

Criminalizing the Urban Poor: Counter-Narratives in Bansighat Squatter Settlement, Kathmandu¹

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Abstract

State and media in Nepal often criminalize squatters portraying them as city pollutes, encroachers, threats to public law and order, while their contribution is completely forgotten. This research investigates how the squatters in Kathmandu are criminalized and how they resist this by constructing counter-narratives. Using the ethnographic field work held between January and July 2025 deeply engaging with community leaders, NGOs activists, cooperatives activists and residents, the study demonstrates that state criminalizes squatters for occupation of the public land without consent, thus enforcing them to evict the settlement while the squatters challenges such state narratives claiming that they have protected land from the encroachment of private builders and contributed to launch development activities. These counter-narratives are produced and reproduced through tactful engagement with parties, legal mobilization, and partnership with NGO. The findings explores that criminalization works as tool to drive eviction attempts to destroy the settlement while counter-narratives serve developing political agency and collective mobilization.

Keywords: Criminalization, cooperatives, counter-narratives, political agency, NGOs

Narratives and counter-narratives of Criminalization

Squatting means capturing the public land without the consent of state and residents in such land are squatters. Lack of consent of state drives them to the status of illegality. Such position recognizes them invaders of land and violators of law in the eyes of state and media. Therefore, The official narratives portrait them criminals allegedly losing the basic human rights. On the contrary, squatters resist such narratives claiming that they have properly utilized the land they have occupied and protected such land

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from the encroachment of private builders. This article examines how the squatters are criminalized by state and media narratives and how they encounter such narratives using the case of the Bansighat squatter settlement in Kathmandu. While state and media commonly portray squatters as illegal encroachers, polluters and obstacles to urban development, such narratives neglect the real condition of squatters' exclusion giving rise to squatting. Drawing on ethnographic research, the article demonstrates that by blaming squatters as criminals, state intends to govern informality while squatters resist such governance through political engagement, partnership with NGOs and building grass root mobilization. Built on this argument, this study highlights how criminalization and resistance unfold in particular context of Nepal.

Urban squatting governance is informally embedded process because housing, employment opportunities and livelihood strategies prevail out of legal and formal (Roy, 2016). Yiftachel, 2009). Squatting as such is not because of individual failure, it gets generated from the state failure in ensuring an access to land and housing. Urban Scholars have pertinently made critical remarks on binary between legality and illegality highlighting informality being produced by state failure through its political clientelism and prejudicial enforcement (Roy, 2016).

Criminalization of squatters encompasses global tendency of poverty governance where excluded and vulnerable people are treated through putative than redistributive policies (Wacquant, 2009). Urban poor are prone to demolition, policing and strong surveillance allegedly for development projects, public security and gentrification (Bhan, 2014).

Urban informality represents most visible and contested landscape of social and spatial adversity in modern day cities. Squatters—those capturing the land or housing without authorized consent of the owners - are often projected as conspirators in urban landscape and blamed for illegal action, disorder and insecurity. The state institutions neglect the real challenges pertaining to vulnerability, poverty and displacement. They tend to criminalize squatters exposing them as criminals, encroachers and trespassers in context of England and Wales (Dadusc, 2014). Studying the case of Netherlands, Dee (2016) mentioned that squatters are the folk devils of Dutch society and victims are those whose houses are squatted. Therefore, some action should be taken to forcibly evict the squatters.

Media also portraits squatters in negative way. Media narratives characterize squatters as 'organized gangs of thugs, layabouts, and revolutionary fanatics, and

invaders' (O'Mahony, 2014). This edited volume describes how squatters are defamed and evicted in European experience. Moreover, Lopez(2019) argues:

Mainstream mass media and politicians tend to portray squatters as civic evils. Breaking in and trespassing on private property is clumsily equated with the occupation of empty premises. Squatting is often represented as a serious criminal offence even before any legal verdict has been determined. The social diversity of squatters and the circumstances around this practice are usually omitted. Dominant narratives in Western European cities were effective in terms of criminalisation of squatting and the social groups that occupied vacant properties –homeless people in need of a shelter, those who cannot afford to buy or rent convenient venues for performing social activities, activists who squat as a means of protest against real estate speculation, etc. (Lopez, 2019, p. 266).

