *dhaba* (café), which looks *katcha* (temporary) using materials considered less permanent such as mud, wood and thatch

The owners of these licensed and unlicensed kiosks and tea stalls use logics of temporariness in their everyday operations as well. For instance, it is very rare to find a tea stall owner confining his business to the space approved by CDA. The licensed stalls and kiosks are mostly allotted space in roadside green belts, which allow for these businesses to spill over into adjacent open areas. *Dhabas* (cafes and tea-stalls) commonly use outdoor areas for cooking and seating and end up taking much more space than is allotted by CDA. These unauthorized spillover spaces next to licensed businesses can be either open to the sky, semi-covered, or a combination of the two. Even in the case of kiosks offering prepackaged snacks only, adjacent outdoor areas may be used as ancillary vending space for keeping stands of bagged chips or fridges carrying bottled drinks.

These illegal extensions of licensed encroachments conform to the general practice of claiming adjacent public space for use by most business owners in urban areas of Pakistan. Consider the situation in the planned commercial areas of Blue Area in Islamabad, for instance. The commercial spaces located on the south of Jinnah Avenue comprise mid-rise shopping plazas with a linear arrangement of stores and businesses facing covered verandas. The verandas open onto wide footpaths beyond which are parking spaces flanking service roads parallel to the main arterial road called the Jinnah Avenue, separated by a green belt (figure 16).

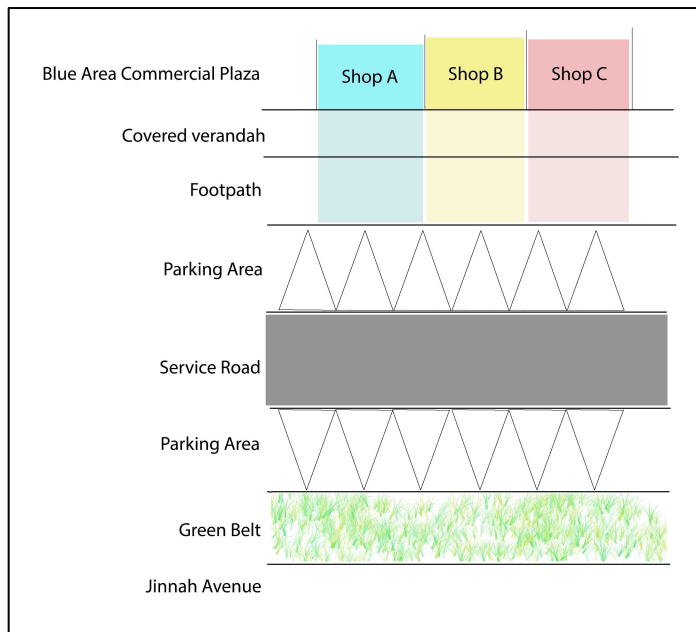


Figure 16. Diagram of public spaces in Blue Area

In Blue Area, it is not uncommon to find parts of the corridor, footpaths and even parking spots right in front of shops blocked by using planters or concrete blocks to give unhindered visual and spatial access to these shops, which is intended to increase business (figure 17). Every day, shopkeepers in Blue Area carry out the daily ritual of moving merchandize from inside their stores to outdoor public spaces (corridor and footpath) in the morning, and repeat the process in reverse at closing time in the evening. These outdoor commercial spaces are arranged by extending the indoor store space to the corridor and footpath space right in front of the shops. Encroachment on outdoor public spaces is only limited to the space in front of the shops in commercial markets without extending into the public space sideways, which is to be claimed by the adjacent shop owners (figure 18).

The usurped public space in commercial areas in Islamabad is either used by storekeepers in these markets to increase their retail space for their own use or by renting to others interested in doing business in existing commercial areas (figure 19). The latter is a common practice in the commercial areas of popular *markaz* (center) markets in Islamabad where shopkeepers are believed to rent the corridor or sidewalk space in front of their shops to vendors requiring limited space to sell their products such as, fried snacks, coffee/tea, or imitation jewelry and trinkets. The claims of shopkeepers to public space right in front their shops is respected not only by other businessmen in the vicinity who lay similar claims to the public space in front of their shops, but also those interested in doing business in these commercial areas, which is evident by their willingness to pay a price for these claimed public spaces.



Figure 17. Unrestricted visual and spatial access believed to boost business



Figure 18. Spillover display space in Blue Area



Figure 19. Jewelry business in the outdoor corridor space of F-6 *markaz* market

3.2. Materiality And Modalities Of Temporariness

My argument that spatial exceptions in highly planned contexts like Islamabad are allowed and/or tolerated when they are conceptualized as temporary is supplemented by analyzing the relationship between the materiality and modalities of temporariness associated with urban phenomena at odds with the official master plan. This logic of temporariness is closely linked to the everyday practices of hawkers, especially those without official permission to ply their trade. In this section, I will investigate this relationship in the case of mobile and stationary hawking found in and around the *markaz* market in G-9, a predominately middle-class and populous sector of Islamabad.

Following the typical layout of sectors in Islamabad, G-9 is sub-divided into four residential and two commercial/civic communities. The four residential communities, also known as sub-sectors, are numbered in a clock-wise fashion from the lower left corner of a plan oriented with north at the top. Sub-sectors G-9/1, G-9/3, and G-9/4 have smaller residential plots corresponding to lower-middle income groups while G-9/2 primarily has mid-rise apartments for government employees falling within the same income bracket (figure 20). In the middle of the sector is its commercial and civic center or *markaz*, while there is a strip of commercial, and institutional buildings on the southern end.

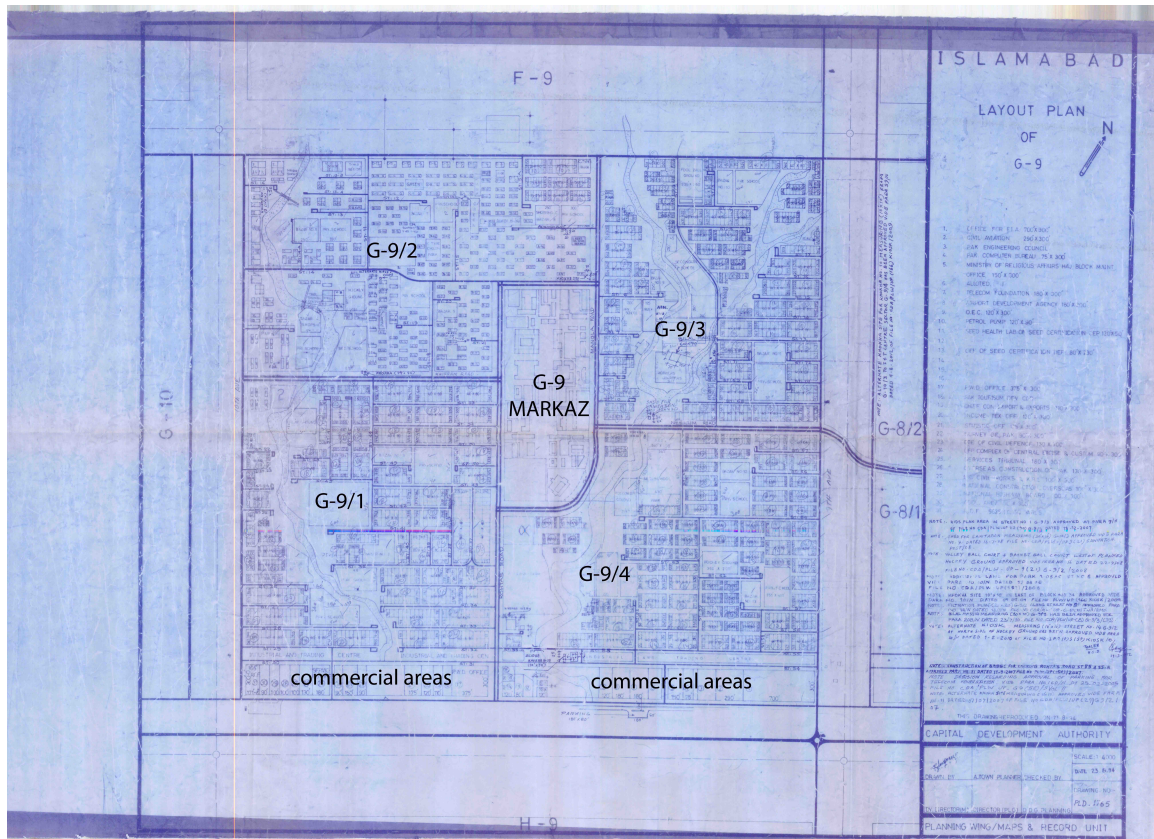


Figure 20. Plan of Sector G-9, Islamabad. Source: CDA

G-9 *markaz* is popularly known as Karachi Company, a name it received during the early construction years of Islamabad due to its proximity to a construction company from Karachi involved in various city building projects. Karachi Company is the busiest commercial *markaz* in Islamabad, known for its affordable prices for everyday necessities unlike most commercial areas in the city. The affordability and popularity of Karachi Company can be attributed to the range of informal commerce that takes place in greenbelts and circulation spaces in and around the planned *markaz*. More than any other *markaz* in Islamabad, various forms of hawking thrive in Karachi Company in spite and because of the planned market areas.

Hawking, as we have seen, is a licensable trade in Islamabad and all mobile and stationary hawkers in the city are required to hold licenses issued by CDA. Not all

hawkers operating in Islamabad hold licenses, however, and this lapse in legality of unlicensed encroachments is apparent in the materiality of associated businesses. The Anti-Encroachment Wing at CDA issues warnings and notices to those encroaching, confiscates goods, and rarely physically removes stationary kiosks in military style operations. Even when CDA carries out anti-encroachment operations against illegal kiosks, their owners expect to receive official paper warning notices before the raids. This reveals their expectation to be dealt with according to law even when they are fully aware of the unlawful nature of their businesses (Anjaria, 2011, p. 59).

The legal status of licensed kiosks operating from green belts in Islamabad is tenuous as kiosk operators face the threat of losing their trade licenses and becoming illegal due to the temporary-revocable quality of licensed encroachments. In February 2013, for instance, CDA demolished some kiosks in front of the same hospital in sector G-8/3 that had earlier displaced the labor colony residents in late 1970s. The demolished kiosks, selling economical food and other items of daily-use, used to operate out of green belts across from the hospital. The owner of one of the demolished kiosks while complaining about the non-issuance of warning notices by CDA before the operation said, “If the CDA has the authority to withdraw permission of tuck shops or give alternative place to us, then why they did not issue prior notices to us” (An operation cleanup, 2013, February 23). He added that the kiosk owners could have moved voluntarily if CDA had given them prior warning. Another demolished kiosk owner used the metaphor of attacking an enemy’s post to describe the military-style anti-encroachment operation carried out by a large 200-person contingent of CDA staff and policemen. These owners claimed that they had been doing businesses after receiving licenses from CDA, and that CDA had cancelled their licenses without any prior notification. One of the kiosk owners claimed that those of them who had been paying their license fees regularly were doing their businesses legally while CDA had acted illegally by demolishing these licensed structures (CDA demolishes 11 kiosks, 2013, February 24).

In April 2013, CDA demolished a larger structure built in a greenbelt across from the same hospital in G-8/3. The structure was built by a philanthropic organization to provide free food to the needy in Islamabad, especially the poor families and attendants

of patients under treatment in the hospital. The administration of this facility claimed that they had received permission from CDA in 2009 for a 60 ft. x 60 ft. area at the rate of Rs. 6000 per month for their set-up (Qadir, 2013, April 10). Why were of all these licensed facilities built on public land revoked and their structures demolished? The reason behind all these demolition activities was that CDA had auctioned two plots for commercial purposes in the public area that had been occupied by these existing licensed kiosks and structures (An operation cleanup, 2013, February 23). Here we can see that a number of licensed kiosks turned into illegal encroachments almost overnight when CDA found a more lucrative use for the same space. Temporary allowances (for informal commerce) in this case had to give way to more permanent functions (formal commercial buildings). Since roadside licensed kiosks in the planned city of Islamabad were allowed as spatial exceptions, their existence was provisional, and hence, easily rendered illegal.

The materiality of hawking in Islamabad also gives us important insights into the nature of the legal or illegal status of associated enterprises. The main difference between legal and illegal types of hawking is materially expressed in the Urdu terms used to describe such enterprises. *Katcha* (raw, flimsy, temporary) and *pucca* (strong, solid) are terms commonly used to respectively describe the illegal and legal status of housing or commerce in urban areas of Pakistan both in official and public discourses. These terms also refer to the material characteristics associated with legal and illegal urban phenomena. Illegal forms of hawking are visually and structurally *katcha* or temporary and use non-permanent construction materials that allow quick setting-up and dismantling.³⁷ Most of the stationary hawking without licenses in open public areas in and around Karachi Company falls into this category. There is a variation however in the modalities of such enterprises.

Depending upon the nature of the enterprise and related equipment requirements, hawkers of Karachi Company, as elsewhere in urban areas of Pakistan, sell their services and products either on their bodies, or using hand-drawn carts and bicycles. Mobile

³⁷ The relationship between legal status and materiality also exists in existing 'squatter' settlements in Islamabad. I have observed that those settlements that have been recognized by the Government of Pakistan for rehabilitation and proprietary rights use permanent building materials such as brick and steel while unrecognized squatter settlements are made out of mud, wood, and thatch. Dwelling within recognized settlements however employ construction techniques that allow changes in structure without loss of building material. The walls in most in most dwellings are made out brick while walls are made of steel beams and terracotta tiles, which can be dismantled and relocated as needed.

hawking is based on the principle of portability and the nature of the equipment used in selling depends on the means of conducting business. Those without any mechanical mode of transportation use simple lightweight structures or carrying cases that can be carried on their bodies and moved around with ease (figure 21). These types of hawkers are mostly on the go, which avoids the need and hassle for any ancillary structures for carrying out business.



Figure 21. Sunglasses on sale by a mobile hawker

Unlicensed stationery hawkers use a range of spatial strategies for doing business. These strategies are based on the principle of daily assembly and disassembly (figure 22). The architecture of such forms of stationery hawking borrows from tent making techniques involving sheets of fabric draped over or attached to poles, pegs, or ropes (figure 23). Sheets of canvas or similar material are stretched horizontally or at an angle using a web of nylon ropes attached to freestanding poles or pegs driven into the ground or the walls of existing market buildings. In Karachi Company, existing structures like trees, utility poles, and buildings provide vertical supports to create these simple structures (figure 24). Metal poles or bamboo posts are propped to provide additional vertical support while other structural reinforcements include using the weight of bricks tied to ropes attached to stretched canvas sheets to keep the structures from shifting.



Figure 22. A view of Karachi Company before the ‘temporary’ bazaar is set up for the day



Fig. 23. A view of the ‘temporary’ bazaar in Karachi Company



a.



b.



c.

Fig. 24. Using utility pole for setting up shop in Karachi Company (a & b). A cobbler doing business under a tree in Karachi Company (c)



Fig. 25. Temporary stationary hawking on sidewalks in Karachi Company

The architecture of unlicensed stationery hawking in Karachi Company described above resembles the typology of bazaar economy prevalent in other traditionally evolved cities of Pakistan. Stationery hawkers in Karachi Company set up their businesses daily using mobile structures and permanent supports like poles, trees, and pegs. The stalls in bazaar areas right next to the planned markets in Karachi Company assemble their stations by erecting tent-like structures. The merchandize is either displayed on ground or raised platforms made of wood or metal or hung from ropes (figure 25). Despite the temporary nature of stalls encroaching on sidewalks and streets of planned commercial areas of the *markaz* market, a certain level of permanence still exists in the repetitiveness of their operation. Stationary stall owners set up their stands in the same place everyday, an arrangement that is respected by other nearby hawkers. This is not to say that these markets enjoy complete immunity from any kind of reordering and removal as pressures from various government institutions occasionally result in clearing of roads and sidewalks from encroachers. For instance, during the course of my research in Islamabad, I witnessed one such reorganization of the hawker's area outside of the Karachi Company *markaz* market. The *markaz* market and its footpaths come under CDA's jurisdiction while the management of service roads in the *markaz* is the responsibility of the police. In this particular case, an anti-encroachment drive was carried out by the police to clear the service roads in Karachi Company and make room for parking. While several hawkers operating on the roads and sidewalks lost their spots as evident in the before and after photos of encroachment spaces, the bazaar itself still survived the anti-encroachment drive carried out to restore the planned order of G-9 *markaz* (figures 26 and 27).



Figure 26. Transformations after an anti-encroachment operation I – clearing of pedestrian pathways and stairs



Figure 27. Transformations after an anti-encroachment operation II – hawkers removed from one side of service road in order to create space for parking

The temporary bazaars enjoy the patronage of shoppers as well as shopkeepers of the planned commercial market in Karachi Company (figure 28). The shopkeepers recognize that bazaar stalls attract large numbers of shoppers to Karachi Company, which in turn boosts their businesses. Moreover, rent from the stall owners doing business right in front of existing shops of the commercial market generates direct revenue for the shopkeepers. Just like in Blue Area, space in front of existing shops in Karachi Company are claimed by its shopkeepers, a fact that is well respected by all doing business in the area. In return for a monthly rent, shopkeepers in Karachi Company provide retail space

in front of their stores and electricity for lighting bulbs to facilitate trade in temporary bazaars after sunset. The stall owners also rent storage spaces in the market to store away their merchandize at night. Commodities and services offered by the planned commercial areas of Karachi Company and those by stationary and mobile hawking point toward a relationship based on mutual agreement rather than discord between the two different types of business enterprises. The planned commercial areas of Karachi Company serve as a supporting structure for hawking in the area. Hawking, in turn, provides additional income and attracts shoppers to the planned commercial areas. The plan and the spatial exception in this case exist in a complementary relationship.



Figure 28. Hawking in public areas of Karachi Company

Commercial spatial exceptions do not only exist in the form of add-on supplements to existing markets or independent enterprises operating out of public open spaces in Islamabad. The illegal use of authorized buildings form another kind of commercial spatial exception prevalent in the high-end residential areas of Islamabad. An analysis of these spaces reveals useful insights about the way people perceive laws that impose restrictions on the use of private property. We will now turn our attention to spatial exceptions in Islamabad created as result of a violation of land-use of a planned space.

