

LIVING CONDITIONS: CITIZENS, 'SQUATTERS,' AND THE POLITICS OF
ACCOMMODATION IN MUMBAI

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LIVING CONDITIONS:
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This dissertation provides a historically informed examination of the conditions under which pavement dwellers in contemporary Mumbai are compelled to live in order to survive. Among the most impoverished and politically marginalised populations of Mumbai, pavement dwellers have long been an element of the city's, and the nation's, politics of belonging. Their precipitously located dwellings on the city's pavements, and the frequent evictions that they are subjected to, are indicative of the material and political alienation of pavement dwellers from the body politic. Investigating how these violent conditions of life are produced and legitimised is the task to which this dissertation attends.

The investigation is advanced through a relational formulation of the term 'living conditions,' a conceptualisation that brings into focus social relations that extend far beyond the sidewalk, in order to apprehend the material and political circumstances under which pavement dwellers are compelled to encroach on the sidewalks of Mumbai in order to live. Through a historicization of the living conditions of pavement dwellers, the ragged

encampments that line the streets of Byculla (a locality in Mumbai) are tied to the broader politics of sovereignty in postcolonial India, i.e. the political configuration of land and life, which have rendered pavement dwellers as a population that has run out of place to live.

This methodological exegesis of the figure of the pavement dweller utilises the analytical tools of historical sociology and political economy in order to pry open the nation-building project of development and reveal the exclusions through which the space and subject of sovereignty is defined, and the poor become Other. I argue that the suppression of the historical relationships that have produced populations as pavement dwellers has been a crucial element in the construction of the squatting figure of the pavement dweller as the predatory Other against whose encroachments 'the citizen' must be secured. Further, in order to understand how the urban poor came to squat on the sidewalks of the city in order to live, I find that it was essential to locate this national theatre of violence and sovereign power within a broader, geopolitical framework. For, it is in the crisis of sovereignty that the newly independent Indian state faced as it struggled with chronic food deficits, and the consequent embrace of agricultural modernization, that the narrative of transforming rural populations into pavement dwellers – alienated from the land - must be located. The argument thus is that the historicised figure of the pavement dweller - and the challenges that the poor face in having their claim for bodily security recognised within the extant social order - provides a critical vantage point from which to trace the particular modernist organization of life and land that is invested in categories of citizenship and sovereignty.

BIOGRAPHICAL SKETCH

Gayatri A. Menon received her B. A. from Mount Holyoke College in 1992, majoring in Development Studies. She subsequently returned home to India, working first on biodiversity and traditional agriculture in Garhwal with the Research Institute for Science, Technology and Natural Resource Policy in Dehra Dun, before moving to Bombay to work with Swayam Shikshan Prayog. At the latter organisation she worked on issues concerning the livelihoods of the rural poor. During this period she encountered the work of SPARC, and met many of the people who inspired her to write this dissertation. In 1998 Gayatri embarked on her graduate studies at Cornell University's Department of Development Sociology, receiving her Master's degree in 2001.

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In Bombay, I was especially fortunate to have been able to work with the alliance of SPARC, Mahila Milan and the National Slum Dwellers' Federation. I only hope that my dissertation does justice to the fortitude and creativity of the women and men who live on the pavements and slums of Mumbai, who generously and enthusiastically shared with me their experiences and analyses of the struggle to find and make a home for their families in an

unforgiving and violent urban environment. The reception that I received from them, and the interest that they exhibited to my academic work underscored to me the importance of research that is rooted in the everyday struggles of disenfranchised populations but is not circumscribed by that world, research that can draw on the intellectual resources of academia. I am particularly grateful to the support I received from Sheela Patel. In addition to her, my work with the Alliance would not have been possible without the women of Byculla Mahila Milan, Jockin Arputham of NSDF, and the generosity of the SPARCies - Sundar Burra, Celine D’Cruz, Devika Mahadevan, Aditi Thorat, Aseena Viccajee, and Indu Agrawal. Over the course of my fieldwork they have shared their experiences of fighting to ensure the urban poor’s right to the city, asked provocative questions of me, and provided fried *bombil* - all of which made my fieldwork an incredibly rich experience.