His findings highlight that boundary between good and bad squatters are omitted by media portrayal. This leads to emerge single shot evaluation of all squatters. The diversities among the squatters should be acknowledged. However, the media and state authorities quickly publish the news stories equating them with criminal offences without any serious investigation and legal verdict. This action leads to immediate criminalization of squatters (Dadusc, 2014).

State always reject distinguishing the real challenges of squatters and their compulsion to squat the land. They have different access to residential, and labor situations, income levels seeking shelter for survival falling back in achieving affordable venues to engage in social activities and there may be squatting initiative for launching protest against the urban policies of the state. Because of their different positions at the heart of squatting, rational discussion based on social, political and economic realities are avoided by media reports. However, the case of capitalism, the provision of absolute private property rights and real estate bubble are often considered natural though there are many debates about them. The surprising fact is that homelessness and demolitions are never associated with the human right violations (Lopez, 2019).

His arguments pertaining to homogenization of squatters hides the intention of evicting the squatters equating them with deviant behavior. The division of squatters into good and bad by the authorities and media report intends to apply divide and rule strategies aiming to block their political engagement. Squatting always receives negative comments by media as outsider and hippies, “visible spokesperson”, ‘rioters’, violent, punks with dreadlock, foreigners, far left, anarchists and independent

squatters (Dee, 2016). It is identified that British conservative and labor politicians wish to disassociate the homeless people from squatters. They are not equated with other vulnerable people who are to be protected. However, the fact is that squatters have strong political engagement and they are anti-establishment groups who seldom require protection.

The criminalization of squatters in global south has also held the pace with the studies of Europe. For instance, Datta (2016) argues that many judicial proceedings have tended to criminalize squatters in India as pickpockets, encroachers and above all illegal citizens since 2000 in urban setting and has led to trials of demolitions across the country. Moreover, this criminalization instigates potential eviction, official surveillance, denial of fundamental rights and enforced marginalization.

Some texts have groundbreaking analysis about the criminalization of squatters in Kathmandu. Studying on the squatter settlement in Ramhity, Kathmandu, Brooks (2016) opens up how government takes stance against squatters. He highlighted that community leaders have shared that government sets negative connotation about squatters. The state and civil society considers squatters as ‘rubbish’ and ‘problem creator’, illegal, unmanaged and garbage. Local newspapers publicly claim with allegations that they are “Bagmati polluters ‘who often obstruct Bagmati beautification projects and bocks city development projects.

In the garb of disturbance in development projects and acknowledging the illegal settlement , the local government in Kathmandu grabbed opportunities during state emergency of 2001-03 to launch well-organized evictions attempts in many locations like Tin Kune, Shankhamul and Thapathali, later charged by opposing parties as ‘bulldozer terrorism’ (Sengupta and Sharma 2006). The private sector in Kathmandu sees that squatters are limiting and to some extent derailing the real estate market by occupying the useful land that could be well commercialized (Sengupta, 2013).

Nevertheless, squatters are nor mere victims of criminalization narratives created by the state and civil society associations. They actively build up counter-narratives indicating discursive, material and symbolic practices that pose threat to the state repression and assert their claims to urban space and citizenship (Appadurai, 2001; Vasudevan, 2015). These counter- narratives contribute to strengthen the gravity of their contestation of moral and legal tools that exclude them in city life. They also support squatters to stand collectively against the state atrocities constructing everyday resistance and tactical alliances with multiple forces.

These narratives are not limited to only rhetorical entities but are deeply engrained in practices such as economically and politically empowering categories through cooperatives. Engaging in collective planning are embedded in practices such as organizing cooperatives, engaging in participatory planning and electoral political game and generating alternative spatial imageries (Appadurai, 2001; Simone, 2004).