3.3. Conforming To ‘Non-Conforming Use’

The focus of the last section of this chapter is the interpretation of laws related to residential areas in Islamabad. In particular, I am interested in the commercialization of

domestic spaces by their owners and users. While the trend of using houses for non-residential purposes is on the rise all over Islamabad, in this chapter I will focus on examples from residential areas within the popular and expensive sectors of F-6 and F-7. The residential areas of these sectors were initially developed for middle and upper income groups, however, the popularity of these sectors over time has led to an increase in land values as well as rental prices, thus making it impossible for even the middle income group to purchase or rent property in these sectors. High land costs and rental values in these sectors has transformed the mindset of landowners and homebuilders, who find it beneficial to convert either part of or the entire house into commercial rental space.

In sectors F-6 and F-7, many houses have been converted into office spaces for private or government organizations or for embassies of countries that have not yet transitioned to the Diplomatic Enclave, an area approximately south of G-4 and G-5 dedicated to meet the office and residential needs of foreign diplomatic missions in Islamabad. More common non-residential uses for houses in these sectors as well as in the rest of Islamabad are of commercial nature accommodating high end services and retailers, including restaurants, guesthouses, boutiques, clothing stores, private schools, salons, gyms, and furniture showrooms. The high rent potential of commercial property coupled with the high costs of living in Islamabad makes houses in Islamabad's established sectors viable profit-making commodities for their owners rather than merely satisfying their immediate housing needs. Moreover, renting houses for commercial rather than residential purposes is more lucrative for homeowners. For business owners, houses offer a better alternative to commercial spaces found in the commercial districts of Blue Area or various *markaz* markets. Houses offer more space with more privacy, exclusivity and imagined security, all of which are appealing to high-value customers including wealthy Pakistanis and foreigners, and that are available for a fraction of the total rental costs as compared to the commercial spaces available for rent in *markaz* markets or Blue Area. In my interviews of store managers of businesses operating from residential areas, the popularity of residential areas in F-6 and F-7 for commercial purposes is partly because many influential local and foreign residents of the city prefer to limit their movement to the elite sectors of Islamabad, hence making it necessary for

high-end businesses to come to the clients who are unwilling to travel beyond a select few areas.

In official language, commercial activities in residential buildings are characterized as “non-conforming” uses, defined in the Islamabad Residential Sectors Zoning (Building Control) Regulation 2005 as “the use of a plot or structure thereon not conforming to the purpose authorised or permitted under this regulation or the conditions of allotment” (Dar, 2010, p. 903). According to these regulations, all non-residential uses fall under the category of non-conforming uses, which are considered illegal in all of Islamabad’s sectors. The only exception to these regulations is given for “home occupation,” defined as the approved use of residence as office by a resident professional, such as an architect, town planner, lawyer, doctor, engineer, etc., “provided the overall residential character of the building/ apartment is not changed and not more than two rooms/ not more than 25% of covered area of the floor on which it is located,” and that the office is not a source of nuisance to the neighbors (Ibid, p. 910).

In practice, exceptions to ‘home-occupation’ exist in the permitted use of residences for particular kinds of institutions such as, government offices, embassies of foreign diplomatic missions in Islamabad, and private schools that have been operating prior to the cut-off date of December 1999. In these cases, the use of large houses for non-residential purposes exceeds the maximum area requirement permitted under home-occupation in zoning regulations. Affiliation with the state is considered the main reason for tolerating many of these exceptions such as embassies and government offices. Permission to run private schools in houses in Islamabad is based on a mutual agreement between CDA and Private Schools Association Islamabad. According to this agreement, those private schools that were established prior to December 1999 are allowed to operate from houses within the city. The court judgment on a petition filed by a representative of a private school in the residential area of sector F-6 against CDA makes reference to the following CDA policy formulated in a meeting on May 28th 2003 in which it was decided that,³⁸

³⁸ Seeds High School through Project Director (Petitioner) versus Government of Pakistan through Secretary of Ministry of Law and Justice, Islamabad and 2 others (Respondents). Writ Petition No. 2155 of 2003, heard on 23rd December, 2003 (All Pakistan Legal Decisions, 2004, pp. 305-311).

No new school shall be allowed to be opened in residential Sectors and in order to accommodate only those schools which were functioning prior to December, 1999 that it was decided that such schools which were located in internal streets may be allowed to be relocated to other houses situated along Dual Carriage way which has satisfactory accommodation and subject to obtaining of N.O.C. from the owner and the neighbours of the locality. Even this arrangement was purely temporary in nature (All Pakistan Legal Decisions, 2004, p. 308).

Note that even as CDA formulates leniencies toward allowing certain types of schools to continue non-conforming use in Islamabad, the underlying assumption is that of a temporary arrangement. This reinforces the notion that exceptions to non-conforming uses, such as allowing pre-1999 private schools in residential buildings, are mostly made when these concessions are framed as “purely temporary in nature” while their permanent resolution may only be at a theoretical level. This policy also hints at another official trend of tolerating non-conforming uses close to main double-roads in various sectors in Islamabad. Analyzing the places where most of non-conforming uses converge in residential communities in the city reveals that the most active commercial-residential areas are located along main roads next to commercial markets in the *markaz* or Blue Area. For example, most of the houses facing the main streets next to F-7 *markaz* accommodate commercial activities. This trend is repeated in houses along the residential strip north of Blue Area, and exists in other places in Islamabad where the location and space next to main roads in residential areas are perceived as acceptable options for commercial uses in official discourse.

Not all nonconforming commercial spaces in residential areas of Islamabad enjoy the support of temporary official policies. The Building Control Directorate (BCD) at CDA is the department responsible for “on-site inspection of commercial and residential property” in Islamabad (Capital Development Authority, 2007-2014b). Each building control officer is assigned supervision of one or more sectors within the city, and is responsible for ensuring the implementation of and reporting any violations to official building codes, regulations and bye-laws. In BCD, detailed lists of non-conforming uses in residential buildings are maintained along with the status of the legal actions taken against each violating person or establishment. For instance, in 2012 there were some 80 schools, 202 offices, 75 guesthouses, 48 embassies, and 63 restaurants/clinics/beauty

salons operating in the residential areas of the F-series (F-6 to F-11) sectors. Upon identification of a non-conforming use of a house in Islamabad, the concerned building control officer initiates a case against the violator by serving written notices, and identifying a 15-day grace period within which to discontinue the non-conforming use. If the non-conforming use continues despite written notices and warnings, which is what happens in most instances, the case is referred for trial in the court of the Deputy Commissioner (DC) of Islamabad. The DC issues another notice with a 15-day grace period to the violators to discontinue their activities. If the non-conforming use still persists after this warning, the DC can decide to send a show cause notice to the violator who is either fined a lump sum or per diem amount for as long as the violation exists. Once fined, the violators can seek redress in the Civil Court to get a stay order to prevent further prosecution from city authorities. In rare cases, allotments of the plot owned by the violator have been cancelled or the violating business sealed but mostly the fine marks the extent of legal action taken by BCD and DC against non-conforming uses in residential areas in Islamabad. In 2012, for instance, CDA sealed some nonconforming housing units however the process was discontinued with the appointment of a new CDA chairman (Teepu, 2013, July 27).

Interviews of managers of businesses operating out of houses in sectors F-6 and F-7 have revealed covert understandings between higher management of these enterprises and the CDA staff, which allows non-conforming uses to continue without much interference. People engaged in non-conforming uses in the expensive sectors of Islamabad are mostly influential individuals who use their personal connections and resources to make such amicable arrangements with the CDA staff and higher ups. “How could we seal a house and cancel the ownership when the CDA chairman and board are not supportive to such moves as most of the owners of posh localities can easily approach the power corridors and manage to hush up their issue,” argued a CDA official in a newspaper article hinting at the difficulty of following prescribed procedures to stop illegal uses of residential buildings in Islamabad (Ibid). For CDA it seems more important to maintain the appearance of monitoring and prosecution rather than the actual enforcement of zoning regulations.

The practice of issuing notices and imposing fines to deal with violations of zoning regulations has, as a result, become a well-established system rather than a source of deterrence for those involved in non-conforming uses. My research has shown that violations of building codes and encroachments in the planned context of Islamabad constitute a full-fledged system, and people involved in these practices are familiar both with the risks associated with operating within these systems and with ways to manipulate it. The growing practice of using a house in residential sectors in Islamabad to accommodate high-end sales and service enterprises reveals the inefficacy of the supposed mechanisms of surveillance and prosecution, which are well understood by individuals and organizations who successfully undermine these mechanisms without disregarding them by responding to notices, paying fines, bribing, getting stay orders and fighting court cases. The owners of businesses operating out of residential sectors have confidence in their ability to manipulate and subvert the official apparatus against zoning violations in Islamabad. Their confidence is apparent in the daring investments made in converting residential buildings into commercial spaces or even building brand new commercial spaces replacing existing houses in residential areas, as described below.

What does it mean to commercialize a house? A simple conversion comprises a home-workplace combination in which the owner or occupier of a house lives in one part and works in the other. This arrangement falls under the “home occupation” category described above and is considered legal as long as the business does not create a nuisance for others living in the neighborhood or exceed the permitted space for non-residential use. Most beauty salons in Islamabad operate out of residences and do not always respect space restrictions set for businesses under “home occupation” but their owners claim that CDA does not bother them as long as there is no indication on the exterior of the house that there is a commercial set-up within. In most cases, salon owners live and work in the same house and the work areas are separated from the living areas by using separate entrances or closing access to the residential parts by doors and screens. The overall appearance of the house as a house is maintained in such residential to commercial transformations.

Adapting residential buildings for service-oriented businesses such as clinics, offices, schools, or embassies involves relatively simple changes as compared to sales-

oriented businesses such as furniture showrooms, restaurants, or home stores. For service-oriented operations, changes are mostly cosmetic such as, placing signboards on the front façade, replacing existing windows with large unobstructed display windows, and lowering or puncturing exterior boundary walls to improve curb visibility (figure 29).

Accommodating sales-oriented businesses in houses requires more serious interventions to existing structures in order to create open interior spaces for display of merchandize. Retrofitting existing houses involves moderate structural changes such as opening up the interior space by taking down non-load bearing walls between different rooms, major interior face-lifting with new surface treatments and lighting, and updating the house facade by creating large windows for the display of merchandize and low and punctured boundary walls for improving curb appeal.

Figures 30 and 31 show the before and after images of a house turned into a furniture showroom in sector F-7 in Islamabad. The transformation involved a major uplift of the front façade of an existing house across the street from F-7 *markaz* to give it a clean contemporary and less residential outlook. The renovation was carried out from 2011 to 2012 at a total cost of about Rs. 10 million (100,000 US \$). Because the renovation was intended for a high-end business, expensive and imported finishing materials were used in the interior of this project. Moreover, many interior and exterior structural changes were needed to transform an existing residence into a showroom, which added to the overall high cost of this project (Project architect, personal communication, April 5, 2014). The interior transformation of this house involved removing doors, widening openings and taking out non-load bearing walls, thus creating more openness and connectivity, while improving the flow of movement. While such design alterations of existing houses do not significantly alter their external structures, there are obvious markers of commercial functions on the exterior of these buildings.

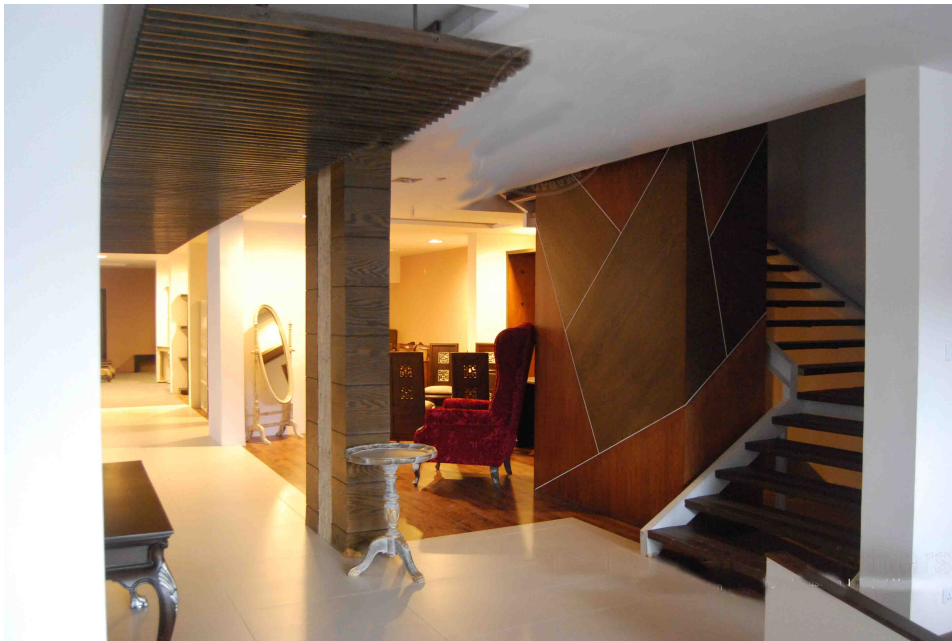
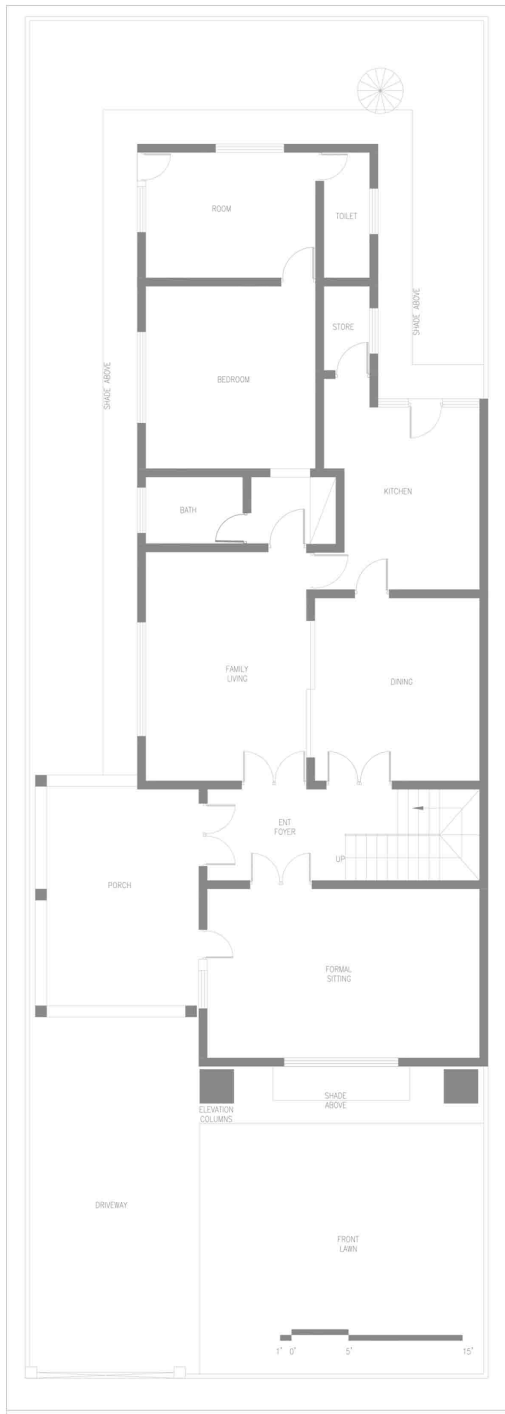
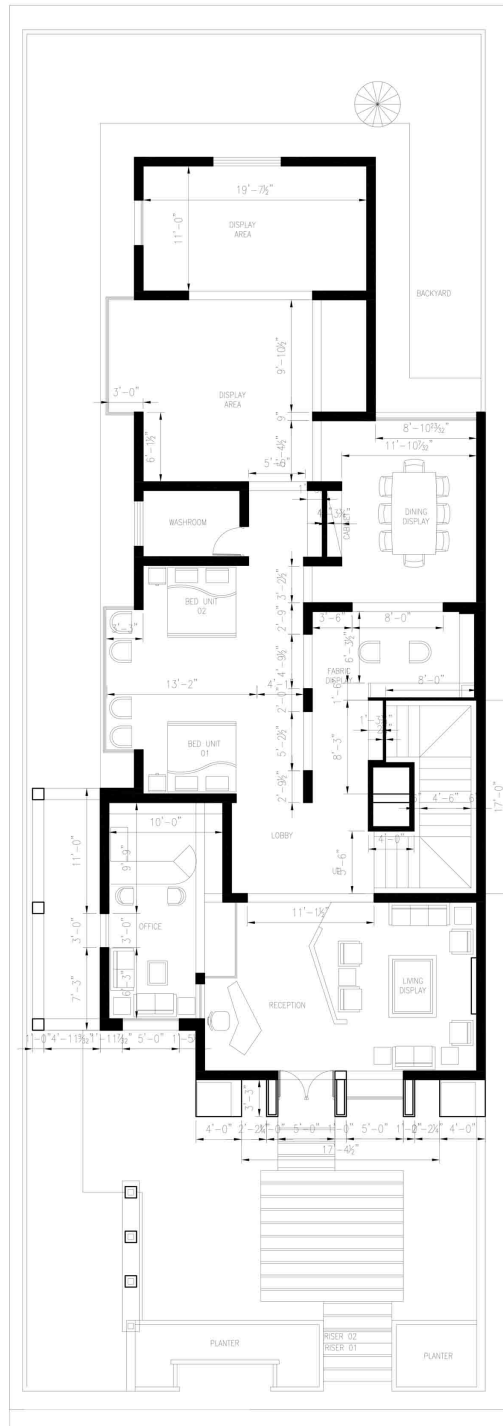


Figure 29. Commercialization of an existing house in sector F-7 (A): Exterior and interior views. Photos: Architect F. Arshad.