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Lastly, many thanks to my peripatetic family, who have played no small part in provoking this project and making it possible. Twenty-eight houses, eight cities, two continents and thirteen schools later I was left in no doubt that home, and the ability to feel at home, was a matter of social relations rather than bricks and mortar. My father did not live to see this dissertation completed but his many scathing and witty insights into Indian politics and into the politics of the Green Revolution in particular, have made their way into this project. In the last few months of writing-up Hari fielded several,

slightly unhinged, phone calls from me with great forbearance. All I know about 'homeplace,' bell hooks notwithstanding, I learned from my mother, Ambika. And to Kalyani, to whom I owe so much, but especially for inspiration, detective fiction, and laughter – thank you.

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Chapter One

INTRODUCTION

In this dissertation I examine the biopolitics that has half of Mumbai's¹ fifteen million people either living in a makeshift dwelling teetering on the edge of a pavement or living in a ramshackle hut in a slum situated on a swampy plot of land. The argument I make starts from a fairly simple premise: that an examination of how the poor live tells us a lot about the terms by which they are allowed to live. This premise provokes the question around which the narrative wraps itself, which is: how are such deplorable, dehumanising living conditions, in which the majority of the city's population resides, justified? Through my examination of the living conditions of the pavement dwellers of Mumbai, I present an analysis of the historical processes and discursive practices through which the legitimacy of violence against the urban poor is secured.

It is useful to keep in mind that in Bombay, unlike many other cities, the settlements of the poor are not hidden away, off some dark alley. The violence that their deprived bodies and precariously fabricated homes attest to exists and is performed in plain sight. The dwellings of the poor can be seen as you walk down any road, or when you look down from your apartment window; if you stick your hand out of the train window you can literally reach into a

¹ In this dissertation Bombay and Mumbai are used interchangeably in recognition of the fact that while the state and parochial parties such as the Shiv Sena have insisted, usually in intimidating ways, that the city must only be referred to as Mumbai, their claim is just one of many through which the city gets its identity and is identified.

slum as the train chugs along. In this city, the tall concrete buildings of the middle-class and the low –storied ramshackle dwellings of the poor are juxtaposed next to each other creating an urban landscape that does not convey inclusiveness but the intimacy and the normalization of violence. This then is the setting for this dissertation’s examination of the living conditions of the urban poor, and what they reveal about the contemporary social order.

The term ‘living conditions’ is a relatively innocuous term that is used to reference the physical environment that people happen to inhabit. In conventional usage it signifies the quality, or condition, of a site of habitation. In this dissertation however, I plan to deploy the term slightly differently, as a relational category that allows me to probe the social relations that constitute the circumstances of living. A relational formulation of ‘living conditions’ consequently directs the focus of analysis on the social conditions or terms by which life and living can occur. It is a category, therefore, with which to pry open the political terms by which the urban poor are allowed to live, their conditions of life. Slums and pavement dwellings, are not just *where* the majority of Mumbai’s population live, but are the socially constructed conditions under which the poor are allowed to live.

Biopolitics of Citizenship

The institution of private property that precipitated the alienation of labour, as Marx ([1947] 1999) argued in *The German Ideology*, also precipitated the abstraction of the state and of the political subject or citizen: “Through the emancipation of private property from the community, the State has become a separate entity, beside and outside civil society” (p.80). That is, ‘free’ labour

and 'free' citizens were coeval products of capitalist modernity, where "the process whereby 'property' is 'freed' from its former 'political and social embellishments and associations', to achieve its purely economic form', is the same process wherein individuals appear progressively detached from the communities" in which they lived (Sayer 1987, p.99). And it is the tensions between the two freedoms, of alienated labour and of the universal or abstract subject of the State that animates the relations of appropriation and subjectivity, and gives form to bourgeois rule (Polanyi 1944).

The historic institution of private property not only 'freed' labour from the land, but it also simultaneously created the terms by which the land and its people thus 'alienated,' were re-appropriated, through the particularly modernist construction of political space and subject, i.e. state and citizen. It is through this construction of political community, that the terms of human survival are formulated. As Foucault (1980) put it, " modern man is an animal whose politics places his living being in question" (p.143). The alienation of labour from the means of production and the concomitant construction of the abstract individual or citizen created conditions of living that were premised on (1) wage labour and (2) political recognition. Individual prospects of human survival thus derive from the means of sustenance made possible by wage labour, and by the political recognition of that individual life's right to survival.