Some significant researches have been found to dwell on how squatters construct counter-narratives to contest the allegations of criminality disturbing normal city life standard. Brooks (2016) deeply explores the perceptions of squatters against the alleged criminalization stating that quarters often are the guards of the public land defunct by the state leaving to be encroached by the private builders and land brokers. Drawing on the empirical data, he stresses that in Kathmandu, squatters federations established to resist state intervention after series of demolition drives, they organized protests, rallies, and advocacy campaigns and state their list of demands to local and central government authorizes. They, on the one hand, struggled to engage government bodies in negotiation and showed up confrontation on the other hand, in streets to establish the facts that squatters are not criminals, they are rather ordinary citizens like non-squatters communities and deserve the fundamental rights and services. Gallagher (2015) clearly revealed that most of the issues are politicized in a volatile way. So is the case of squatters. They are conscious of growing their political strength as a large voting bank for the political parties. Their consciousness is reflected in the public demonstrations which they utilized to justify that they are not criminals as often perceived. Their engagement with the political parties has also come up to convince them about their commitment of preserving the public land and securing the right to city.

Squatters in Nepal have utilized political, legal, and social tactics to defend their status as the protectors. They have taken up the legal actions that includes court petitions demanding due process and convincing relocation plans. They also engage with political parties to defunct eviction trails creating contradictions among the parties and state institutions. These actions are compounded by striking alliances with NGOS (Tanka, 2009; Sen Gupta, 2013; Shrestha, et al., 2020; Toffin, 2010).

The criminalization of squatters in western and global south has found its abundance in urban and sociological research works (Roy, 2016; Wacquant, 2009; Bhan, 2014; Dee, 2016; Dadusc, 2014). These works emphasize how media, government urban plans and policies and state institutions view squatters as criminals and justify their eviction trials. Nevertheless, the issues that squatters are portrayed as deviants, encroachers and polluters, security threats, obstacle creator of development

projects are underexplored in Nepali context (Sengupta & Sharma, 2006 Brooks, 2016). Existing literature in Nepalese urban studies highlight tenure insecurity, urban informality, livelihood constrains etc. but they fall short in examining discursive criminalization of the squatters by the state and media and construction of counter narratives by themselves More significantly, inadequate attention has been given to the issues of tactical political engagement of squatters, legal mobilization and negotiation with NGOs through which squatters justify their claim for urban citizenship (Tanka, 2009; Sen Gupta, 2013; Gallagher, 2015; Shrestha et al., 2020).

This study highlights these issues with deeper engagement with the participants observing and interviewing their everyday political and cultural practices that contribute to strengthen their claims in urban landscape in Kathmandu. This study explores how squatters are criminalized by state institutions and media in Kathmandu. In addition, this paper investigates how squatters resist allegations of criminals by constructing counter-narratives. I will explore experiences perceptions of squatters about the state's narratives about their criminalization and its resistance being specific to Bansighat Squatters settlement, Kathmandu. This paper contributes to global debates on urban informality, poverty and formation of illegality highlighting how these process occur in specific social landscape of Nepal. This also adds theoretical insights on linking criminalization and its counter narratives with political clientelism, mass mobilization in grass root levels and engagement with NGOs contributing to the ongoing debates to safe urban housing and inclusiveness.

Methods

The research was held between January and July 2025 in one of the biggest squatter in Kathmandu-Bansighat comprising 140 houses located at western riverbank of Bagmati river, adjacent to the administrative center of Nepal. This settlement is dense cluster of 140 self-built small houses, migrated there from all around the country, displaced from the war waged by Maoists and also escaping economic vulnerability. I used qualitative ethnographic to collect information among those who have been living there over at least 20 years, engaging in everyday resistance like community meetings, garbage management and political demonstrations, negotiations with the state institutions. The participants include 11 women and 6 men comprising 6 community political activists, 6 community leaders, 5 NGOs facilitators. Thematic analysis has been undertaken to describe the data.

Results and Discussion

Narratives of State and Media about criminalization of Squatters

The Criminalization as Truth making: State and Media

The squatters have been criminalized by state and media narratives in Kathmandu which is not only incidental. Rather, such narratives act out as tools of urban truth making in which squatters are treated as the encroachers, polluters and security threat to the city's law and order. As Roy (2016) argues that urban informal space is production of the state failure, Nepali state also uses punitive instruments to portrait squatters as illegal rather than excluded and vulnerable poor seeking support of the state for shelter and employments. In the way of criminalizing squatters, the state itself leads to the process of displacement of poor considering them deviant actors (Yiftachel, 2009).