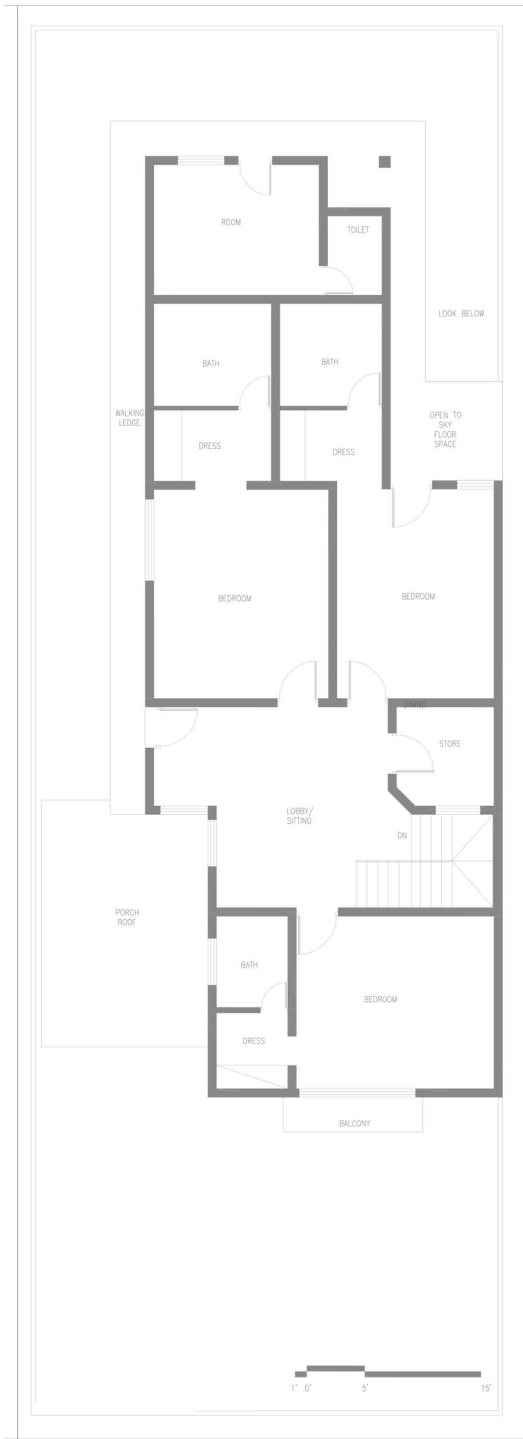


First Floor - Existing Layout

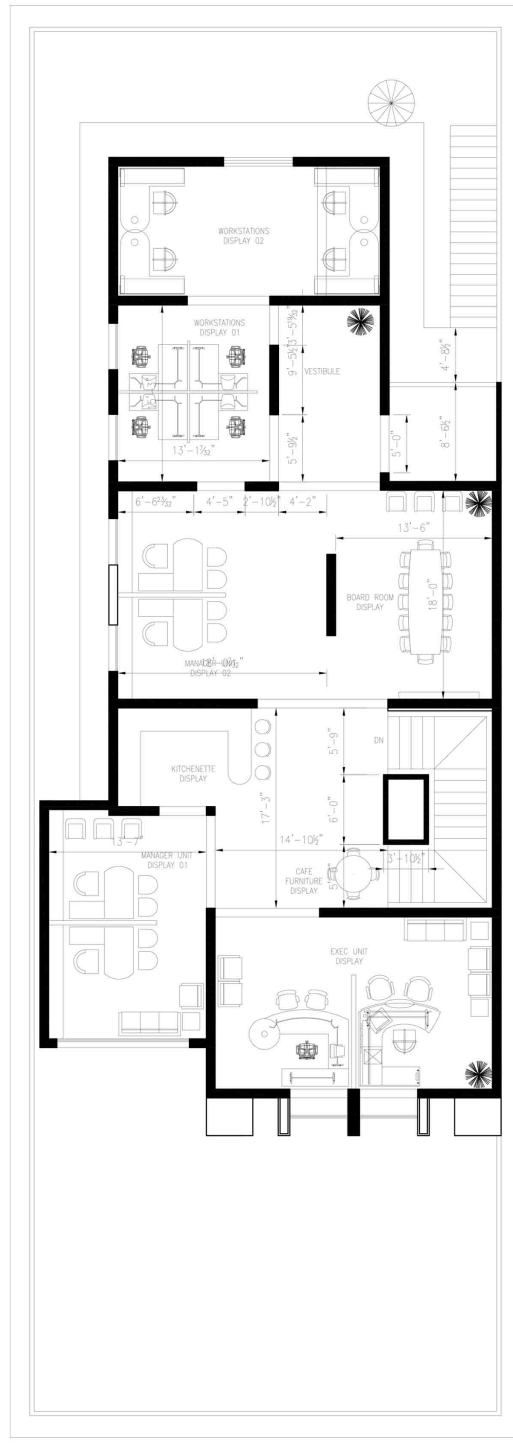


First Floor- Proposed Layout

Figure 30. Commercialization of an existing house in sector F-7 (B): Before and after first floor plans. Drawings: Architect F. Arshad



Second Floor - Existing Layout



Second Floor - Existing Layout

Figure 31. Commercialization of an existing house in sector F-7 (C): Before and after second floor plans. Drawings: Architect F. Arshad

While most nonconforming uses in the past were accommodated by retrofitting existing buildings designed as houses, there has been a recent growing trend of building custom designed commercial spaces to replace existing houses. Many landowners in Islamabad now build large houses of maximum covered area permitted under existing zoning regulations to create more rentable space.³⁹ The commercial intent of these houses is evident in the interior layout and exterior façade of these buildings. Instead of rooms to accommodate various functions of living, the interior spaces of new commercial houses comprise open floor plans, large halls and uninterrupted flows to better produce a retail environment. The exterior of these houses have boxy masses and large fixed windows meant for display of merchandize.

CDA's approval is required for all sorts of construction projects from minor structural alterations and renovations to major reconstruction projects. The process of getting approval from CDA to build a new commercial building in a space zoned for residential purposes involves having an architect prepare two sets of drawings for his/her clients, one for the clients' approval showing the intended commercial use of the building, and the other for CDA's approval. The drawings prepared for CDA camouflage the actual purpose of the proposed design by mislabeling spaces for domestic use in the proposed building plans meant for commercial purposes.

Architects working in Islamabad have mixed views about this practice of evading building regulations. While most are aware of the morality issues associated with aiding clients defying building codes, different rationales are presented for the need to open up residential areas for commercial uses. Some take a pragmatic approach and consider it unwise to turn away paying clients while others prefer not to get involved in the approval process and leave the clients to their own devices to get official "approval." There are still others who believe that uncontrolled rents in Islamabad coupled with high land prices and construction costs have necessitated the use of residential areas for commercial

³⁹ This trend has been supplemented by the changes in permitted floor area ratio (FAR) in the Islamabad Residential Sectors Zoning (Building Control) Regulations, 2005 from Islamabad Residential Sectors Zoning (Building Control) Regulation, 1993. FAR is the ratio of the total area of a building to the plot size on which it is built. In the 1993 regulations, different FARs was required according to the type of dwelling (detached or terraced). In the 2005 zoning regulations, FAR calculations were eliminated as long as minimum setback requirements were observed. New homes built with the intention to rent thus have large boxy masses corresponding to the maximum permitted FAR according to the current regulations.

purposes to lower rental costs as compared to planned commercial markets, and to maximize returns on investments.

3.4. Making ‘Temporary’ Provisions That Last

Based on his ethnography of under-the-table negotiations between hawkers and low-level city functionaries in Mumbai, anthropologist Jonathan S. Anjaria argues that the sustenance of hawkers in cities is contingent upon their ability to make “extralegal negotiations with the state” (2011, p. 60). By demonstrating the everyday modalities of these extralegal negotiations, Anjaria shows how the unlicensed hawkers’ “claims to city space are legitimized through daily, if unofficial, negotiations with state functionaries” (2011, p. 59). Hawkers in Islamabad are similarly involved in encounters and negotiations with CDA staff on a routine basis. While the significance of the hawkers’ ability to operate and gain access to space in Islamabad via unofficial transactions with CDA staff and successful manipulation of the official apparatus cannot be undermined, in this chapter I have tried to focus instead on how certain concessions are made in official discourse and regulations for such activities at odds with the overall planning ideology and master plan of Islamabad.

Ananya Roy uses the case of ambiguous legal expropriations of land on the fringes of the city of Calcutta (India) using extra-legal strategies to demonstrate how the State operates within the realm of informality. Roy terms this process of territorialized flexibility of Calcutta’s fringes an “informalization of the state,” in which informal and extra-legal practices inhere official procedures (2004, 158-9). The processes discussed in this chapter to tolerate certain spatial exceptions in Islamabad reveal another dimension of the infiltration of informal practices within formal planning procedures. In the case of Islamabad, we see that provisions that exist in the municipal byelaws of Islamabad for “licensed encroachments” to allow certain informal commercial enterprises, such as, street hawking, do not constitute the realm of the informal or extralegal activities of the State but are very much part of its legal system.

Official planning laws such as, the *Islamabad Capital Territory Municipal Bye-Laws of 1968-69*, are formulated by corporate bodies like CDA for the effective management of areas under its jurisdiction. In theory, municipal bye-laws for Islamabad must comply with its overall planning ideology but the above discussion shows that these bye-laws give legitimacy to the very things that challenge the basic premise of the modernist master plan of Islamabad by validating encroachments and other commercial activities at odds with the master plan. The practice of licensing commercial activities in spaces designated for non-commercial purposes points to a rift between the definitions of what is legal or illegal according to the municipal bye-laws and the modernist planning ideology respectively. Islamabad's planning laws and planning ideology exist in a relationship that is not based on mutual reinforcement. For instance, in Islamabad the modernist planning ideology of strict separation between functions in clearly designated spaces is unsupported by the leniencies made in the bye-laws for activities like hawking in streets and green belts. It is evident that the master plan and legal codes are not necessarily in agreement with each other and this dissent between the two is an important feature of the history of development in Islamabad.

More than any other city in Pakistan, the city managers of Islamabad have the difficult job of ensuring its legacy as the only planned modern city in the country. The "clean-slate" condition in which the city was supposedly developed places stress on the managers of the city to maintain it as closely as possible to the official master plan. Things that exist outside of the plan in Islamabad, as a result, are more noticeable and severely criticized by the residents, and visitors of the city alike. Moreover officials at CDA also have to address the challenges faced by nearly all cities in the global South namely, limited resources, congestion, and poverty. How does one bridge the gap between the master plan, belonging to the realm of the ideal, to the existing conditions offered by a particular context? We can see that in the case of Islamabad, bureaucratic innovation and leniencies in regulations led to the acceptance of many things, which do not strictly fit the spirit of the master plan of the city, yet are necessary features of urbanism in Pakistan.

In Doxiadis's master plan, emphasis was placed on providing housing for all government employees and a few quarters were even built in the early development phase of the city to accommodate low-income employees. The practice of building low-income government houses was however, discontinued beyond the G- and F-series sectors, and new sectors were developed at higher prices unaffordable to even the middle-income group. Neighborhoods like France Colony, as a result, rose out of necessity as viable housing options for people with limited incomes. Hawking in Islamabad similarly initially originated in order to satisfy a need unfulfilled in the master plan, that is, to provide food and refreshments to the laborers and workers employed to build a new city. It was only in material, legal, and political space offered by spatial exceptions in Islamabad that certain spatial practices, which were beyond the limits of the master plan, could be accommodated. The challenge faced by CDA in Islamabad is to find ways of allowing something that may be necessary to the functioning of the city but at odds with the esteemed master plan.

In Islamabad, as I have argued above, the condition of temporariness is invoked in the official discourse to allow nonconforming spatial exceptions to be sustained over long periods of time. Allowing something temporarily thus emerges as a creative bureaucratic strategy to defer a problem to be dealt with at a later stage (which may or may not ever be reached) by introducing minor adjustments without initiating any major structural changes to the prevailing system. I have also argued that this state of temporariness is long-lived as seen from the examples of squatting and hawking, which have histories as long as Islamabad itself. Both urban phenomenon at odds with Islamabad's modernist master plan enjoy varying levels of legitimacy and face no imminent threat to their existence due to the special permissions and concessions sanctioned by CDA. When threatened, those engaged in creating spatial exceptions can produce various legal documents, including a certificate, letter, passbook, or forgotten foundation stone to verify their legal existence in Islamabad.

My analysis has also revealed that the notion of temporariness to allow or tolerate certain exceptions is grounded in the everyday practices of both hawkers and regular business people alike. An examination of the proliferation and modalities of non-conforming uses in residential areas of Islamabad furthermore offers a window into

understanding the legal-illegal conditions that co-exist in houses having lawful statuses yet unauthorized uses. My discussion on claims to public space in front of stores in planned commercial areas of Islamabad as well as the use of residential buildings for commercial purposes by home owners shows how residents and business people of the city interpret laws related to space and its usage.

In existing scholarship, these unauthorized yet ubiquitous forms of housing and commerce in cities of the developing countries are collectively grouped under the rubric of urban informality, simply characterized by a total absence of formal regulation. In planned places like Islamabad, where these so-called informal housing and commercial practices are often sanctioned through some form of formal approval, and where formally authorized buildings become unauthorized due to their informal usage, it becomes necessary to look beyond the formal-informal binary to better understand how urban phenomena outside of the official plans and regulations find legitimacy in planned built environments. In the case of Islamabad, this coexistence of the legal and illegal is an important feature of exceptions, as explored in the next chapter on the authorized 'squatter' settlement of France Colony in Islamabad.

Chapter 4

Negotiating Nonconformity

Commenting on the social conditions of London in the nineteenth century, Charles Dickens described the city in terms of many different worlds, each of which had “its own inhabitants,” and was “distinct from, and almost unconscious of the existence of any other” (1846, p. 295). Describing Manchester around the same period, Frederick Engels noted the strategic organization of the newly industrial city, one that created visual barriers between rich and poor quarters. Engels observed that, “[t]he town itself is peculiarly built, so that a person may live in it for years, and go in and out daily without coming into contact with a working people’s quarter or even with workers, that is, so long as he confines himself to his business or to pleasure walks” (1958, p. 85). Towards the end of the nineteenth century, Jacob A. Riis published a photographic documentary entitled, *How the Other Half Lives*, capturing the living and working conditions of urban poor in New York. Riis dedicated this collection of images to the “propertied and comfortable classes” of New York and beyond, in order to make them aware of the wretched conditions of their “other half”, namely the poor inhabitants of the city (2010, p. xx). What Engels, Dickens and Riis were trying to do through their written and visual accounts of Western industrial cities at the turn of the century was to highlight the inhumane living conditions of the working class, the urban poor, who were concealed, and tucked away from the vision of urban elite. It was not that the latter were unaware of their unprivileged counterparts but that they were able to choreograph their movement through early industrial capitalist cities in a way that avoided frequent encounters between the two social and economic classes.

The situation of early modern capitalist cities of the eighteenth and nineteenth century is reversed in most contemporary cities of the twentieth and twenty first century. In cities everywhere, it has become nearly impossible for privileged residents to completely avoid contact with, or remain unaware of the presence of underprivileged residents of the city. Class segregation in many cities of developed countries is maintained by limiting the urban poor to undesirable areas either in the centers or on the fringes of cities, that is, on the principle of maximizing distance between the rich and the poor neighborhoods. In cities of the developing world, space restrictions and large populations in urban areas make it impossible to place great distances between different income groups. The spatial and visual segregation that does exist in such places is achieved on the scale of the neighborhood simultaneously inhabited by members of different socio-economic groups. Separation between the rich and poor residents of a neighborhood thus becomes visibly forced and mostly unstable (Chatterjee, 2004, p. 131-148).

Newly planned modernist cities of the twentieth century, built in a supposed *tabula rasa* situation, are no exceptions to this phenomenon. In the post-World War II planned modernist cities of Brasilia (Brazil), Chandigarh (India) and Islamabad neighborhoods of poor communities housing laborers emerged as soon as the construction of these cities began. City authorities in Brasilia and Chandigarh responded in a similar fashion to the development of poor residential quarters in these brand new cities. Since poor neighborhoods were not part of the official master plans, they were pushed to the peripheries of these planned cities after the completion of various city building projects. The approach taken by the municipal authority of Islamabad to manage early low-income neighborhoods was somewhat different, however. The municipal body in charge of the development and management of the Islamabad, namely, Capital Development Authority (CDA) gave temporary permission to early settlements of poor communities in sites where planned sectors were being developed, as mentioned in Chapter 3. Site selection for these temporary settlements in open spaces next to *nullahs* (natural ravines), as a senior CDA planner explained to me, was based on the premise that allowing these developments in such spaces would not disturb the overall layout of the master plan (Personal Communication, Additional Director Master Plan Cell - CDA,

July 19th 2012). This insight interestingly foregrounds a split between the desires to preserve the master plan of the city, and its underlying planning ideology.

The decision to allow low-income housing in open green spaces in the master plan for Islamabad as conceived by its Greek architect-planner, C.A. Doxiadis, compromised important planning principles used to organize the city including, the strict designation of spaces according to specific functions, hierarchy of spaces based on socio-economic statuses, and preservation of natural ravines as important landscape features, as explored in detail in Chapter 2. By deciding to develop low-income neighborhoods outside the official master plan for Islamabad, CDA planners also ignored Doxiadis' proposals to include housing for low-income communities as part of the development of the new capital city.

Low-income neighborhoods developed outside the master plan of Islamabad with official consent in 1970s now exist centrally within the city's planned sectors, most of which are inhabited by upper middle- and high-income groups. The cheek by jowl presence of high- and low-income neighborhoods developed on a provisional basis within the fixed geometric grid of the planned modernist city of Islamabad, thus, makes it an ideal candidate to study exchanges and the relationship between two distinct urban spaces inhabited by different socio-economic groups. It also offers opportunities to understand the modalities of creating and sustaining spaces outside of official planning frameworks in highly planned contexts.

By focusing on the poor neighborhood of France Colony established in late 1970s in the elite sector of F-7 in Islamabad, this chapter presents a spatial analysis of two disparate urban phenomena in close spatial proximity to each other, and examines the relationship between spatial practices of residents living in and around this neighborhood.⁴⁰ An analysis of the socio-spatial interface between France Colony and

⁴⁰ Planned communities in Islamabad called 'sectors' were given an alpha-numeral designation in the master plan corresponding to their placement on a square grid. The X-axis is numbered while the Y-axis is assigned an alphabet. Each planned sector is further subdivided into 4 sub-sectors, which are numbered from 1 through 4 in a clock-wise manner starting from the bottom left corner. In the middle of each planned sector is located its own *markaz* (Urdu for center), which is a dedicated commercial and civic center for the neighborhood consisting of a post office, police station, and a main mosque, bookshops, restaurants, grocery and clothing stores, etc. For more on the design and history of the sector, see Chapter 2.

parts of sector F-7 developed according to the official master plan in the first part of this chapter reveals a complementary relationship between these two disparate urban conditions despite obvious social and spatial tension between their residents. This notion of complementarity is important to our understanding of why spaces nonconforming to the official master plan are tolerated in highly planned contexts. As argued in Chapter 3, my research shows that spaces external to the official master plan in planned cities sustain over long periods of time because they provide a legal, political, and material space to those functions and activities that cannot be accommodated by their official planning framework yet are necessary for the everyday functioning of planned places. This chapter will build on the notion of complementarity by showing how two disparate spaces coexist and reinforce each other. This formulation is not simply one of dominance and dependency, which assumes a difference in the levels of importance between two entities (Epstein, 1973, p. 2). Instead complementary alliances imagine disparate urban conditions to perform unique roles that collectively constitute the everyday functioning of a modern urban environment. In other words, for a planned city to function, spaces existing outside of the official master plan are needed as much as those planned according to it in order to accommodate activities unsupported by the planning ideology yet essential to the daily experiences of those living and working in modern urban settings.