As Arendt's (1951) analysis of refugees and subsequently Agamben's (1998) analysis of the political subject of modern sovereignty has revealed, the political protection of life offered by the juridical order of human rights, and

the attendant institutions of the nation-state and citizenship, is limited. Arendt's (1951) argument derived from her observations on the condition of stateless refugees in the wake of the second World War and the challenges they faced in presenting themselves as the subjects of human rights. She contended that stateless refugees' lives were in jeopardy because they ruptured the "trinity of state-people-territory" that the organization of order, as nation-states, is premised upon (p.279). Their jeopardised condition exposed the limiting conditions of the extant socio-political and legal frameworks through which humanity is recognised and accorded rights. In the same vein, Agamben (2003) makes the argument that within the epistemology of the nation-state, life can be represented only through the person of a citizen. Denuding the political status of individual and their claims to belong, as was the case with denationalization that occurred under the auspices of the Nuremberg Laws in Nazi Germany, he argues, permits the progressive internment of these lives and their re-constitution as *homo sacer*, individuals that the law abandons to violence. The ordering of life and death thus is constructed in ways that are politically legitimate, and draws on the construction of belonging to the body politic.

While subsistence and belonging are distinct aspects of modernity's configuration of human survival, they are also related, for the labouring body's ability to provide a corporal limit to the extraction of profit depends on whether the life of the particular body is politically recognised and protected as a part of the body politic, or whether it is rendered invisible, alien or otherwise considered expendable by the body politic. It is through these valuations of life, gauged against the 'health' of the body politic, that the

biopolitics of capitalist modernity is legitimated. Using this framework, that broadly captures the different aspects of alienation that are constitutive of capitalist modernity – the configuration of relations of social reproduction and political recognition - I investigate the living conditions of pavement dwellers in Mumbai.

As my formulation of 'living conditions' suggests, while pavement dwellings, pavement dwellers' lives, and their struggle for shelter form the site of my inquiry, this dissertation is not about housing per se. Rather, it is concerned with understanding the broader dynamics of social marginalisation, structural violence and alienation that are constitutive of citizenship in contemporary India. Consequently, this dissertation is not so much a narrative of the group 'pavement dwellers' as it is one about the world-historical process of becoming and reproducing the figure of the pavement dweller (cf. Hopkins 1978). In other words, instead of taking evictions and squatters as my analytic point of departure, they serve as my point of entry into the investigation of the biopolitics of citizenship. This methodological strategy directs me towards a relational construction of the living conditions of the urban poor.

My examination of the terms of social reproduction and political recognition that the pavement dwellers of Mumbai confront not only allows us to understand their abjectivity – their severely compromised ability to engage their worlds as historical subjects – but also allows us to apprehend the violent exclusions that produce the normative political subject, i.e. the citizen. The argument that I advance is that the violence that pavement dwellers face on a day to day basis, and the legitimacy of that violence, makes sense, so to speak,

only when we approach the condition of pavement dwelling as a relational outcome of processes by which the normative political subject is produced. For in doing so we can begin to understand how pavement dwellers come to be seen as 'squatters' on the terrain of citizenship; the Other against whose depredations the citizen must be secured. By formulating the living conditions of pavement dwellers' relationally, I have been able to use the stories that they shared with me over the course of my fieldwork, to open up for analysis the wider processes and practices of political recognition and social reproduction that have produced them as 'squatters' and have made their lives so precarious. Indeed it is only through the theoretical construction of the category of 'squatter' that we can appreciate the meaning, i.e. the political significance, of their homelessness.

In order to explain their tenuous hold on the body politic I have found extremely instructive recent scholarship, following Agamben (1998), on the politics wherein particular bodies cease to be able to register their lives within the juridical order, are perceived as alien and are thus quite legitimately condemned to violence (cf. Hansen and Stepputat 2005). This literature has been useful in explicating how the violence against pavement dwellers is legitimated. However, in order to understand how the urban poor came to squat on the sidewalks of the city in order to live, I found that it was essential to locate this national theatre of violence and sovereign power within a broader, geopolitical framework (cf. Mongia 2007). For, it is in the crisis of sovereignty that the newly independent Indian state faced as they struggled with chronic food deficits, and the consequent embrace of agricultural

modernization, that the narrative of transforming rural populations into pavement dwellers – alienated from the land - must be located.