Participants repeatedly highlighted how state and municipal authorities, media and police forces consider them illegal and city polluters that echoes with what Brooks (2016) documented the squatters as rubbish and Bagmati polluters. The criminalizing trend in Nepal also matched with European experiences where squatters are levelled as folk devils, thus leading to forced demolition (Dee, 2016), or as destroyers of city law and order (Dadusc, 2014; O'Mahony, 2014). In Nepal, these entitlements in Nepal justify evicting settlements in guise of beautification of urban landscape, environmental preservation and development projects. Sita aged 43 is a community activist. She has engaged in social activities within community and ant-eviction campaign in the past. She is frustrated with the state's remarks on squatters based on their poverty and homelessness. She explained:

When municipal police forces made arbitrary arrival to evict the community, they called us illegal, polluters, criminals... as if we are here to destroy the city. The private companies, the government, the newspapers—everyone repeats the same word, 'encroacher.' But nobody asks why we came here. We were displaced from our homes, our livelihoods. If we don't have money to buy land, does that make us criminals?

Her story reflects Wacquant's (2009) arguments of punitive urbanism, where poor are controlled through policies undermining the need of redistribution. Criminalization becomes the basis for justifying displacement and surveillance neglecting structural failures of the state to secure housing. As Datta (2016) demonstrates in India that squatters are often projected as pickpockets of land of urban area inviting forceful demolition of their settlement. In Kathmandu, criminal framing of squatters

complicates the state negligence to work for adequate housing. Sangita is a domestic worker in nearby house being paid eight thousand per month that fails to suffice for her livelihood. She expressed disappointment with her earning. She feels uncomfortable when illegal citizenship is entitled to them. She explained her frustration:

We are called thieves of government land, like we came to snatch the city, but no one asks why we are here. I worked as a housemaid for years, but my salary could not pay rent. When the government fails to give affordable housing, they blame us for surviving. Police come, take photos, warn us, treat us like criminals. If we protest, they say we are creating trouble. We are struggling, not stealing. Still, they use the word ‘illegal’ to push us out whenever they want.

Kathmandu’s demolition trials follow the false allegations over squatters that they are outsiders. Such allegations not only laud public support for forceful demolition but also erodes structural roots of vulnerability caused by state failure.

Counter-narratives of Squatter about Criminalization

Everyday Resistance: Counter-Narratives of Urban Belonging

Despite intense stigmatization due to criminalization narratives, squatters in Bansighat frequently combat these narratives by constructive discursive counter-narratives rather than accepting charge of illegality, they strategically view themselves as protectors of public land and defenders of city beautification campaign. Such counter-narratives reflect with Appadurai’s (2001) view that poor develop political agency through collective mobilization and voice. Ram Bahadur is political activist. He has lived in community since two decades. He is front line fighter to protect the occupied land. He argues that if they did not occupy the land, private owners would already have captured it. He explained:

This land was left to rot. Nobody cared. Brokers were coming, planning to sell plots. We stopped them. The government left this land empty, they forgot about it. We cleaned this place, built homes, made a community. So who is protecting public land—the government or us?

His narrative aligns with Brooks’ (2016) findings that squatters articulate claim not through ownership but through stewardship. They claim that their settlement blocks private developers to capture the public land. Based on this claim, they redefine informality as their moral responsibility, not as criminal occupation of the land. These narratives act out as what James Scott (1990) calls “hidden transcripts” that resist state enforcement by redefining the meaning of legitimacy.