An investigation of the official regularization process and informal modalities of transaction of space within France Colony, discussed in the second part of this chapter, shows various degrees of legality underlining these processes, which further complicate the analysis of nonconforming spaces at odds with the master plan. My research on France Colony highlights the impossibility of a strict classification of nonconforming spaces in modern urban environments as being illegal since the official regularization of informal spaces imposes a kind of legal status to otherwise unlawful practices. The legal-illegal distinction between France Colony and planned residential areas in Islamabad is further obscured because of the modalities of transaction of space in this neighborhood, which mimic legal processes of land and property exchange. These modalities create a “formalization of the Everyday,” which refers to those practices of ordinary practitioners that mimic formal bureaucratic procedures in order to create an effect of legitimacy. This

formalization of unofficial practices is not externally imposed but voluntarily observed. This chapter furthers our understanding of the relationship between formally and informally planned spaces, on the one hand, and the legal-illegal duality of certain nonconforming spaces in Islamabad, on the other.

4.1. PART I: Exchanges between the Plan and Spatial Exemptions

4.1.1. Complementary Alliances

In existing scholarship on planned modernist cities of the twentieth century such as Brasilia and Chandigarh urban phenomenon at odds with official master plans are mostly framed as paradoxes to the ideal schemes (Epstein, 1973; Sarin, 1982; Holston, 1989). These studies focusing on the residential life and sustaining of livelihoods of the financially underprivileged in planned modernist cities present an antithetical relationship between the master plan and unplanned spaces, and imply that the survival of one phenomenon is based on the negation of the other. An analysis of formally planned and nonconforming spaces in Islamabad, however, points towards a complementary relationship between them. For instance, consider below an example of the typical format of address used by the residents of France Colony (figure 32):



Figure 32. Business card of a community activist in France Colony

The address printed on the business card of a community activist residing in France Colony makes reference to geographical markers that do not physically correspond to the location of his home-office within this neighborhood. Street No. 54 is not one of the streets within France Colony as implied by the mailing address on the card but belongs to the officially planned sub-sector F-7/4, within which France Colony is located. The bordering planned streets of 48, 49, and 54 in sector F-7/4, which provide access to different sections of France Colony, function as markers for different locations within the neighborhood (figure 33). Officially recognized houses in France Colony, i.e., those allotted numbers by the CDA as discussed in the second part of this chapter, use the number of the closest planned street as part of their address even though their dwellings do not have any form of direct access to the street. Important citizenship documents like government identity cards issued to the residents of the recognized dwellings of France Colony bear addresses formulated using the same system.

This reference of planned coordinates in the master plan to fulfill a very basic need of address for houses within France Colony points towards a kind of complementarity between otherwise incompatible urban phenomena. Another example of the symbiotic relationship between France Colony and the planned sector can be found in the naming of this neighborhood. France Colony not only depends on the planned grid to mark its location within the city but also got its name from an important landmark in its planned neighborhood, that is, the Embassy of France in Islamabad, which was initially set up in Sector F-7 but now has relocated to the Diplomatic Enclave - a space dedicated in the master plan for the offices and residences of foreign diplomatic missions in Islamabad. During the early years of development of sector F-7, people used to refer to this neighborhood of low-income residents as the colony near the Embassy of France, hence the name France Colony.⁴¹ The naming and referencing examples given above are similar to the ways of naming in old South Asian cities where streets had no names or numbers, and localities were often designated on the basis of proximity to a known landmark, such as a place, person, or trade.

⁴¹ This neighborhood is sometimes called French Colony but the residents of this neighborhood refer to it as France Colony, hence, my preference for the latter name.

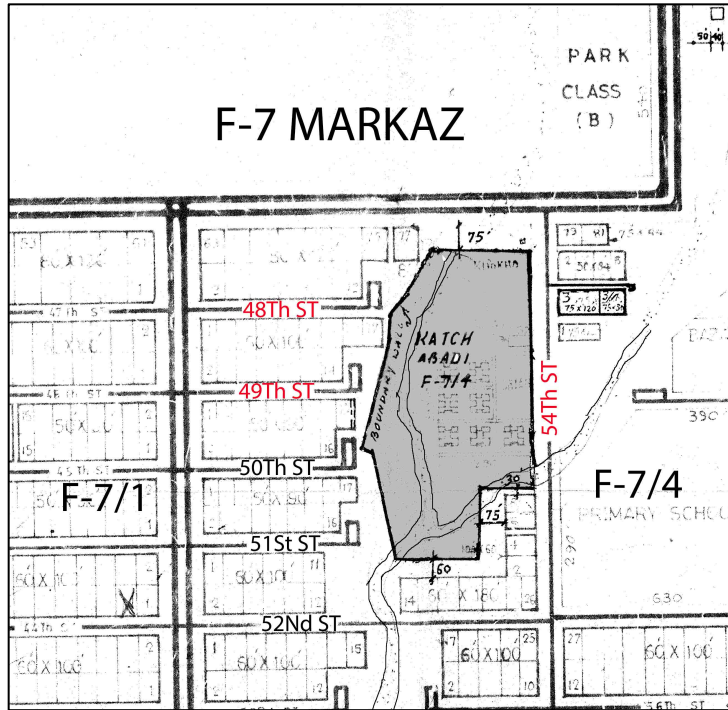


Figure 33. The streets in red in the planned areas of subsector F-7/4 provide access to various parts of France Colony

These examples illustrate a theme central to this dissertation, that is, the development and sustenance of unanticipated urban phenomena in highly planned contexts can be better explained by the complementary rather than contradictory relationship between the planned and the nonconforming spaces. This is a two-way relationship as both urban phenomena function to sustain the other even if they are premised on very different principles. Spaces external to the official master plan exist in order to accommodate those spatial practices that are at odds with the master plan yet critical to the functioning and organization of the city. For instance, as explained in Chapter 3, at the time of the planning of Islamabad its Greek architect-planner C.A. Doxiadis was committed to creating a city that served all classes of government employees from high-ranking officials to low-ranking sanitation workers as well as laborers and construction workers who would be needed for various building projects in the city. However, Doxiadis's concern for providing housing for the lowest income group remained unrealized in the eventual development of the city.

Except for a handful of government quarters constructed for sanitation and municipal staff working with CDA in G- and F- series sectors in Islamabad, housing for

the lowest income group remains external to the master plan. This phenomenon can be explained by the inadequacy of modern planned schemes and their developers to accommodate housing needs for all income groups in Islamabad's planned framework. In situations where certain functions and activities cannot be accommodated within officially conceived plans, spaces external to the official master plan emerge as complementary spaces to meet unfulfilled needs of those living and working in planned places. As investigated in this dissertation, spaces planned according to or outside of the master plan coexist in various arrangements and relationships of dissent and accord in order to constitute the everyday functioning and lived experiences of the residents and business people of Islamabad.

Government funded low-cost housing projects have historically remained unsuccessful in meeting the shelter needs of the financially unprivileged.⁴² Ironically, the high costs associated with the development and maintenance of government-built 'low-cost' housing makes it beyond the financial reach of those with limited income. Corruption of state officials and building contractors, vested interests of slum mafia, high building standards, high maintenance costs, inappropriate design decisions etc., are some of the reasons why government sponsored low-cost housing remains ineffective (Turner 1976; Correa, 1989; Hackney, Hamdi, 1990; Lawrence, 1997). As a consequence, affordability in such projects is only achieved through heavy government subsidies, which makes low-income housing programs unfeasible for the public exchequer in the long term.

Low-cost government housing projects in Pakistan share a similar story. In Pakistan, the Ministry of Housing and Works has six affiliated and autonomous bodies working towards improving the overall housing situation in the country.⁴³ With so many different organizations working in the housing sector, the result is an ad hoc development

⁴² The only exception to this phenomenon is Singapore's unique public housing. Singapore has achieved unparalleled success in providing affordable housing to members of every income group, from the squatter settlements dwellers to the middle or high-income groups. Nearly 83% of the total population of Singapore lives in flats built by the city-state's Housing and Development Board (HDF). Moreover, about 90% of Singaporeans living in HDF flats own their units (Singapore Government, 2013, October 24).

⁴³ Attached departments include: Pakistan Public Works Department, Estate Office Management, and National Housing Authority. Autonomous bodies include: Pakistan Housing Authority, National Construction Limited, and Federal Government Employees Housing Foundation (Ministry of Housing and Works, 2012-2013).

of housing projects in Pakistan without any substantial improvement in the country's overall housing shortfall, which according to a World Bank estimate stood at about 7.57 million houses in 2009 (Nenova, 2010, p. 9). Even though shelter needs of the poor in Pakistan are included in the manifestos of most of these government-housing organizations, their projects are neither affordable nor accessible to all since they are limited to a handful of provincial and federal capital cities of the country. Federal Government Employees Housing Foundation (FGEHF), and Pakistan Housing Authority (PHA) are the only two government organizations involved in developing low-income housing in Islamabad and hence are chosen for further analysis. A history of low-cost housing projects launched by FGEHF and PHA, as summarized below, highlights their inadequacy to meet the housing needs of the poor residents of Islamabad.

“Providing Shelter for all Government Servants” is the motto of FGEHF, with various implemented and ongoing housing projects in the planned sectors of I-8, G-11, D-12, E-12, G-13, G-14 in Islamabad (FGEHF, 2009). All federal government employees are eligible to participate in FGEHF housing schemes provided they purchase membership with a one-time fee, and make periodic contributions towards the cost of their plot or apartment. The membership fee is determined according to the BPS (Basic Pay Scale), a ranking system based on the pay structure used by most government organizations in Pakistan. FGEHF launches housing schemes periodically, and allotments are made via balloting. FGEHF mainly provides planned plots on an ownership basis to government employees in the developed sectors of Islamabad, but the foundation also dabbled in the actual construction of houses in its first scheme launched in 1988. While FGEHF projects are open to all federal government employees, it fails to achieve any meaningful result in improving the overall housing situation in the capital city.

Firstly, the number of plots developed under various FGEHF schemes is insignificant as compared to the actual housing needs of government employees in Islamabad. In the three completed Federal Government Employees (FGE) housing schemes in Islamabad, namely, Phase – I (1988), Phase - I Extension (1990), and Special Allocation (1996), a total of only 1802 plots, and 1595 houses were allotted to government employees on ownership basis. The gap between the housing demand and supply makes the FGE schemes highly competitive. In the FGE housing scheme Phase-

IV launched in 2002, the Foundation received a total of 48,000 applications for only 6,500 plots.

Secondly, even though FGEHF offers housing options for all BPS levels, their projects remain inaccessible to government employees with minimum incomes for two reasons; first, the overall high costs of housing and second, the long period required for the completion and handing over of developed plots or built units. For example, in the Phase V Housing Scheme for Low-Paid Federal Government Employees in G-11 launched in 2005, there were three categories of flats (C, D, and E) offered to employees of BPS scales 1 through 16 (with 1 representing the lowest pay scale and 16 the highest). In this scheme, the BPS 1-6 employees, which include sweepers, peons, gardeners, laborers etc., were eligible to apply for category E flats covering an area of 700 sf, and offered at a cost of Rs.1,200,000/-. In 2011, the monthly pay of BPS 1-6 employees ranged from Rs.4800/- to Rs.14, 300/-, thus making the FGE flats out of the financial reach of those within this pay scale. Even if funds could be somehow mobilized, applying for a FGE Housing Scheme means an investment for long periods without any immediate return, which is unappealing to those with limited financial resources. So far only three of the FGE Housing Schemes have reached completion, while the remaining five are in various stages of development. The earliest of these FGE ongoing schemes is Phase II, dating back to 1992 while the most recent one is Phase V Housing Scheme, under construction since 2005. Waiting for housing for 8 to 21 years is unfeasible for those with minimum resources and immediate shelter needs.

Similar to FGEHF, Pakistan Housing Authority Foundation (PHAF) strives “to eliminate shelterlessness and to reduce the housing shortfall in Pakistan” (PHAF, 2009). Unlike FGE housing schemes that are restricted to the federal government employees, the PHAF housing projects are open to all low- and middle- income groups in Pakistan. But just like the FGE Housing schemes, PHAF housing projects fall short of any meaningful delivery of housing in Islamabad for the lowest income groups. PHAF was initially involved in the construction of mid-rise apartment buildings in Islamabad but has now started the development of plots. Since its inception in 1999, PHAF has some 14 completed and ongoing projects in Islamabad with a total of 2840 plots and apartments. Moreover, PHAF apartments are pricey, as the cost of small flats (865 to 940 sf) range

between Rs. 700,000 to 1,050,000, thus making them unaffordable to the lowest income residents of Islamabad. Finally, based on my interviews of residents living in poor neighborhoods in Islamabad, there is an aversion to apartment living among people with meager resources for many reasons. The connection to land is important for people who have migrated from rural areas and who associate property ownership with land rather than a unit built in the sky. The need for privacy is another significant factor that makes housing units on individual plots more favorable over apartments. Lastly, apartments restrict the possibility of future expansion, which is a real concern for low-income households with growing family needs.

Middle- and high-income groups with additional capital thus end up becoming the beneficiaries of government initiated low-income housing schemes. Even with their high costs, government housing projects are still more economical than those developed by private developers. Many eligible applicants with financial resources, as a result, apply to these schemes for speculative purposes rather than satisfying immediate housing needs. For instance, the current listing price on open market for an 865 sf PHAF apartment in G-11/4 originally worth Rs.760,000-850,000 is approximately Rs. 5,800,000. If rented, the same unit can yield a decent fixed monthly income for their owners. (Zameen.com, 2014; Realproperty.pk, 2014).

While low-income people have the ability to pay for their shelter needs as funds become available, what they don't have is surplus capital to invest in housing without any immediate return. This principle of incremental development employed in the construction of housing for low-income communities in places like France Colony is the reverse of that adopted by both FGEHF and PHAF. Housing within the planned framework of Islamabad, therefore, is not designed to cater to the specific needs of the lowest income communities working in the capital city. Consequently communities excluded from the planned housing framework find shelter within spaces outside of the plan. In such situations where certain functions and activities cannot be subsumed within the planning framework, nonconforming spaces emerge as complementary spaces to the master plan to support that which the plan cannot. Spaces planned according to the master plan and those outside it thus work in conjunction with each other in order to improve the overall experience of most residents of planned places like Islamabad.

Residents living in spaces that do not conform to official planning protocols, like France Colony, need planned places to fulfill other needs like, occupation, health, education, and amenities, or even something as basic as their street addresses, as discussed above. Similarly, residents who live and work in planned places need the services that are available in nonconforming spaces. As a result of the intertwined nature of the relationship between spaces planned according to or outside of modern planning practices, it becomes nearly impossible to limit urban experiences to either urban phenomenon.

4.1.2. An Unwelcome Presence

France Colony is a predominantly Christian community engaged in providing sanitation services in Islamabad, either as employees of government organizations like CDA or as private domestic servants working for the affluent residents of the city. Pakistan is a Muslim majority state with only 3.72% non-Muslim population, according to the last census carried out in 1998. After Hindus, Christians constitute the largest religious minority at 1.59% of the total population in Pakistan, mostly residing in the province of Punjab and Federal Area of Islamabad. The majority of the Christians living in Pakistan were previously poor low-caste Hindus engaged in jobs that were considered impure and menial (Cox, 2002; Harding, 2008; O'Brien, 2006). Some of them converted to Christianity during the British colonial period as a way to escape their inferior position in the Hindu caste-system. Conversion to another religion, however, has done very little for the social and economic uplift of Christians in Pakistan, as they still suffer from discrimination and violence, and continue to perform undesirable work as sanitary workers in the country. The presence of a Christian neighborhood in an affluent sector in Islamabad relates to the occupational merit of the residents of France Colony rather than their religious affiliation, given the long history of violence and marginalization against religious minorities in Pakistan (Gabriel, 2008; O'Brien, 2006). The labor of these residents thus ended up being an important determinant in locating their place in the newly planned capital city.

Religious differences between Muslim and Christian residents living respectively in the planned areas, and nonconforming spaces in sector F-7 in close spatial proximity lead to several instances of conflict between the two communities. For many Muslim residents, especially those living in the immediate neighborhood of France Colony, these religious and cultural differences translate into an assumed association of undesirable vices with non-Muslims. For instance, in Pakistan alcohol sale and consumption is banned for all Muslim nationals but non-Muslims can purchase alcohol from authorized vendors after obtaining government-issued licenses. Sometimes non-Muslims with official permits sell alcohol to Muslims without the legal privileges to buy or sell alcohol in the country. In recent years, some residents of France Colony have also started alcohol distribution as a side-business. This trend has also led to the consumption of alcohol among the residents of France Colony, and as a result of the free-flow of intoxicants in this neighborhood, its residents are often blamed for spoiling the environment of the sector and the city.

Other undesirable activities associated with France Colony residents are the sale and consumption of drugs, theft, and prostitution. The congested living conditions of dwellings in France Colony sharply contrast with the expansive houses of the planned areas of F-7. As a result, the presence of the mostly male residents of France Colony in adjacent planned public areas (streets, sidewalks and parks, etc.) next to their neighborhood is more obvious and constant than those who live in adjacent houses built on deep plots of land in the planned residential areas. This invasion of public spaces by the residents of France Colony is seen as an invasion of the privacy of women and children living in F-7/4. Moreover, as opposed to the low-income high-density Muslim neighborhoods where women residents observe *purdah* (physical and visual segregation between men and women), no such restriction exists for women living in France Colony. Hence the free and open movement of women residents of France Colony is seen as a manifestation of incompatible moral and cultural values shared by members of the two religious groups.