I pursue this investigation through the relational construction and specification of the ‘living conditions’ of the urban poor, moving outwards from their precipitous location on the pavements of Byculla to incorporating the social relations through which they are produced as marginalised subjects living on the margins of the city and of citizenship. The outcome of this methodological strategy (cf. Hopkins 1978, McMichael 1990), is that the homelessness of the poor, when constructed as a relational outcome, becomes a critical vantage point from which to engage the particular modernist organisation of life and land that is invested in categories of citizenship and sovereignty. For it becomes a part of, rather than external to, the historical process by which citizenship and sovereignty are defined and secured.

Everyday Forms of Violence

While my project endeavours to understand the violent cartography of citizenship in contemporary Mumbai I do not address what is perhaps its most iconic moment, the riots and bomb blasts that took place between December 1992 and March 1993 (cf. Srikrishna 1998, Hansen 2001a). There are two main reasons for this treatment that I shall summarise briefly. Firstly, as pavement dwellers shared with me stories of their precariously located lives in the city, being at the receiving end of dehumanising violence, brutality, and epithets emerged as a horrifyingly common theme around which these stories swirled; yet they were not about the *lafda*, i.e. the riots, but about demolitions. Most of them had lived on the pavement for about twenty to thirty years, and

while the number of demolitions of their dwellings has tapered off in the past decade, I was told that in earlier decades it was not uncommon to have one's house demolished three or four times a month. What this narration of living in the city suggests is that the bloodshed, destruction and brutality that the city was witness to in December 1992- March 1993 was a demonstration of violent exclusion that pavement dwellers had lived through, perhaps not at that spectacular scale, on a fortnightly basis. So while the riots stood out as a jarring, transformative event for the rest of the city, for pavement dwellers, the brutality of that moment seems to have slipped in relatively unnoticed into their larger experience of violent exclusion in the city.

Enabling this incorporation is that the riots, while attempting to mark the Muslim as the Other, did not succeed in changing or even suspending the animosity that had long existed between the Muslim residents of the chawls and the predominantly Muslim pavement dwelling population who lived below their windows. Hansen's (2001a, p.153) description of the post-riot gestures of reconciliation between the largely Hindu police force and the Muslim leaders of Nagpada, Madanpura and adjoining 'Muslim' areas provides evidence of these largely unrecognised class lines that fracture what is widely perceived to be a Muslim 'ghetto.' On the occasion of Eid in the year following the 1993 riots, police officers reportedly greeted the congregation with flowers as they exited the mosque, a gesture that was accepted enthusiastically and Hansen reports, in the months and years that followed the relationship between the police and local Muslim leaders steadily grew. However even as the police and Muslim leaders of the area began a process of reconciliation, the fault-lines between predominantly Muslim

pavement-dwellers and the building residents grew wider apart. One indication of this deepening rift was that during Eid (Bakri-Eid) that year the pavement dwellers refused the sacrificial meat that was sent down to them from their Muslim neighbours living in the chawls. On Bakri-Eid, a festival celebrating Abraham's sacrifice to god, goats and cows are sacrificed and the sacrificial meat is distributed to the community at large. Typically it is an occasion for those better off in the community to demonstrate their largesse, though tellingly it is often the worst bits of meat that are distributed to the poor. Munira, who lived with her family on the pavement opposite the chawl's gate, recounted that the pavement dwellers of the area, who had in previous years accepted this gift that ritually established fellowship, were determined not to take meat from the chawl residents. For, during the riots they had refused to let the pavement dwellers take shelter inside the gated compound of the chawl. They had even refused to provide water when the pavement dwellers' usual supply networks were cut off as a result of curfews, police cordons and rioting. Stung by this betrayal, the pavement dwellers pooled resources and bought their own goat, an expensive enterprise for the poor to undertake, to sacrifice on the occasion. What Munira was directing my attention towards through this account was that just as in the case of demolitions, when the pavement dwellers would plead futilely with the *seth-log*² of the chawls to allow them to store their possessions and children in the chawl's enclosed compound during the demolition, during the riots, the chawl residents refused them protection.