Squatters' counter-narratives frequently question over adverse land distribution. While media exposes them as invaders, they resist it and raise the issues of moral economy of livelihood. Their views signal not the battle over legal issues but as the question of ethical responsibility. Their questions are who deserves the city?, Is it only of wealthy people owning the huge private property? Are poor destined to be forcefully evicted from the city? These pertinent questions doubt the state claim of equal citizenship rights and inclusive policies: A 47 year old resident shares:

The state authorities blame us that squatters are invading the city, but the constitution has guaranteed They say we are invading the city, but this country's constitution says every citizen has the right to housing," said a 47-year-old man from Bansighat. "If rights are only for the rich, then what kind of citizenship do we have? We clean their offices, build their houses, vote for their leaders, yet they call us illegal. We are not fighting to own Nepal; we are asking to live as citizens of Nepal. If the government refuses to see us as people who belong here, then who is violating the law—us or them?"

Significantly, counter-narratives are constructed in engagement with NGOs, streets demonstrations, negotiation with state authorities, everyday interactions with political parties and bureaucrats. Such counter-narratives are not only rhetorical but visible in every day performances such as community cleaning programs, taking part in community planning meetings, savings through cooperatives etc. These activities evidence to justify that they are not unorganized and not indulged in criminal activities. They construct their agency and identity from below. These practices demonstrate agency, contradicting stereotypes of squatters as disorganized or criminal. They build legitimacy from below.

Tactical Politics: Negotiating Clientelism and Partisan Contradictions

Squatters chose not to tolerate political exclusion. Instead, they construct clientelist linkages with all political parties and tactfully mobilize these linkages to escape eviction efforts. Political parties are blamed for using squatter engagement in politics as vote bank manipulators. However, squatters mobilize this link as calculated survival strategy. Echoing Gallagher's (2015) observations, squatters utilize elections to secure political patronage often linking with the parties who are potentially rising to power and oppose eviction trails.

Participants often explained how eviction trials are forgotten at the time of election campaigns. Ram Bahadur aged 60 explained: "Whenever we hear eviction news, we know it won't last long. Political leaders need us. They come here with big

promises before elections. We don't trust them fully, but their need for our votes stops bulldozers.”

I found squatters engaged in any political parties. Some are deeply involved in political activities as committed cadres who advocate in favor of parties. Though vocal, they always attempt to keep balance between the influential parties who are in power now and who is probably coming to power in future. Till date, they have been able to utilize the opposition forces against eviction trails if the state attempts. They have successfully mobilized the contradiction between parties which so often exposes because of power hunger politicians. However, such alliance with parties is merely tactical not ideological. A participant, political cadre explained:

People think we support parties because we believe in them. But we only support whoever can save us at the moment. When one party is in power, we attend their rallies and push our demand for legalization. If another is rising, we talk with them too. We are not fools—we know they use us for votes. But we also use their rivalry to stop evictions. We don't follow their ideology; we follow our need to survive. Politics is not trust here, it is a tool to protect our homes.

His views are similar to what Toffin's (2010) analyses that the alliance between parties and squatters is not ideological and long term, rather it is short term and tactical. The shifting of parties occurs at the blink of eye there. They are conscious of political contradiction. Therefore, some parties stand strong in their side when another goes against their aspirations. They exploit inter and extra party factions to delay possible demolition, strengthen bargaining power in negotiation and creates confusion. As Sen Gupta (2013) and Shrestha et al. (2020) conclude political engagement and party-squatters negotiation often construct semi-legality where squatters are neither fully legalized nor evicted.

Criminalization is used as a tool by the state to control the squatters. Meanwhile, squatters tactfully uses political linkages for bargaining. Therefore, their political involvement is not passive co-optation nor grass root level political protest alone. This is for political negotiation with the state for securing their livelihood, settlement and basic social services and amenities.

Legal Mobilization and the Demand for Due Process

A powerful yet underexplored tactful move of squatters in Nepal is their struggle for legal mobilization. Participants shared that they filed court petitions

demanding the stoppage of evictions in the past while it was inhuman and unjust and ensuring relocation plans for their safe relocation that contributed to derail the process of evictions. These actions made the state to acknowledge their basic rights of their living. That became the tool to justify that they are legitimate citizens in urban landscape and not the criminals. A 42 years old community activist explained:

People think we went to court to own the land,” But our first demand was simple: follow the law before you evict us. When they threatened demolition, we worked with lawyers, NGO activists and the squatters’ federation to prepare petitions. We asked for relocation, not ownership. We wanted the government to treat us like citizens, not like animals thrown out overnight. When the court stopped eviction, it proved we had rights. That case did not give us land, but it gave us dignity—showing we are part of this city and cannot be removed like garbage.