These socio-cultural perceptions based on religion and supplemented by economic disparity between two different communities residing in sector F-7 have provoked several instances of conflict over space between them. For instance, members

of different residents associations from the formally planned parts of F-7 have agitated against the development of France Colony in their neighborhood, and filed various complaints with CDA.⁴⁴ A member of one of the residents' associations living in a house on Street 48 in F-7/4, whom I will call Mr Ahmed, spoke in an interview with me about the plight of people living in the planned areas of F-7/4 next to their delinquent neighbors in France Colony (Personal communication, March 4, 2013). He narrated several personal accounts in which he or a member of his family was subjected to petty theft conducted by residents of France Colony, including snatching of a cell phone from his daughter and a tricycle from his young son, while both his children were right outside their house. They have had clothes drying on the line to drain covers stolen from inside their boundary walls. Upon the recommendation of police, who are largely ineffective in controlling these petty crimes, residents of the planned areas had to raise their boundary walls when incidents of theft increased in intensity. He considers France Colony *alaga-i-ghair* (Urdu for foreign land, refers to the semi-autonomous tribal areas of Pakistan where criminals are known to take refuge in order to escape prosecution) as it is impossible to retrieve anything that goes beyond the boundary walls of France Colony.

“We feel like we are living in a jail, a sub-jail, in our own houses. Our women and children feel like they are under house arrest,” declared Mr Ahmed during the interview. He explained, “there are girls from the *abadi* (settlement) who walk on the adjacent streets looking for work. Men in cars come to pick up girls from this area.” As a result, women and children of residents living in planned residential areas of this sector can't even walk on the streets for leisure because those interested in picking up prostitutes harass them as well.

Mr Ahmed also claimed that many families living in the immediate vicinity of France Colony had to move from this area because of its deteriorating environment. He finds relief in the fact that at least his house, which is the first house on his street, is located the furthest away from France Colony as the houses right next to France Colony in particular are the worse affected. One of his neighbors who had a house right next to the colony had to leave this locality because he did not feel like it was the right kind of place to raise a family. The land prices and rental values of the houses next to France

⁴⁴ Official file on F-7/4 squatter settlement, Katchi Abadi Cell, CDA.

Colony have reduced considerably because of their proximity to this neighborhood of thieves, drug dealers, and prostitutes.

4.1.3. Selective Exchanges

As the primary unit of organization in Doxiadis' scheme for Islamabad, neighborhood 'sectors' were conceived as self-contained communities with their own civic, commercial, institutional and residential areas, all within easy access to each other. Following the typical layout of a sector described in detail in Chapter 2, sector F-7 comprises four residential communities, also called sub-sectors F-7/1, F-7/2, F-7/3, and F-7/4. In the middle of the sector F-7 is its popular civic and commercial *markaz* (Urdu for center) called Jinnah Super. The southern edge of F-7 forms a part of the commercial strip for the entire city, called the Blue Area (figure 34). F-7 and its *markaz* (called Jinnah Super) enjoy the reputation of expensive and popular residential and commercial areas respectively in Islamabad.

When architect-planner C. A. Doxiadis planned F-7, he envisioned its residential areas to be occupied by the middle and upper income groups. The development of a low-income neighborhood in the form of France Colony (shaded grey in figure 34) has thus disturbed the socio-economic uniformity sought by Doxiadis in this sector. The density and scale of France Colony also contrasts with that of the residential community of F-7/4. Since Doxiadis planned Sector F-7 as a community for families of middle and higher income government employees the plots meant for housing are considerably larger, and range in size from 50 ft x 84 ft (4200 sf) to 140 ft x 180 ft (25,200 sf). In sub-sector F-7/4, the smallest plot size is 50 ft x 84 ft (4200 sf) while the majority of plots measure 100 ft x 180 ft (18,000 sf). In contrast to the generous sized rectangular plots of F-7/4, plots in France Colony come in all shapes and sizes, which fall within the range of 675-1125 sf. Due to the small sizes of the plots, houses in France Colony are built edge to edge while houses in F-7/4 have offsets on all four sides.

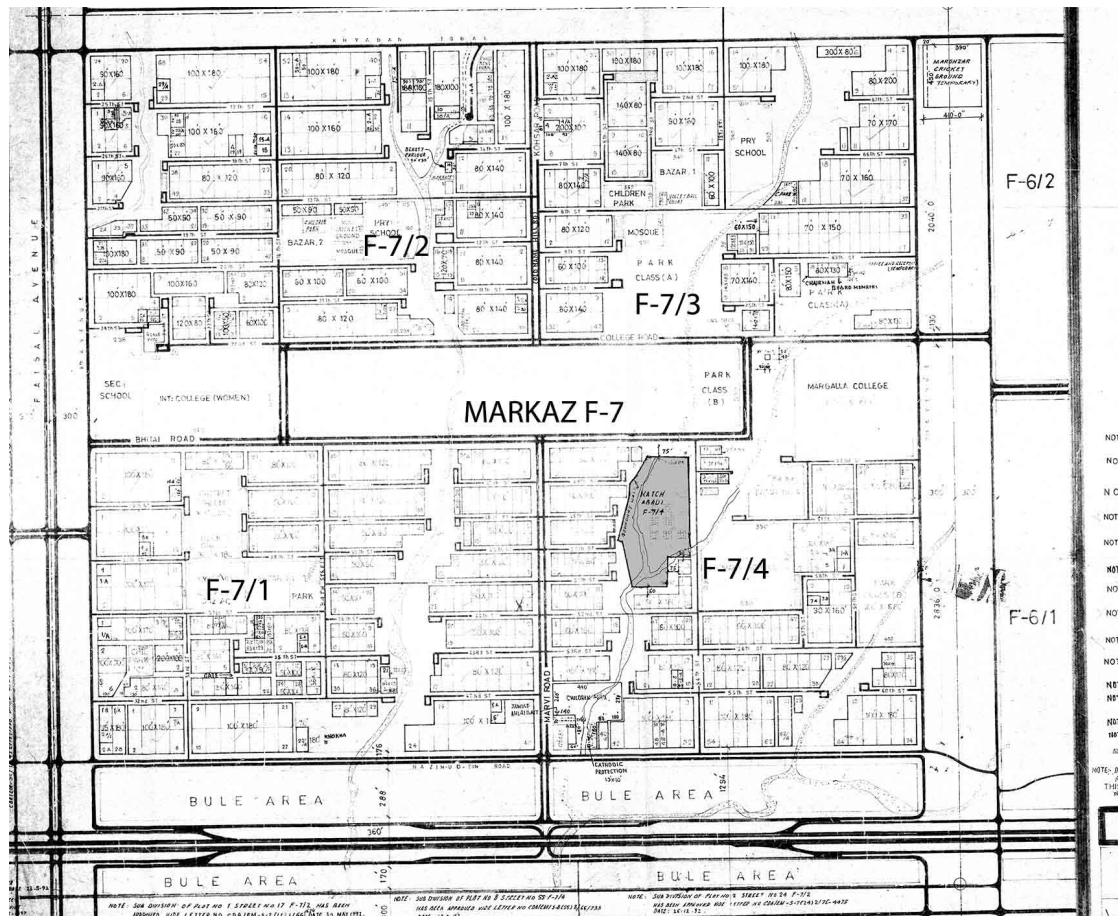


Figure 34. Master plan of sector F-7, France colony is shown in grey in sub-sector F-7/4. Adapted from a map of F-7 by CDA.

Despite its location next to a low-lying ravine, France Colony stands out conspicuously as a spatial and social exception within the planned sector of F-7. France Colony is located in the northwestern corner of sub-sector F-7/4, and on its north side, shares one of the main-roads with Jinnah Super *markaz*. An aerial view of sector F-7/4 illuminates the spatial differences between the two urban phenomena. As seen in figure 35, France Colony is a densely packed, organic settlement wrapped around a natural ravine within the planned geometric grid of sub-sector F-7/4. The site for Islamabad has an undulating geography, which slopes gradually from north to south. In an effort to maintain the straight lines of Islamabad’s planned grid as closely as possible as conceived on paper, level differences have been minimized using cut and fill techniques. The sloping terrain still exists, however, and is most pronounced in areas that have eroded next to the natural *nullahs* (ravines). In sector F-7, there are two main and one minor

nullah crossing the sector from North to South. Two tributaries merge into one of the main *nullahs*, which flows right next to France Colony. As a result, there is a sharp level difference between the site for France Colony and its immediate planned environs, especially the northern side of the neighborhood. While a wall serves to physically separate France Colony from its setting, as described below, the sharp level difference visually connects the two disparate urban phenomena from certain vantage points (figure 36).

Level differences within France Colony also play an important role in the designation of the status of its residents. The initial settlers of the neighborhood are mostly located on higher grounds in relatively regular shaped plots with regular streets. The *nullah* (ravine) running through the neighborhood serves as a secondary boundary within France Colony separating the older residents with official recognition and associated benefits, as elaborated in the second part of this chapter, from the late arrivals without any legal status (figure 37).



Figure 35. A 2013 Google earth aerial view showing residential areas of France Colony and sub-sector F-7/4



Figure 36. View of France Colony from one of the main roads in F-7 next to the *markaz*



Figure 37. Ravine creating boundaries within France Colony

What is the spatial experience of the encounter between France Colony and the planned sector of F-7? Architect-sociologist Richard Sennett’s concept of “boundaries and borders,” which explains edge conditions found in urban areas can be employed to understand the relationship between France Colony and the planned residential areas of F-7/4. Sennett describes boundaries and borders as two types of edges (either physical, social, or symbolic) found both in natural and man-made environments (2012, p. 79). The main difference between these edges is whether they are active or inert zones of exchange. The boundary-edge limits exchange by establishing “closure through inactivity” while the border-edge is an “active zone of exchange” (Sennett, 2008). Using biological metaphors, Sennett explains the difference between the boundary and border in terms of the difference in the structure of a cell wall and cell membrane respectively. “[T]he cell wall’s function being that of a container holding things in, the membrane being at once porous and resistant, letting matter flow in and out of the cell, but

selectively, so that the cell can retain what it needs for nourishment.”⁴⁵ Sennett extends this difference to urban areas where an eight-lane highway cutting off two adjacent parts of the city is a boundary that restricts exchange, while a mixed used street in between two communities is a border that allows interaction and mingling (2012, p. 79).

In Islamabad, the edge condition between France Colony and the planned areas of F-7/4 functions as a border, which allows selective exchanges between the Colony and the planned areas of F-7/4 and beyond. On the one hand, the planned city and its residents need the services of the residents living in France Colony. On the other hand, the residents of France Colony need the planned areas of Islamabad for work, education, health, and leisure. While the border between the plan and the exception is an active zone of exchange, it is nevertheless restrictive. The selectivity in exchanges between the plan and the exception is based on the fulfillment of only certain needs, and functions. This means that while the residents of France Colony are needed to fulfill important vocational requirements, further analysis reveals that their presence in the city is not always welcome or unrestricted.

The first point of contact between the areas developed according to the master plan and those outside it in sector F-7 is a 6-foot high boundary wall, which separates France Colony and the planned residential area of sub-sector F-7/4. These walls exist around all those recognized ‘squatter’ settlements that have been officially selected for upgrading on existing sites in various sectors of Islamabad.⁴⁶ The history of the walling of France Colony gives important insights into the process of creating separation between the plan and the spatial exception. Building a wall to mark the limits of this growing neighborhood was not the first choice for the concerned officials at the Capital Development Authority (CDA) as they started out by erecting pillars along the outer periphery of France Colony (figure 38). This proved to be an ineffective method to mark the limits and restrict the growth of France Colony since its residents would sometimes move these markers further out to include more open area into the settlement for their building purposes. To solve the problem of moving boundaries, concerned CDA officials

⁴⁵ Ibid.

⁴⁶ While these neighborhoods are labeled as squatter settlements both in everyday and official discourses, I believe that this term does not accurately describe the nature of some of these early settlements, which were granted permission by the CDA, and hence cannot be considered strictly illegal.

decided to build a solid brick wall to enclose France Colony during the late 1980s (figure 39).

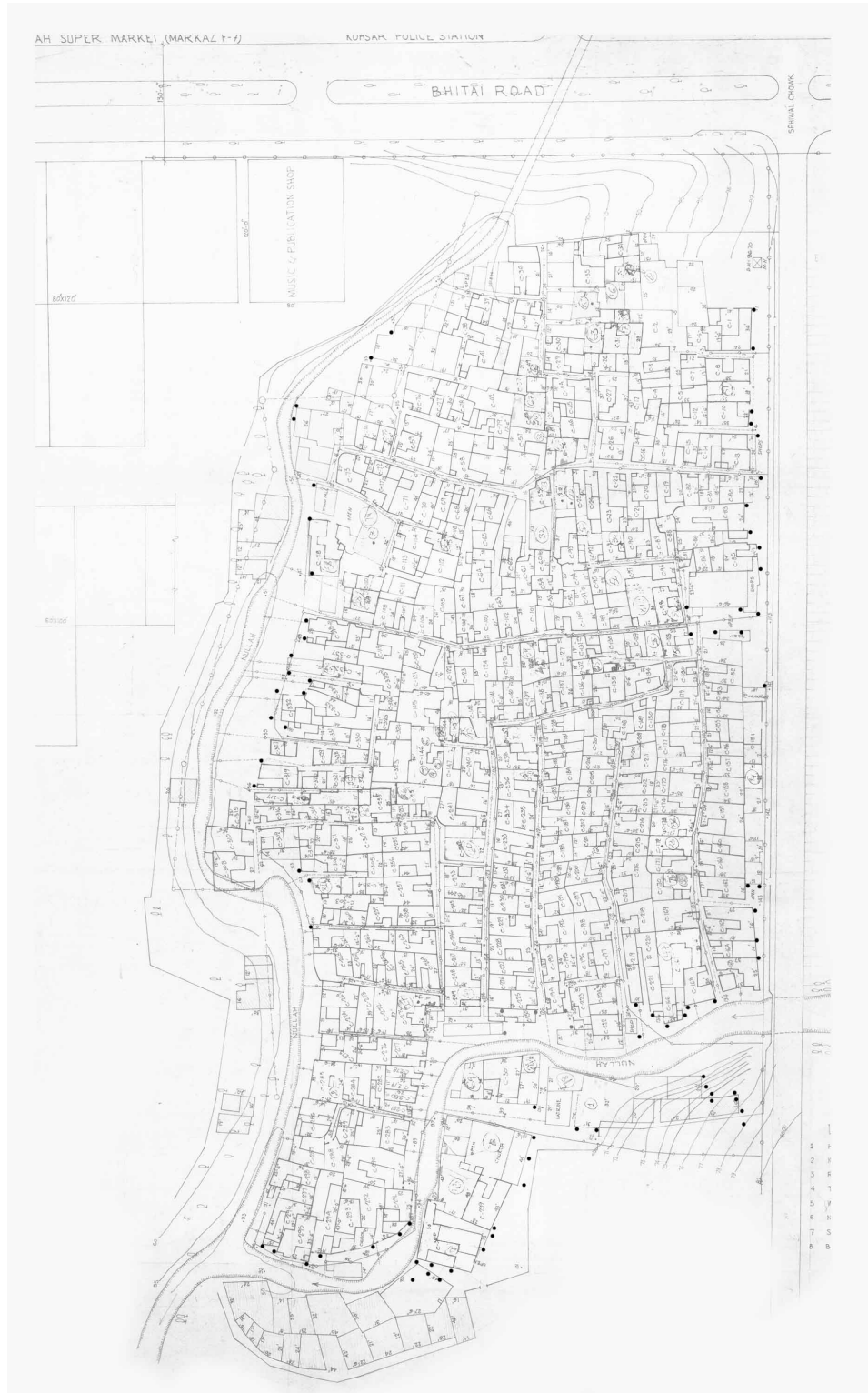


Figure 38. Plan of France Colony with pillars marking its boundary. Adapted from a CDA map of France Colony.

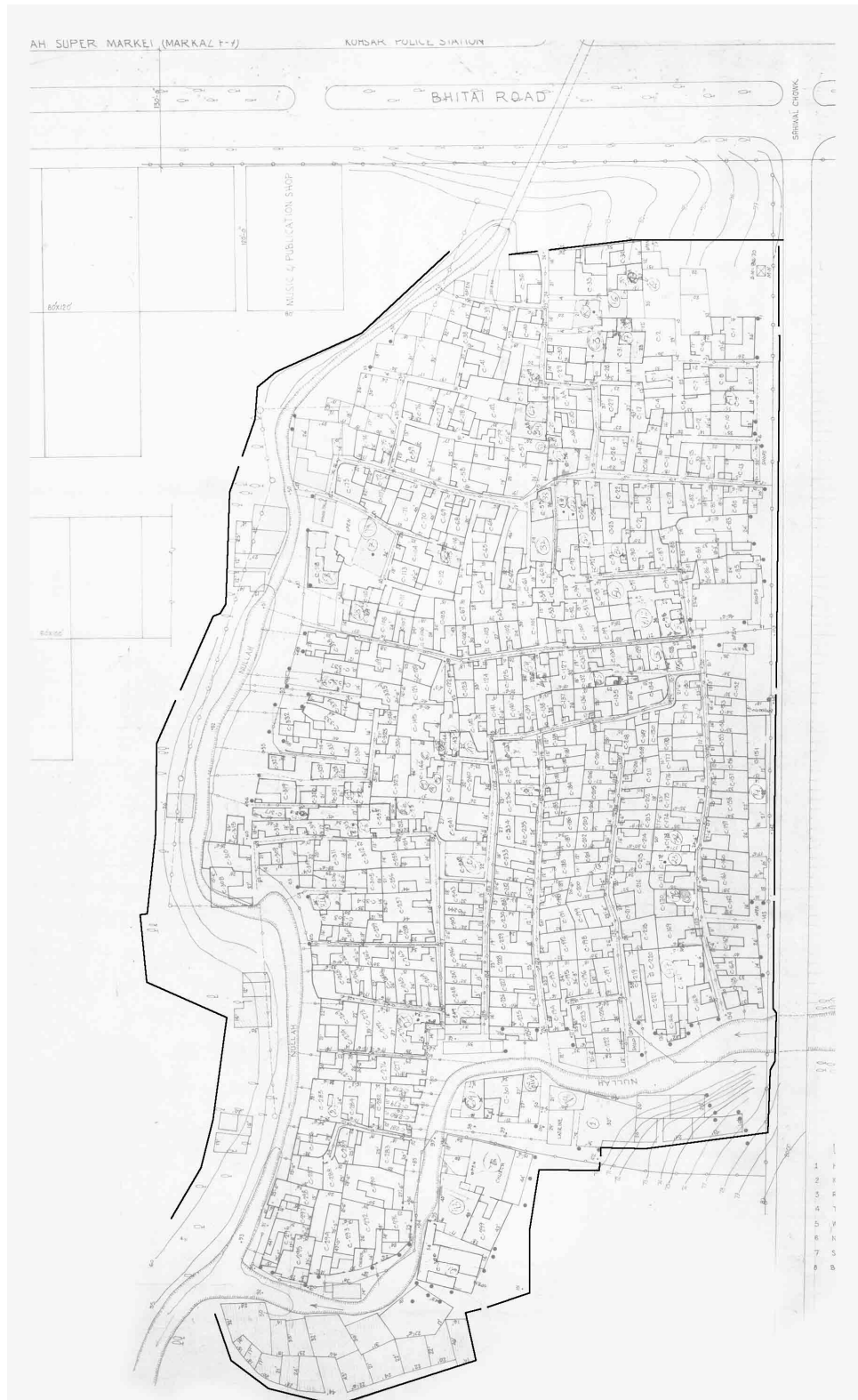


Figure 39. Plan of France Colony with boundary wall. Adapted from a CDA map of France Colony.