² *Seth-log* is a term used to refer to men of a higher economic and social status such as businessmen, typically those who do not engage in manual labour themselves but are in the position of employing others to do so.

It is thus possible to understand why pavement dwellers viewed their violent exclusion from the city through the lens provided by the demolitions of their dwellings rather than the riots. It is also useful to keep in mind that while narratives of the 1992-1993 riots and of subsequent ethno-religious conflagrations converge on the rise of Hindu fundamentalism and the central role played in these conflicts by parties like the Bharatiya Janata Party and the Shiv Sena, the most devastating and widespread forms of violence against the urban poor in the city have, arguably, occurred under the 'secular' Congress party's watch and at their behest (e.g., May 1976 demolition of Janata Colony, July 1981 city-wide demolition of pavement dwellings, December 2004 – February 2005 demolition of slum and pavement dwellings).

The second reason for not addressing the riots in my narrative is that while my project has been greatly informed by the scholarship on violence and subjectivity in the making of the contemporary Indian citizen-subject (cf. Das 1995, Hansen 2001a), what I have sought to do is to extend the literature by shifting the focus from large conflagrations of ethnic conflict to the less visible but equally devastating violences that constrain the urban poor's daily challenge of social reproduction and struggles for political recognition. For pavement dwellers, perhaps more so than any other population, the ordinary acts of going to work, going to the toilet, and going to sleep, are feats of recovery in the face of violence. Everyday they brace themselves for tragedy. It may be the day when a demolition squad is rounding the corner ready to raze their constructions of home. Or it may be the day that the police come demanding their *hafta* (bribe) or to confiscate a *thela* (carts used by itinerant street vendors). Or it may be the night when a drunk driver runs over sleeping

bodies or the police decide to meet their monthly quotas and arrest some of the men for 'loitering' as they return from work. It could also be a fight at four in the morning breaking out between the already exhausted women who are queuing up at the fire station to get water. This shift in focus, to the quotidian productions of home, has allowed me to look at the constitutive role of violence in producing the 'ordinary' site and subject of the political, and not just as an extraordinary moment of suffering and injury. By examining violence as an ingredient of the 'ordinary,' I have sought to reveal the historical processes and discursive practices by which the legitimacy of such violence is secured.

The Pavements of Byculla

In Mumbai, of the sixty percent of the city's population who are perceived to be 'squatters,' the worst off are the ten percent or so who live on the pavements of the city, and whose living conditions are the focus of this dissertation. Pavement dwellers are those who cannot afford to live in a slum settlement and must carve out a space on the pavements of the city to house themselves. The spaces are not free; data from 1985 indicates that in many instances a six foot stretch of pavement was 'bought' for as much as Rs.2,500 (SPARC 1985). They typically seek out derelict areas in the city that nevertheless offer them easy access to places of employment. The pavements alongside old factories and warehouses in de-industrialised central Mumbai are prime sites for their dwellings. Despite their careful selection of sites, because they live on public thoroughfares, they are routinely subjected to violent evictions and demolitions of their homes – homes crafted through tiny enclosures of pavement, walled off by pieced-together bits of tarpaulin,

discarded advertisement hoardings and left-over construction materials. At night, because many of these dwellings cannot accommodate all the bodies in the household, beds and bodies spill over into the street. While typically seen as transients because of their lack of address, many of the pavement dwellers I engaged during the course of my fieldwork, had been living on the same stretch of pavement between 20 and 30 years, having survived the violence of countless evictions and demolition drives.

The pavements that I frequented most in the course of my fieldwork are located in an area known as Byculla (see Figure 1-1). It is a locality situated near the textile mills that once held out the promise of work, the wholesale bazaars, the red-light district and the railway station (Mumbai Central). From the colonial period onwards it has passed as 'home' for the city's poor and marginalised. Colonial records indicate that at the turn of the twentieth century the slums of Nagpada (a locality in Byculla) were considered to be one of the worst in the city. It is the site of the city's first public housing project, the 'First Nagpada Improvement Scheme,' executed by the Bombay Improvement Trust (cf. Conlon 1984). Several chawls, that quintessentially Bombay housing form, that were re-constructed or erected under the auspices of the First Nagpada Scheme are still there. They are encircled by pavement dwellings that are home to the migrating poor who came to Bombay, largely from eastern Uttar Pradesh and Darbhanga district in Bihar, in the 1960s and 70s. The residents of these chawls are now middle-class and look down upon the pavement-dwellers literally and figuratively, instigating many demolitions of their dwellings. As one of the pavement dwellers pointed out to me, "when

the demolition squads come, the chawl residents stand at the windows and point out to the police where we have hidden our belongings.”