Community activists explained how lawyers, NGOs activist and squatters Federations supported them to prepare petitions. The primary demand of squatters was not right to ownership of land but due process mirroring global poor movements (Simone, 2004). A 52 years old participant emphasized:

We know we may not win the land. But the government must respect procedure. They must listen to us, provide alternatives. If they want to remove us, they must follow the law. We are not animals to be chased away.

His description clearly shows that the legal intervention has helped them to secure their settlement. Demanding legal due process compels the government to acknowledge squatters as citizens from court proceedings. This legal strategy resists criminalization allegation and sets the truth that they should be relocated in favorable place. They are not trespassers. Thus, their resettlement plans should be formed in negotiation with the state and squatters before any eviction drives be initiated.

Alliances with NGOs and Cooperatives

Squatters also resist criminalization by constructing partnership with NGOs, Squatters federations, and cooperatives. Squatters engaging in microfinance, cooperatives and community planning contribute them to build up their image as responsible, organized and participatory citizens. These practices keeps their pace with the finding of global movement in which poor of the urban space give rise to legitimacy through collective savings and planning(Appadurai, 2001; Simone, 2004).

Participants recollected that three cooperatives they established after 2010s taught them how to save money. Organize welfare programs to empower women and be acknowledged from local government bodies. The women were organized because of cooperative who could be able to save money every day and opened up small shops, sent their male members to foreign employment from the credit scheme. Some households purchased the land from the loan given by cooperatives. A woman participant shared:

Before the cooperative, we were only known as illegal people living by the river. When we started saving ten or twenty rupees every day, the municipality began to invite us to meetings. We used our savings to run small shops, send our husbands abroad for work, and even buy land in cheaper areas. Earlier, they said we were a burden, but now they call us ‘organized.’ The cooperative taught us more than saving money—it showed the government that we are responsible citizens, not criminals surviving for free.

Through NGO-squatters alliance, they redefined themselves as civic contributors but not as the encroachers. They got participated in sanitation programs and planning works shops. According to the participants, some of them were invited to Mumbai for training which motivated them to align with NGOs and expose themselves to public through NGOs. A woman from studied settlement was leading a cooperative and NGOs. She mentioned that NGOs are effective to empower women through participatory programs and provide them relief package during vulnerable time from natural calamities. A 44 year old woman NGO activist shared:

People used to say we only dirty the city, but NGOs showed us how to prove otherwise. We joined sanitation drives, helped clean the riverbanks, and planned community toilets. I was even sent to Mumbai for training, and that changed my thinking. When we work with NGOs, we are not seen as encroachers but as community leaders. They support us during floods and disasters, but they also teach us how to lead. That is how we show the city we are part of its future, not a problem to remove.

The above narratives show the different approaches of State and NGOs. While state assumes the squatters as encroachers, NGOs have supported them from launching community consciousness to providing relief to natural disaster affected people and mobilizing to defend the agendas of right to land promoting their struggle against eviction drive initiated by the state.

Conclusion

The results of this research reveal that the criminalization of squatters in Kathmandu is a technique of “urban truth-making” used by the state and media to vindicate exclusionary redevelopment in urban landscape. By considering informal settlers as “encroachers,” “polluters,” and “security threats,” the state fails to ensure structural foundations to provide affordable housing and social security. Such state failure, on one side leads authorities to forceful eviction to the squatters in line with the programs to beautification of cities and on the other hand, legal deviance by the squatters.

However, avoiding state eviction drive, the squatters develop agency through repertoire of counter-narratives and tactical political engagement. By claiming themselves as the protectors of the public land, they tend to mobilize legal due process and building tactical clientelist alliances with political parties, which enables them to challenge state policies. Moreover, squatters’ involvement with NGOs and operation of cooperatives has contributed to dismantle the stereotypes of the criminals.

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