The act of walling France Colony has been a source of contestation and controversy in the history of this neighborhood. In 1989, France Colony made headlines when local newspapers reported deaths and injuries caused by the caving in of CDA's boundary wall after heavy rainfall (French Colony Incident, 1989, August 9; France Colony Underlines Contempt, 1989, April 30; France Colony- A Lagoon without water, 1989, May 1; French Colony Deaths, 1989, May 1). One of the reports claimed that the boundary wall had collapsed twice in the past without any loss of life (Electricity for French Colony, 1989, May 1). This tragedy highlighted in the press the plight of the residents of France Colony, and CDA's ineffectiveness in providing shelter and basic amenities like water and electricity to these low-income people. CDA responded by giving monetary compensation to the affected families (French Colony Deaths, 1989, May 1). In the same year, electricity also became available illegally in France Colony, thus marking leniency from the concerned authorities after this incident (Katchi Abadi, 1989, September 23). While CDA did not take down the wall, this incident prompted it to rebuild the wall using durable construction techniques and building materials a few years later.

The walling of France Colony and other settlements all over Islamabad is interpreted in different ways in public discourses. According to a pro-CDA community activist from France Colony, the wall is not merely a boundary but a necessary measure to protect the children of this neighborhood from getting run over by fast moving cars traveling on adjacent roads (Personal communication, September 28, 2012). Other interpretations of the wall are not so favorable. Building a wall is seen as a tactic to tuck away the financially underprivileged, and their shabby neighborhood from the sensibility of the affluent residents of Islamabad (Electricity for French Colony, 1989, May 1). The residents of planned sectors within which these settlements fall see this as a superficial solution to a bigger problem. A written complaint to the chairman of CDA made by members of an association of residents living in streets 48 and 49 of F-7/4 in 1998 cited the walling of France Colony as an example of the encouragement this neighborhood has received from CDA over the years.⁴⁷ It was noted in the letter that at the time of construction of the boundary wall, CDA staff had deliberately and unnecessarily

⁴⁷ Official file on F-7/4 squatter settlement, Katchi Abadi Cell, CDA

extended their wall all the way up to the boundary walls of corner houses of streets 48 and 49, and as a result included extra open area next to the existing settlement so that more space could be given to the residents of this neighborhood for making houses inside the boundary wall.

The wall can be seen as creating divisions between two disparate urban phenomena in close spatial and temporal proximity. Building a walled enclosure is the most direct means of creating separation between different social groups and spatial phenomena. Planner-lawyer Peter Marcuse defines three different kinds of socio-spatial separation found in urban areas, namely, the citadel, the enclave, and the ghetto (1997). According to Marcuse, these three kinds of segregated urban spaces depend upon two factors: (1) the connotations, whether negative or positive, associated with these places, and (2) the intentions, whether voluntary or involuntary, of those living in these places. The citadel is a space that protects and reinforces the position of superiority of a group based on class, wealth, power, or status with respect to its neighboring population (Marcuse, 1997, p. 247). The opposite of the citadel is the ghetto, which is an involuntary spatial confinement of a population group considered subordinate to the rest of the society while an enclave is a spatially concentrated area in which a population group voluntary comes together on the basis of religion, ethnicity, or some other social value to promote welfare of its members. A distinct feature of the ghetto is the negative connotation imposed on it by the outside world while the same does not exist for either the enclave or the citadel (Marcuse, 1997, p. 231, 242).

Marcuse notes that spatial separation is seldom pure, as it is possible for a segregated space to have the same characteristics of an enclave or ghetto (1997, p. 229, 242). This is true for France Colony since it exhibits the combined effect of a ghetto and an enclave. The circumstances under which France Colony was initially developed resemble closely those of a ghetto. Residents of France Colony were assigned vacant space next to the *nullah* (ravine) in F-7/4 on the basis of their race, class, occupation, and income status. The walled enclosure further reinforces the limits of their social and spatial position in the planned city, beyond which they are not welcome to venture. With all its restrictive features, France Colony functions as an enclave as well, by providing a space where people of similar socio-economic and religious backgrounds find

opportunities related to work and residence, which are unavailable to them otherwise. Marcuse's classification of spatial segregation is useful for understanding the organization of urban space on the basis of social, economic, and symbolic imports.

Enclosing urban space by erecting walls also resembles the architecture of gated communities, prevalent in cities around the world. Gated communities are urban spaces (for residence, work, commerce, or leisure) bounded by walls and gates, and often protected by security systems. Upper income groups primarily inhabit these fortified urban spaces, which function on the same principles as that of Marcuse's citadels. Anthropologist Setha M. Low observes that the key components of gated communities, namely, walls, gates, and guards, inscribe class relations, spatial and social segregation more permanently into the built environment (2001). Moreover, these systems of walls and class division in urban areas are framed within the discourse of fear (of criminals, urban poor, unknown 'dangers') (Low, 2001, p. 46). Anthropologist Teresa P. R. Caldeira agrees with Low that the fear of violence inspires the organization of gated communities, and uses the term 'fortified enclaves' to conceptualize these defensive neighborhoods, which serve as status symbols for affluent living (1996, p. 308). In addition to creating social and spatial segregation between gated communities and the rest of the city, the "aesthetic of security" as embodied by gates, walls, and guards, is based on creating private and inward-looking worlds avoiding the city and its public life at large (Caldeira, 1996, p. 308, 314).

While walling France Colony successfully creates physical and social separation between the neighborhood and the rest of the city, this enclosure functions on principles very different from those that organize gated communities. Firstly, the separation of France Colony from the rest of F-7 is based on exclusion rather than exclusivity. It is a 'fortified ghetto' as opposed to the 'fortified enclaves' discussed above. Secondly, despite the enclosure of France Colony, most of its residents aspire to connect to the rest of the city and its public life. Lastly, unlike affluent gated communities, France Colony is not a defensive space. Walls that exist there are not for protection of the space but to protect against its invasive character. Ironically, France Colony only has walls and no gates as such, just openings, which serve as entry-exit points connecting different

sections of the neighborhood with foot paths and streets in the planned parts of sector F-7 (figure 40).

In this way, France Colony functions more as a space of confinement than protection (figure 41). The residents of France Colony recognize this fact as well. According to the initial plan to enclose this community, there was supposed to be only one entrance into the neighborhood from Street 54 but at present about seven openings in the wall serve as entry-exit points. In 2004, CDA made a controversial decision to close all side entrances into France Colony. This decision was met with strong resistance from the residents of this neighborhood. Photos of children of France Colony holding placards that read “Don’t make France Colony into a jail-house” during a protest held on March 1st 2004 were published widely in local newspapers (figure 42) (Kutchi Abadi residents hold protest, 2004, March 2; France Colony Residents Flay, 2004, March 2; Permission to turn squatter settlements, 2004, March 2; Protest against the lack, 2004, March 2). This decision to block all side-entrances was initiated at the behest of political pressure exerted by the residents living in the planned areas of F-7/4 to discourage the movement of residents of France Colony through their streets (Attempt to erect wall, 2004, April 7). The residents of France Colony strongly resisted this decision on the grounds that sealing these side entrances would make various areas of the neighborhood difficult to access since it takes 15- 20 minutes to get from one end to the other, thus making their already difficult lives even more difficult. Residents of France Colony invoked their rights on humanitarian and moral grounds, and argued that, “they had as much of a right as rich people to go in and out of their homes and walk in the streets” (France Colony Residents Flay, 2004, March 2). A few years ago, an influential resident of street 50 had been successful in closing off the entry-exit point next to his residence but this time the France Colony residents prevailed in exerting their claims over public space.

While analyzing recent upper class interest in green politics in urban India, sociologist Amita Baviskar cites a clash over the use of open public space between the privileged and underprivileged residents living in spatial proximity in the well-to-do neighborhood of Ashok Vihar in Delhi (2002). A dense underserved (comprising one toilet for over 2000 people) informal settlement of poor industrial workers, laborers and domestic servants existed along railway lines bordering the expensive neighborhood of

Ashok Vihar (p. 40). Similar to CDA's walling of France Colony, the affluent residents of Ashok Vihar had paid to construct a wall to separate their residential area from the poor sections of this neighborhood. Baviskar mentions the impossibility of sealing two disparate residential communities despite the presence of a physical barrier. The wall could not keep the poor from entering the rich area because many of them worked as domestic servants to the affluent residents of Ashok Vihar. This movement from the poor to the rich area, however necessary for the comfortable existence of those living on the affluent side was not always welcomed by the well-to-do residents of Ashok Vihar.

One morning in 1995, a poor young man was beaten to death because he had crossed the wall to relieve himself in a public park frequented by the privileged residents of Ashok Vihar. The young man was intercepted and killed by a group of incensed residents and two policemen for defecating in a space that was meant for the leisure and enjoyment of upper class residents (p. 40). Baviskar uses this case to conceptualize the recent trend of "bourgeois environmentalism," driven by "upper class concerns around aesthetics, leisure, safety and health" (p. 41). These bourgeois concerns over beautification of open public spaces and their reclamation from urban poor in Delhi has precipitated in massive displacement and marginalization of urban poor, and uncertainties about their future in the city (p. 41). While marginalization of urban poor is common in Islamabad as well, the successful resistance of residents of France Colony against CDA's attempts to close the side entrances into their community at the behest of their rich neighbors demonstrates the power possessed by an apparently marginalized yet politically connected group.



Figure 40. Openings in the boundary wall in France Colony serve as entry-exit points



Figure 41. A young resident of France Colony enjoying the view of the street in F-7/4 through a hole in the boundary wall



Figure 42. Protesting residents of France Colony adapted from (2004, March 2), Kutchi Abadi residents hold protest demo, *Dawn*.

From the above discussion it becomes apparent that the co-existence of two disparate social and spatial conditions in close spatial proximity in regulated urban places is not without friction. Yet the long-term sustenance of a ‘temporary’ neighborhood in a planned sector in Islamabad is possible because of it fulfills an important requirement (that is, of providing housing to low-income government employees) unmet by the city’s planned spaces. This notion of complementarity between planned spaces developed according to or at odds with the official planning framework is recognized at the official level. In Chapter 3, I have tried to show that spaces that do not conform to official planning protocols are tolerated by CDA officials as long as they remain within the realm of the temporary and fulfill certain necessary functions that cannot be otherwise accommodated in the official master plan. The reverse is also true as nonconforming spaces depend on planned spaces for their sustenance and continuity. The officially and unofficially planned spaces thus function to complement each other by furnishing those elements that are either missing or unsupported in either phenomenon. While official

rules governing built environment are not enforced or applicable in spaces of exceptions yet this suspension of the master plan does not undermine the dominant planning ideology. France Colony is an exception to the rule that is the master plan, and it is precisely in this space of exception that those concessions incompatible with the plan can exist. Moreover, framing France Colony as an exception to the master plan better captures its legal status, which it is denied when framed as a squatter settlement. An analysis of the modalities of space within France Colony, discussed below, furthermore reveals overlapping legal-illegal classifications that constitute spatial practices in this neighborhood.

4.2. PART II: Degrees of Legality within Nonconforming Spaces

In Chapters 1 and 3 I argued that despite existing outside of the formal planning framework, spaces external to official planning protocols in Islamabad are not entirely illegal. France Colony is not an illegal ‘squatter’ settlement since the initial residents of this neighborhood were given formal permission from CDA to settle in their present location in the planned sector of F-7 in late 1970s. Close analysis of legal encounters in France Colony, including bureaucratic procedures to regularize this settlement according to government policies, and pseudo-legal transactions of space within the neighborhood, reveals that legitimacy associated with these processes is often nuanced, and variegated. This discussion contributes to our understanding of the modalities of nonconforming spatial practices by challenging the notion of nonconformity in planned places as being illegal.

4.2.1. Regularizing Nonconformity

The history of legitimacy of France Colony is intertwined with the longer history of regularization of squatter settlements in the country. Problems associated with housing in general, and low-income housing in particular, received recognition for the first time in Pakistan in 1970s when Zulfikar Ali Bhutto’s political party, the Pakistan Peoples Party, came to power. Bhutto made shelter a part of his political slogan of *roti, kapra, aur makan* (literally, bread, clothing, and house- a promise to fulfill basic human needs for

all), which was popularized during his election campaign. During his terms, first as the President (1971-73), and later the Prime Minister (1973-77), important decisions and actions were taken to alleviate housing needs of both urban and rural populations especially the poor, such as improving lending systems for house building, and declaring housing as an industry eligible for income tax rebates to encourage private investment in this sector (Pakistan Peoples Party, 1977, p. 54). In urban areas, housing programmes for low-income groups as well as laborers and *katchi abadi* (squatter settlement) residents were also launched (Ibid). The biggest contribution made by Bhutto's government towards addressing the housing crisis of urban poor is the recognition that *katchi abadis* received for the first time in the history of the country. Bhutto's pro-*katchi abadi* policies, which included regularizing and upgrading of squatter settlements on their existing sites as well as launching new low-income housing schemes, had an irreversible effect, as it was no longer possible for subsequent governments to completely ignore either *katchi abadis* or their residents (Qadeer, 1996, p. 453).

Pakistan's third military dictator, and Bhutto's successor, General Zia-ul-Haq, supported a pro-*katchi abadi* housing policy, and in 1986, Zia's prime minister Mohammad Khan Junejo, declared an important policy regarding the regularization of *katchi abadis* in Pakistan. Junejo's declaration provided for the "development and regularisation of pre-March 23, 1985 *katchi abadis* and handing-over proprietary rights to their legitimate owners" (Masood, 2008). In order to carry out the regularization, upgrading, and transfer of proprietary rights processes as approved by the 1985 policy, several acts and ordinances were passed, most notably the Sindh *Katchi Abadis* Ordinance of 1986, Sindh *Katchi Abadis* Act of 1987, and Punjab *Katchi Abadis* Act of 1992.

The official declaration of all countrywide squatter settlements that had existed before 1985 eligible for regularization and proprietary rights is an important landmark in the history of legitimization of France Colony. The declaration of government's decision to regularize squatter settlements in the country was not received with much enthusiasm from city managers of the national capital. In Islamabad, planners within CDA initially opposed this policy on the grounds that giving ownership rights to the residents living in squatter settlements would be, "i) violation of Master Plan, ii) deprive CDA of very

costly land, and iii) lead to establish isolated and down graded enclaves” (Capital Development Authority, 1999-2000, p. 8).

The burgeoning crisis of low-income housing in the 1980s and 1990s, and a corresponding increase in squatter settlement population in Islamabad, made it impossible for CDA to ignore these neighborhoods, however. Despite their initial reluctance, CDA officers eventually developed the following policy for ‘squatter’ settlements in Islamabad: “the *katchi abadis* (squatter settlements) existing in sensitive areas or in right of way of roads or encroaching planned plots should be demolished whereas other *katchi abadis* may be upgraded at their existing locations. Only the houses surveyed upto (sic) 1995 should be regularized” (Ibid, p. 9). According to this policy, CDA only acknowledges that a total of eleven *katchi abadis* in Islamabad existed before 1995. Out of these eleven recognized squatter settlements, CDA decided to upgrade and rehabilitate six settlements in sectors F-6/2, F-7/4 (France Colony), G-7/1, G-7/2, G-7/3, and G-8/1 on their existing locations while the remaining five settlements in sectors I-9, I-10/4, I-11/1, I-11/4, and Muslim Colony were to be relocated to alternate sites (Ibid). It is worth noting here that five out of six settlements slated for upgrading on their existing locations are those settlements that comprised affectees of the G-8/3 Labor Colony eviction, and who had been given permission by CDA’s Enforcement Wing to settle in their current locations in F- and G- series sectors (see Chapter 3). Moreover, most of the pre-1995 recognized settlements to be relocated from their existing locations are no more “sensitive” than those selected for upgrading on their existing locations. Nearly all of the recognized *katchi abadis* are along the banks of *nullah* (ravine) in spaces left vacant in the master plan as natural landscape features. The obvious differentiating feature between the two sets of recognized squatter settlements is the association of their residents with CDA. The neighborhoods approved for upgrading on existing locations primarily comprise CDA and other government employees and their families, while residents of the other settlements are self-employed as laborers and menial workers in Islamabad.

In 1999, Pakistan’s fourth military dictator, General Pervaiz Musharaf appointed a social and environmental activist and development practitioner Omar Asghar Khan as the Federal Minister for Environment, Local Government, and Rural Development. In Khan, the *katchi abadi* (squatter settlement) dwellers again found an avid supporter who

championed the cause of shelter for the poor. One of the biggest contributions Khan made was the constitution of a National Committee on Katchi Abadis, Urban Renewal and Slum Upgradation in 2000 with bureaucrat-turned-urban activist, Mr Tasneem Ahmed Siddiqui as its convener. The committee was entrusted with the task of formulating a definite policy on slums and squatter settlements in Pakistan (Fayyaz Baqir, personal communication, July 19, 2012; Capital Development Authority, 1999-2000, p. v, 28). Siddiqui, who at the time was the Director General (DG) of the Sindh Katchi Abadi Association (SKAA), had received recognition for successfully rehabilitating many *katchi abadi* populations. Siddiqui used various innovative approaches derived from Pakistan's eminent social scientist and activist Akhtar Hameed Khan and his highly successful Orangi Pilot Project model of improving sanitation and housing conditions in existing *katchi abadis*.