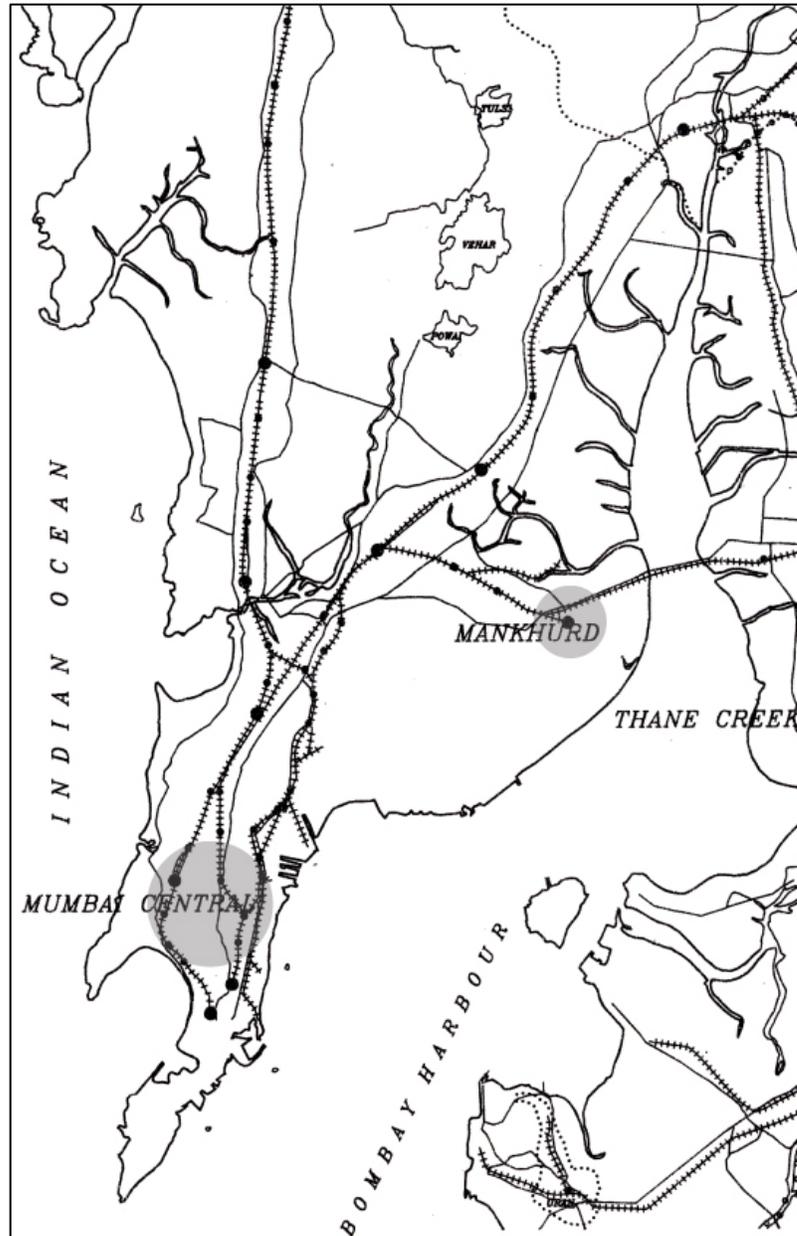


Figure 1-1. Map of Bombay and New Bombay showing sites of fieldwork: (i) Primary site - pavement dwelling communities affiliated with Mahila Milan, living in the Byculla, a locality east of Mumbai Central railway station (municipality ward E), and (ii) Secondary site - formerly pavement dwelling communities (from the Mumbai Central area) living in temporary housing near the construction site of the Milan Nagar Cooperative Housing Society in Mankhurd (municipality ward M/E). Map is not drawn to scale. Adapted from: D'Monte, Darryl. 2002. *Ripping the Fabric: The Decline of Mumbai and its Mills*. New Delhi: Oxford University Press, p.19.