Upon the recommendations of the National Committee, Khan was able to secure approval from Musharraf's cabinet for a comprehensive National Policy for Katchi Abadis, Urban Renewal and Slum Upgradation in 2001, which was included in the National Housing Policy for Pakistan announced the same year. The 2001 *katchi abadi* policy adopted the 1985 cut-off date from the previous Junejo-era policy but included many short- and long-term measures to (a) effectively rehabilitate recognized *abadis* that existed before 1985, or relocate those settlements which were formed after 1985 according to resettlement proposals prepared in consultation with the affected population, and (b) avoid future squatter settlements through effective surveillance and future planning of low-income housing programs under revised pro-poor building regulations, which allowed incremental development and reasonable planning standards (National Housing Policy 2001, pp. 12-14).

In addition to helping formulate a National Policy on Katchi Abadis, Siddiqui was directly involved in the process of upgrading and rehabilitating squatter settlements in Islamabad. In late 1990s, at the invitation of CDA, Siddiqui visited squatter settlements in Islamabad and gave his recommendations on how to better deal with them. Siddiqui suggested that those settlements that need to be rehabilitated on existing sites should be upgraded in an organic manner, meaning with minimum intervention to the overall layout of existing dwellings. Moreover, Siddiqui also recommended that the settlements to be

relocated should be resettled using the successful nationally and internationally acclaimed model of *Khuda Ki Basti* (literally God's settlement), which Siddiqui had developed in late 1980s as an incremental development scheme for the lowest income people in Hyderabad, Sindh (UNCHS, 1991). In order to better monitor and manage matters related to squatter settlements in Islamabad, a new department called the Katchi Abadi Cell (KAC) was instituted in 1998 under the Planning Wing at CDA, also at Siddiqui's suggestion (Capital Development Authority, 1999-2000, p. 14).

Over the years, CDA has adopted various ad hoc approaches ranging from eviction to rehabilitation of existing 'squatter' settlements, either within planned sectors or on the outskirts of Islamabad. Many of these rehabilitation projects failed as they landed in the hands of higher income groups than those intended (Ibid, pp. 11-12). For example, since the 1990s CDA has been trying to relocate residents of existing *katchi abadis* from their current sites to the suburban area of Alipur Farash about 15-20 km away from Islamabad. In 2001, CDA finalized a master plan for a sites-and-services type planned residential community called the Model Urban Shelter Project in this area (figure 43). As an incentive to get residents of existing squatter settlements in Islamabad to move to this remote location, CDA offered 20'x 40' plots on a temporary basis, with an understanding that they would be allowed to live there for the next 15 years free of cost. But the project failed to achieve its desired results, and fell prey to property speculation as many allottees sold their plots to lower-middle income people for a profit, as evidenced by the high standard of construction of some of the newly built houses there and confirmed by CDA officials (CDA, 1999) (figure 44). The distant location of this project without proper public transportation facilities and amenities like water supply, sewerage, garbage disposal, etc., have failed to attract *katchi abadi* dwellers living in the central, well-serviced areas of Islamabad.

MODEL URBAN SHELTER PROJECT, Alipur Farash, Islamabad

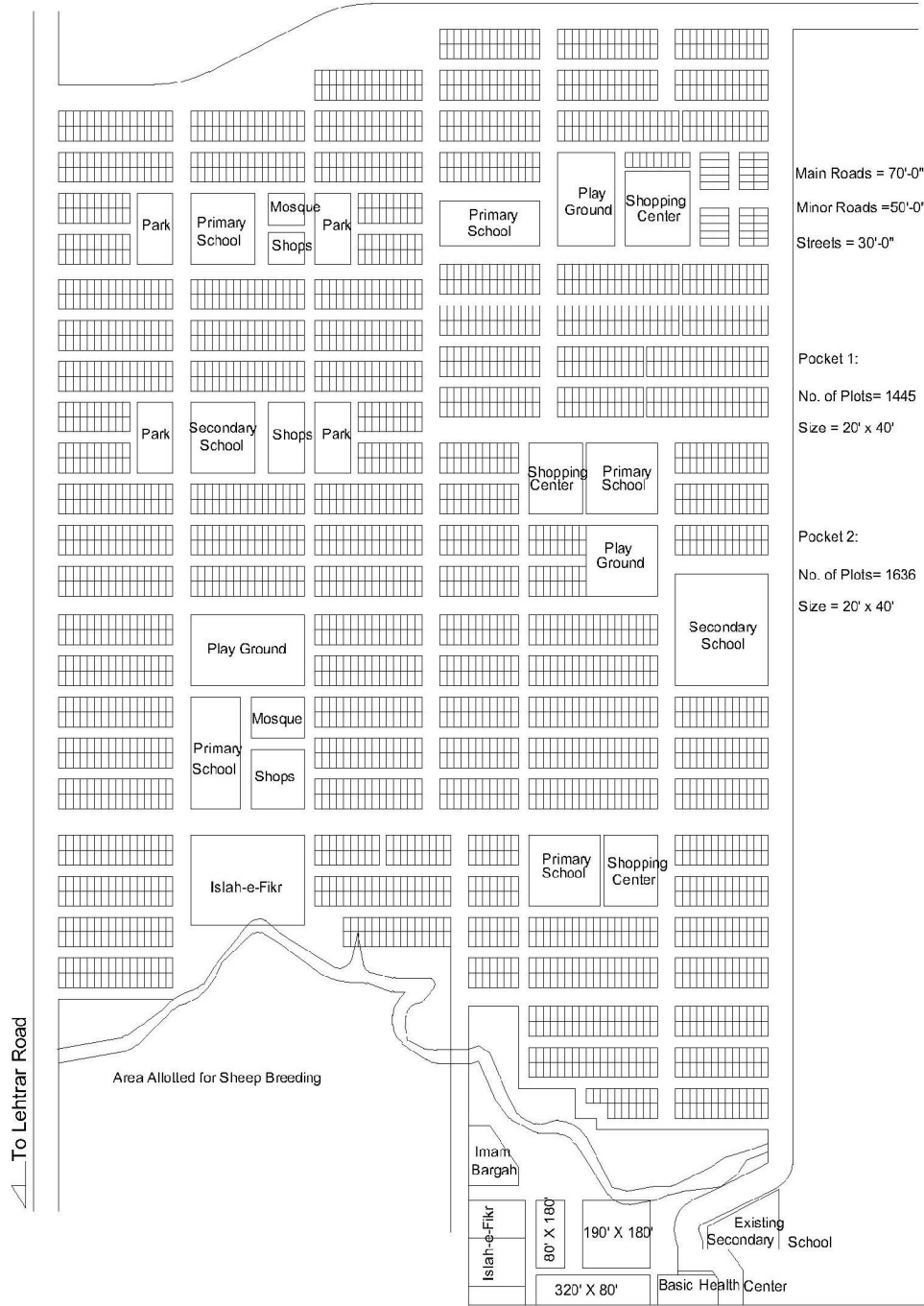


Figure 43. Masterplan of Model Urban Shelter Project, Islamabad. Redrawn from CDA map.



Figure 44. View of lower middle-class houses in Model Urban Shelter Project, Islamabad

In 1999, KAC received two-year financial support from United Nations Development Programme (UNDP) under its LIFE/GEF program to hire surveyors and technical staff to survey, map and digitize squatter settlements in Islamabad as well as to aid community organization and mobilization processes in these settlements (Interview Fayyaz Baqir, personal communication, November 1, 2012; Capital Development Authority, 1999-2000, p. 14). At this time, UNDP advised CDA to constitute a Steering Committee with Siddiqui as its chairman and representatives from CDA, KAC, UNDP, and concerned *katchi abadis* as its members. The functions of the steering committee were to monitor UNDP funded activities and perform an advisory role to KAC in streamlining processes and mechanisms of upgrading and rehabilitation of existing squatter settlements in the planned city, according to its policy.

With the monetary and technical support from UNDP and DG-SKAA (Siddiqui), KAC completed the important process of preparing a centralized database of those residents who belonged to the eleven recognized squatter settlements slated for

rehabilitation according to Government and CDA policies. Prior to KAC, a not-for-profit organization working on environmental and developmental issues in Pakistan, called Pakistan Institute for Environment-Development Action Research (PIEDAR) had carried out surveys and prepared maps of several squatter settlements in Islamabad around 1995. Using these as base maps, KAC conducted its own socio-economic surveys from 1999 to 2001, and updated the PIEDAR maps for France Colony and other squatter settlements in Islamabad.

An important feature of the socio-economic surveys carried out by KAC is the development of a numeric system to differentiate between the ‘eligible’ and ‘ineligible’ beneficiaries of the rehabilitation process. Enumeration and classification of populations in simplified categories are framed as instruments of control in modern statecraft (Scott, 1998). This is also in keeping with the British colonial tradition of making Indian native population legible and hence controllable via surveys recorded in periodic gazettes. The classification system devised by KAC function similarly as a tool of bureaucratic administration and control yet enlistment in the official records is not only about manipulation, as it earns certain membership benefits as well. For instance, residents who settled in Islamabad’s ‘squatter’ settlements before the 1995 cut-off date enjoy security of tenure and legal access to amenities by virtue of their membership in the KAC classification system.

According to KAC, there were 163 households in France Colony in 1984-85.⁴⁸ In 1995, the number increased to about 321 housing units as documented by PIEDAR.⁴⁹ According to the survey conducted by KAC staff around 1999-2000, this number was updated to include those units whose residents were able to provide irrefutable proof that they had been living in France Colony before 1995, and for some reason missed PIEDAR’s census. KAC allocated these pre-1995 housing units in the recognized squatter settlements in Islamabad a CDA-number, or commonly referred to as a C-number or *katcha* (temporary) number (figures 45 and 46). According to KAC survey,

⁴⁸ Official file on F-7/4 squatter settlement, , Katchi Abadi Cell, CDA.

⁴⁹ Katchi Abadi Cell files on squatter settlements in Islamabad, CDA.

339 C-numbers were allotted in France Colony while a total of 86 housing units remained unnumbered since they were believed to be built after 1995.⁵⁰



Figure 45. C- number plate

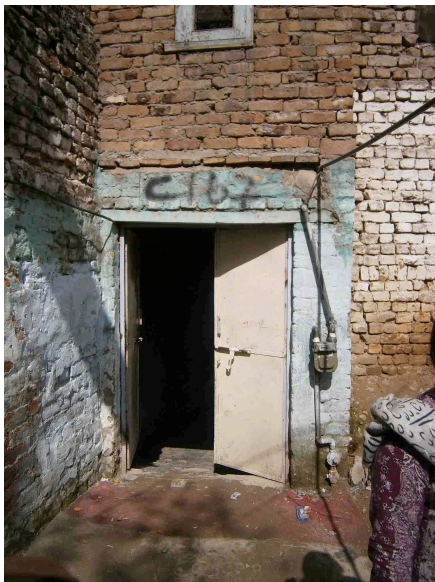


Figure 46. C-number marking

The C-number holds various privileges for its possessor, as explained to me during my interviews of the residents of France Colony. A community activist living in France Colony explained it as a form of a Non-Objection Certificate (NOC), issued by

⁵⁰ Ibid.

CDA giving legal housing rights to its allottee.⁵¹ It is a type of recognition from the government that gives certain rights to its holder. For instance, C-number holders are eligible to apply for legal door-to-door electricity and gas connections, a privilege not enjoyed by those without C-numbers. The general consensus among residents of France Colony is that the CDA staff would not disturb holders of C-number until a proper resettlement plan, in keeping with government and CDA policies, could be prepared in either the existing or an alternate location.

Allotment of C-number marks the first step in the rehabilitation process of an existing dwelling unit in a recognized squatter settlement in Islamabad. The final step in this process is the allocation of ownership rights of one plot (either in existing or new location) per C-number. However, except for a few residents of one recognized settlement in Islamabad, the majority of squatter settlement dwellers have yet to pass the final stage of rehabilitation. Based on the recommendations of the Steering Committee formed in 1999-2000 to oversee UNDP funded activities, C-numbers in France Colony and other settlements were allotted on the basis of identifiable *chardewari* (literally a four-walled enclosure). *Chardewari* is not a novel concept in the context of South Asia. The household (instead of the individual) was the main unit of urban census (*khana shumari*) during the Mughal Era (Naqvi, 1972, p.14). *Chardewari* is also closely linked to the protected domestic space under the logic of *pardah* (seclusion and segregation for women inhabitants in primarily Muslim quarters). However, in the case of Islamabad's 'squatter' settlements, *chardewari* takes on a very different definition to delineate space on the basis of occupancy rather than concerns for privacy.

It is not uncommon in France Colony for multiple families to live within a single *chardewari*, however, according to CDA's policy C-numbers are allotted according to walled enclosures only such that each C-number allottee is eligible for ownership of a single plot in the future. This policy of one *chardewari* per plot was challenged in *Wafaqi Mohtasib* (Ombudsman's Secretariat) on a number of occasions but could not be revoked due to CDA's reasoning that it was beyond its means and resources to allot different C-

⁵¹ NOC a legal document often required by government departments in the Indian subcontinent to process requests related to many things like land, money, amenities, etc. NOCs are permissions issued either by institutions, or individuals stating that they do not object to the contents of the certificate.

numbers, and hence plots, to multiple families living within a *chardewari*.⁵² According to the decision of a case filed in 1996 at the time of rehabilitation of another recognized settlement in G-8/1, *Wafaqi Mohtasib* gave the decision that while it may not be possible for CDA to allot multiple plots according to the number of families per *chardewari*, it must give joint-title to all the head of families residing in a single enclosure.⁵³ This policy of joint-allotment of C-numbers applies to all multi-family units except in those cases where the father is the head of the family, the C-number and hence, the plot will be allotted in his name only.⁵⁴ This has interesting implications on the legal inheritance of the *chardewari* as well as on the conventions of ownership and subdivision of property in the case of a multi-family unit.

In 2002, KAC carried out another survey of France Colony and introduced another classification system based on serial numbers. KAC issued about 82 serial numbers to residents of France Colony. It may be recalled that at the time of KAC's first survey about 86 houses had not been assigned numbers since they were believed to have been built after 1995. The increase in number from 339 to 421 in the second KAC survey seems like a concession made by the city manager to its own policy. Like a C-number, a serial number refers to the allottees' inclusion in a new official categorization system. The total population of France Colony at present is about 6500 people living in 642 housing units out of which 421 have C- and serial numbers. While the serial number may not be as exalted as the C-number, it does give its holder privileges - such as security of tenure and private electricity connections- not enjoyed by housing units without any numbers.

⁵² Wafaqi Mohtasib (Ombudsman)'s Secretariat Islamabad. Case No. REG. H/19359/96. Date of Registration: 30.10.1996. Name and Address of the Complainant: Mr Mushtaq Masih S/O Piran Ditta, G-8/1, Katchi Abadi Islamabad. Agency: Capital Development Authority. Subject: Discrimination in Allotment of 2 Marla Plot

⁵³ Wafaqi Mohtasib (Ombudsman)'s Secretariat Islamabad. Case No. REG. H/19359/96. Date of Registration: 30.10.1996. Name and Address of the Complainant: Mr Mushtaq Masih S/O Piran Ditta, G-8/1, Katchi Abadi Islamabad. Agency: Capital Development Authority. Subject: Discrimination in Allotment of 2 Marla Plot; Wafaqi Mohtasib (Ombudsman)'s Secretariat Islamabad. Complaint No. Reg.H/11946/2003. Date of Registration: 16/12/2003. Name and Address of the Complainant: Mr Sabir Hussain S/O Muhammad Amir Khan, H.No. C-11, Halqa No. 1, Muslim Colony, Noor Pur Shahan, Islamabad. Name of the Agency Complained Against: Capital Development Authority. Subject of Complaint: Discrimination in Allotment of Plot being affectee of Katchi Abadi (sic).

⁵⁴ Wafaqi Mohtasib (Ombudsman)'s Secretariat Islamabad. Case No. REG. H.12717/98 etc. decided on: 11.10.1998. Name and Address of the Complainant: (i) Younus Masih, (2) James Masih, (3) Tariq Masih, Charles Colony, G-8/1 Katchi Abadi, Islamabad. Agency: Capital Development Authority. Subject: Discrimination in Allotment of Plot in Katchi Abadi G-8/1 Islamabad.

Alternate systems are also in place in France Colony to provide access to services like electricity and water to those housing units not on the KAC-lists. For instance, almost all numbered and unnumbered housing units in France Colony have electricity connections, none of which are illegal. How can this be explained?

The “unlisted” households acquire electricity from a contractor -- a system common in other *squatter settlements* in Pakistan as well -- who provides the amenity for a flat rate monthly fee. In Islamabad the sole supplier, distributor, and seller of electricity is the Islamabad Electric Supply Company (IESCO), a government approved corporate entity. In the early 2000s residents of France Colony were given electricity via a *thekedari* (literally contractor-based) system, which preceded the door-to-door connections in the neighborhood. IESCO installed two big-commercial meters for France Colony as a result of political pressure and financial support by elected representatives from a political party. Since this was a “temporary” arrangement before door-to-door connections could be given to the residents of France Colony, it required bureaucratic innovation to fulfill an official protocol. According to IESCO rules, electricity connections could only be issued in the name of an individual. To meet this requirement, a 21-member residents committee nominated one resident in whose name the electricity meters were issued for the entire Colony (Community activist France Colony, personal communication, March 15, 2013). This person is responsible for laying out networks of connections to others in France Colony, collecting monthly fixed rents, and paying a collective bill for the entire neighborhood. In this way, IESCO in knowledge with CDA concocted a system that fulfilled certain official requirements yet worked along very different principles than those intended. This is a case of the undermining of bureaucracy by a government-approved body. The provision of electricity to the residents of France Colony was possible because of their association with important state actors like political leaders, and CDA officials, who are willing to bend the rules they are meant to uphold. Rules in these instances are drained of their meaning and followed only to give the illusion of being followed.

While management of this semi-legal system of electricity distribution is naturally difficult, it is prone to exploitation by the contractor as well. The contractor-supplied electricity is believed to be uneconomical as it is based on a flat rate pre-decided for all

the people irrespective of individual consumption. By late 2000s residents of France Colony with numbers were given independent door-to-door connections for gas and electricity. The process of individual electricity and gas connections involved an NOC accompanied by a list of residents with official numbers issued by CDA to the concerned electricity or gas supply company. The less desirable contractor-supplied electricity is now mostly availed of by unlisted residents who are not eligible for door-to-door connections (Nizamani, 1991).

The process of regularization of France Colony reveals innovative practices adopted by the KAC to bring a space nonconforming to the official master plan of Islamabad into the fold of bureaucracy. The superficial fulfillment of bureaucratic protocols by IESCO and CDA to meet an official criterion while undermining its intent is another example of ‘adjustments’ made in official framework to allow certain privileges to be given to the residents of France Colony. France Colony is an important example for understanding how provisions at official levels are made to accommodate functions unsupported by the official planning framework and how these pseudo-legal arrangements concocted by state authorities and representatives make it possible to bring an illegal space into the folds of legality. This legal-illegal duality of nonconforming spaces like France Colony also extends to the routine spatial transactions within these places, which reveals important insights into the process of formalization of everyday practices of property sale and purchase in an informal settlement, as explored in the following section.

4.2.2. Spatial Transactions within a Nonconforming Space

In the final section of this chapter, we turn our attention to the mechanics of spatial transactions within France Colony. While none of the residents of France Colony have legal titles to their houses or the land on which they are built, this does not discourage them from selling, buying and renting units or *makaans* (literally houses) within this neighborhood. Related to the concept of *chardewari* is the notion of *makaan*. In France Colony, the term *makaan* is mostly used to refer to describe the space (mostly rental) occupied by a single (tenant) individual or family. The manner in which this usage

differs from the concept of a house in general is that a single *chardewari* can have more than one *makaan*. For instance, within the confines of a housing unit, it is possible for the owner to live in one *makaan*, and rent the second one. Another example is that of two or more brothers and their families living in separate *makaans* within a single *chardewari*. This single-family space primarily consists of a multi-purpose room plus a space either open or enclosed designated as kitchen for a family. The *makaan* may have an independent bathroom although its more common to find bathrooms being shared by different families living in separate *makaans* in the case of a multi-family *chardewari*.

These multi-family living arrangements in different *makaans* within the confines of a single *chardewari* raise contentious situations especially in the allocation of C-numbers. In a 2003 case filed with the *Wafaqi Mohtasib* (Ombudsman's Secretariat) by resident X of one of the recognized squatter settlement in Islamabad, Muslim Colony, this separation and subdivision of spaces according to families within the confines of a *chardewari* ended up being an important factor in the court's final decision.⁵⁵ In this case the complainant X, a resident of Muslim Colony, went to the Ombudsman to make corrections to the spelling of his name in CDA's official record. In the course of the proceedings, another individual Z made claims to the *chardewari* allotted to complainant X. When CDA's field staff went to Muslim Colony for verification of the objection raised by Z to the allotment of the *chardewari* to the complainant X, it was found out that there were two families occupying the *chardewari* for which one C-number had been issued in the name of the complainant X. The objection of person Z was rejected, however, it was declared that another resident Y along with his family resided in the said *chardewari* with the family of resident X. Based on previous legal precedents, the *Wafaqi Mohtasib* decided to give joint allotment of the said *chardewari* to both X and Y.

Resident X objected to the co-ownership on the grounds that only his family resided in his *chardewari*. The layout of the space within the *chardewari* was employed by the *Wafaqi Mohtasib* to ascertain the truthfulness of resident X's claim to single

⁵⁵ Wafaqi Mohtasib (Ombudsman)'s Secretariat Islamabad. Complaint No. Reg.H/11946/2003. Date of Registration: 16/12/2003. Name and Address of the Complainant: Mr Sabir Hussain S/O Muhammad Amir Khan, H.No. C-11, Halqa No. 1, Muslim Colony, Noor Pur Shahan, Islamabad. Name of the Agency Complained Against: Capital Development Authority. Subject of Complaint: Discrimination in Allotment of Plot being affectee of Katchi Abadi (sic).

occupancy and ownership of the said premises. In a written statement submitted by resident Y to the CDA team, there was a partition wall that existed between the spaces used by the two families until 1993. This partition wall was taken down by resident X in 1993 when resident Y had gone out of the city for a short while. According to CDA's record, no partition wall existed in the *chardewari* at the time of the survey in 2001. Despite the missing physical division that apparently once existed between the spaces used by the two families, CDA's field staff found out that there were four rooms with two kitchens in the existing *chardewari*. The presence of two kitchens thus proving the presence of two *makaans* was used as evidence to support the statement of resident Y that he and his family were the co-occupants of the said *chardewari*.

The concept of *makaan* in the context of France Colony is important to understand the way independence and boundaries are maintained within densely inhabited spaces. The unit of *makaan* is also important to understand the nature of rental property. Rental spaces can either form a part of the landlord's *chardewari* or independently built units. While no two housing units in France Colony have the exact same layout, yet the following examples of housing units illuminate some of the principles of organization of rental space in France Colony.

EXAMPLE 1: Rental unit in an existing *chardewari*

CDA's rules for home construction within France Colony restrict its residents to single storey structures. This is the most violated rule in the neighborhood since most housing units have at least two floors; indeed, some even have three (figure 47). The rooftop in nearly every unit constitutes an open or partially covered usable space for cooking, sleeping, etc. Figure 48 shows the layout of a multi-family *chardewari* with a rental space in France Colony. There are four brothers with their families living in this property along with a tenant. The rooms on the first floor belong to the brothers and their families while the unit on the second level is rented. The rental unit has its independent bathroom, a small open to sky terrace, and independent access via a bamboo ladder. Each family mostly cooks separately either in the second level kitchen or the first floor cooking space but shares the main bathroom on the first floor level. The bathroom on the second

floor is used exclusively by one of the families, which keeps it padlocked from the outside when not in use.



Figure 47. Multi-storied dwellings in France Colony

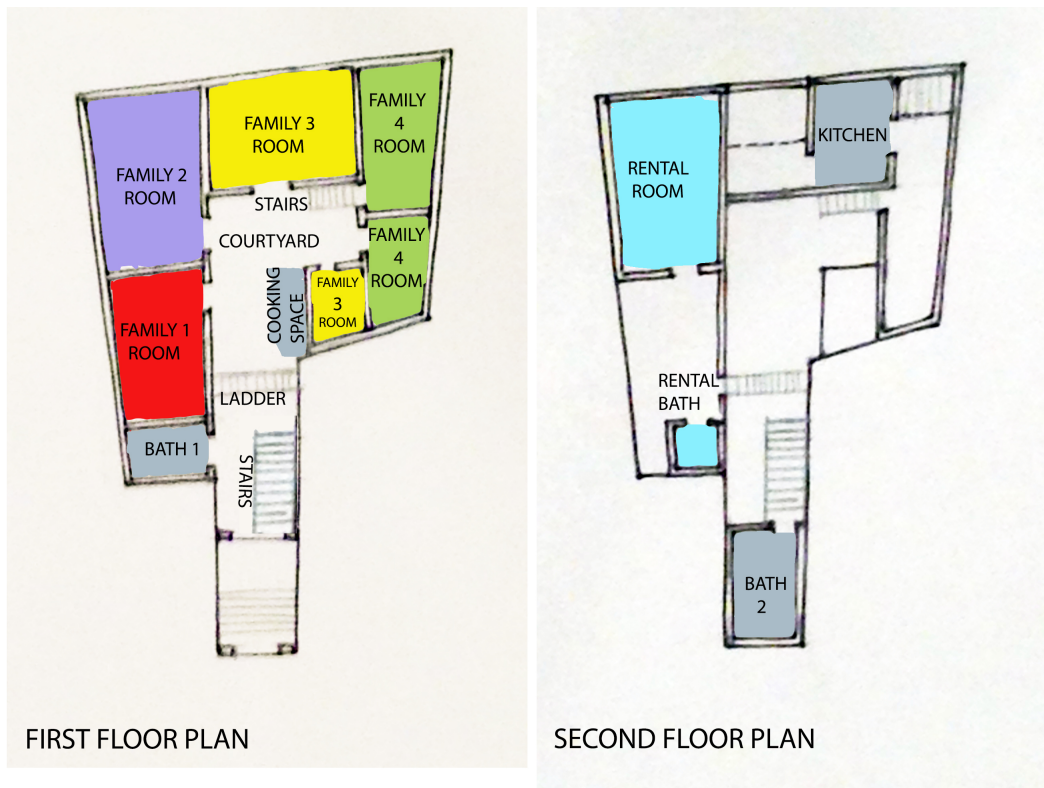


Figure 48. Diagrams of a multifamily unit in France Colony

EXAMPLE 2: Independent rental unit

Figure 49 shows a small rental *makaan* detached from the owner's house. The main living room is on the ground floor while the bathroom is on the second floor accessible from an external staircase. Cooking, and sleeping occurs inside the main room. The owners of this property live across the street in an independent two-storey unit (figure 50). In addition to detached rental properties near the landlord's accommodation, some affluent landlords in France Colony own more than one *chardewari*. The landlord family lives in one *chardewari* while the others are rented in their entirety to either single or multiple families with independent cooking areas and shared bathrooms, depending on the size of the unit.

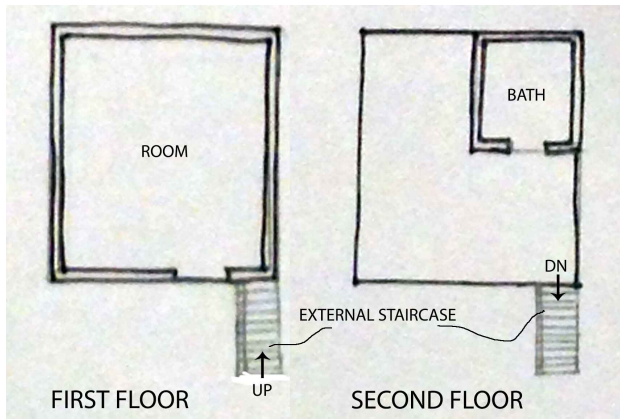


Figure 49. Diagrams of a rental unit in France Colony

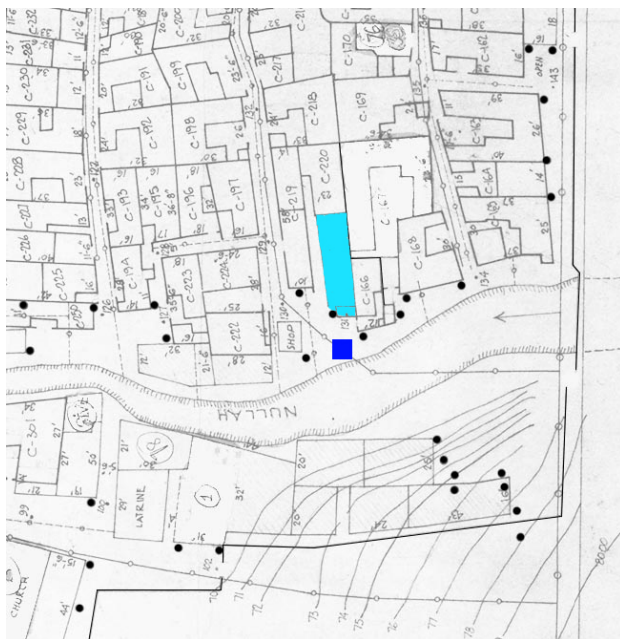


Figure 50. Map of rental property shown in dark blue while tenant's house is in light blue

It is apparent from the above discussion that not all who live in France Colony belong to the first group of settlers who were given temporary permission by the CDA in the late 1970s, as elaborated in the early history of France Colony in Chapter 3. France Colony is a thriving low-income neighborhood, which has grown to house those residents who have either built houses in vacant areas or are renting existing units. There are many ways of getting access to vacant land in an existing nonconforming neighborhood like France Colony where claims to space that does not belong to anyone but the State are made in various ways. In general, claims are made using the criteria of temporal

association with space. Early settlers of France Colony mostly stake claims on vacant parcels of land saved either for future personal use, i.e., building dwellings for their children, or for purely speculative purpose, i.e., selling land to prospective home builders.

Take the case of BB, for example. BB is a 39-year-old single mother who works as a domestic servant in Rawalpindi. She lives with her 5 children in a two-storey *makaan* without a number across the *nullah* (figure 51). She grew up in France Colony in her parents' house on the other side of *nullah* but moved to the neighboring city of Rawalpindi after getting married. During the mid 1990s, BB left her abusive husband and returned to France Colony with her children to live closer to her family. BB's father is a sweeper by profession working for CDA, and was one of the residents of the G-8 Labor Colony whom CDA gave permission to settle in France Colony in the late 1970s, as discussed in Chapter 3. During the early days of development of France Colony, BB's father along with other affectees were given permission to make their houses on a 3 *marla* (1 *marla* is approximately 272 sf/ 30sq yds) plot. BB's parents' house was allotted a C-number in the first survey conducted by KAC (figure 52). When BB decided to move back to France Colony in the mid-1990s, her family started to look for an alternate site in France Colony where she could build her house. They built a home on the empty space across the *nullah* where BB moved with her children. BB has 4 brothers and 2 sisters (figure 53). As the family grew with the marriages of elder sons, BB's family decided to make a third home to accommodate their growing spatial needs. The family once again took possession of a plot next to their second *makaan* across the *nullah* where her parents moved leaving their old home to their four sons and their families (figure 54). One of BB's brothers also employed with CDA remembers that vacant space was easily available around the old settlement in France Colony at the time when BB's family was expanding and taking up more land to make their homes. But upon further probing, BB confessed that there were other claimants to this open and unclaimed land but in the end it was BB's brothers who prevailed. In my conversations with BB, the same brother appears to be someone who has connections in CDA and gets work done.



Figure 51. Dwellings without a number on the other side of the ravine

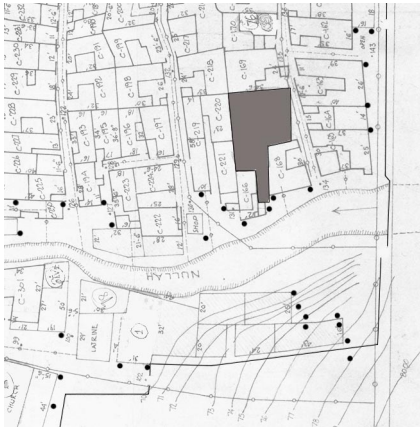


Figure 52. BB's parents house with a C-number



Figure 53. BB's house across the nullah without a C-number

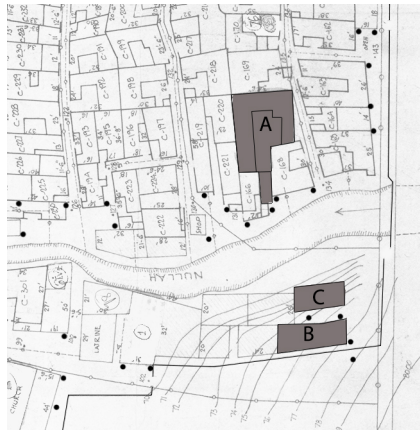


Figure 54. BB's parent's new house across the *nullah* without a C-number

For most people who moved to France Colony at a later stage of its development land was acquired from existing residents who had taken control of vacant spaces using a process of land occupation called *qabza* (literally possession). *Qabza* or land-grabbing is a common land transaction process in Pakistan and involves the acquisition of land taken-over by someone who doesn't legally own land yet claims rights over it based on its physical possession. In France Colony, late arrivals claim to have acquired their plots by getting *qabza* from those who came before them, mostly for a price. France Colony is now fully developed with almost no vacant spaces left to be sold to new arrivals for building houses, however, examples of land occupied under the *qabza* process can be found near one of the side entrances to the neighborhood. Figures 55 and 56 show examples of small pieces of land occupied by existing residents. On first look, these spaces seem peculiar due to the metal fencing all around but illustrate one of the ways of taking physical possession of land. The size of these spaces is too small for residential purposes but can be sold or rented out for shops and other commercial purposes.



Figure 55. View of a lane in France Colony with caged spaces on both sides



Figure 56. A caged *qabza* space

The modalities of sale-purchase of built up property in France Colony in the absence of legal titles and documents reveals a desire on the part of individuals involved in spatial transactions to legalize their illegal dealings. Even though France Colony initially developed as a neighborhood of Christian low-income government staff mostly employed as sanitation workers with CDA, not all who live here fit the above profile. Due to its central location and security of tenure, France Colony is an attractive low-

income neighborhood in a city that is unaffordable for even the middle-income group. As a result, properties are regularly sold here using pseudo legal processes to those who are not necessarily employed with the government but interested in living in a good location in Islamabad. My protagonist for this part of the discussion is HH, a female entrepreneur living in France Colony for about fifteen years. During her childhood and youth, HH worked as household help with the family of a Foreign Service officer and travelled with them overseas as a young girl. As a young adult, she ran a successful tailoring business by renting two shops in F-7's commercial and civic center, Jinnah Super, but lost the shops when, after getting married, she had to leave the business in the hands of her husband in order to raise her children.

In late 1990s HH bought the *qabza* (possession) of a 2-2.5 *marla* plot for Rs. 25,000 in France Colony and built a *makaan* for her family across the *nullah*. Her first business investment in France Colony was in the form of a water-well dug near her *makaan* a few years ago. In France Colony water is supplied by private wells shared by 8-10 houses (figure 57). CDA also provides water to this neighborhood but people primarily rely on shared tube wells. This sharing of water is an important feature of life in France Colony as rubber pipes snake through streets of France Colony at any given time of the day, and women and young girls can be seen dragging these pipes from one house to another (figure 58). With a natural knack for business, HH saw in this an opportunity to earn extra income and decided to bore a well near her house. At the time she looked for investors to help offset the high cost of about 75,000-100,000 rupees (approx. \$7500 to \$1000) but nobody was willing to take a risk with her since there was no surety that they would find water in the selected location. So she went ahead alone in this venture; luckily her risk paid off, and she found water of good quality in her well. HH now sells water to about 20 houses and was able to get full return on her initial investment after a few years.