The vast majority of the pavement dwellers work in the city's burgeoning informal economy, which as of 2001 accounted for 49.5 percent of employment in the city (UNCHS 2001, p.81). My interviews with many of my informants usually took place as they sorted scrap or did finishing work on garments, and on one particularly foul-smelling occasion, rendered animal fat into tallow in a large open cauldron around which we had to huddle. They work primarily as manual labour, itinerant vendors, waste recyclers and domestic workers. Data on the income levels of pavement dwellers living in Byculla indicates that in 1985 the incomes of the majority of the households were below the poverty line; seventy four percent of the wage earners being paid less than the minimum wage (SPARC 1985, p.15).

While these figures on the incomes of pavement dwellers are appalling, it is now well established that income poverty provides only a partial measure of the magnitude of material deprivation. Further, as Madhura Swaminathan (2003) points out, income poverty figures are misleading indices of living standards because they fail to capture an essential feature of the lives of the urban poor, which is their lack of access to public goods – which means that higher incomes do not necessarily translate into better living conditions. Data from her longitudinal study of the pavement dwellings on Dimtimkar Road in Nagpada, where many of my informants lived until 2006, substantiates her argument. For while the average per capita income had increased from Rs.142 in 1985 to Rs. 292 in 1992, and the majority of the households had moved above, but just above, the poverty line, the material living conditions of the pavement dwellers showed little change for they still had no access to basic

public services such as water and sanitation and had to make do with highly contaminated water and make-shift toilets (Swaminathan 2003, p.104).

The slight rise in income levels that Swaminathan (2003) has tracked can quite possibly be attributed to the fact that, starting in 1986, the pavement dwellers of Dimtimkar Road organised themselves to fight the demolitions of their dwellings. While not stopping them altogether, they were able to both reduce the number of demolitions and the severity of the damage, thereby reducing the economic toll that each demolition exacted. During a demolition not only are the building materials used to fabricate their homes destroyed, but the personal belongings³ of the pavement dwellers are usually confiscated as well, and wage-earners typically have to miss at least a day's work, more if they or their children are injured in the course of the demolition. The organisation of pavement dwellers of Dimtimkar Street was part of a larger mobilisation of pavement dwellers, primarily the women who lived in these pavement dwellings, that came to be known as *Mahila Milan* (trans. collective of women). Today there are *Mahila Milan* collectives not only across pavement dwelling settlements in the city, but also across the nation. This loosely organised network of collectives of pavement dwellers works in alliance with two other organisations, SPARC and the National Slum Dwellers' Federation to transform the living conditions of the urban poor. The fieldwork for this

³ In Appendix A I provide a list of personal belongings confiscated during a demolition of pavement dwellings on Sophia Zuber Road in Nagpada that took place on 3 November 1988. As the list indicates personal belongings include not only household goods – cooking vessels, food, bedding, pails etc. – but also the tools and materials upon which the livelihoods of the pavement dwellers depend. This list was appended to the document containing the judgement on the 1989 Bombay High Court case Nazamunnissa Shaukat Ali and another Vs. Municipal Corporation of Greater Bombay and others. However while the judgement was subsequently published in the 1990 *Criminal Law Journal*, the list was not. It is however available at SPARC, who supported the intervention by the petitioners in the case.

dissertation was conducted, in large measure, through my engagement with these three organisations.

The non-government organisation that catalysed the organisation of the pavement dwellers of Byculla is the Society for the Promotion of Area Resource Centres (SPARC), which was formed in 1984. SPARC comprised of a small group of middle-class activists and has since grown immensely in its scale of operations, though not in size. Its efforts are directed at facilitating the access of the urban poor to public resources, and more broadly, at transforming the relationship between the state and the urban poor from one of the abandonment of the latter (though there are also sporadic acts of paternalism) to one of accountability and what T. H. Marshall (1964) referred to as 'abatement.' Today it has worked its way into policy-making circles in the city as well as nationally and internationally. This development, together with some rather unconventional organising practices (the subject of Chapter 5) that can be roughly characterised in terms of a disavowal of confrontational politics and rights-based activism, has invited some amount of hostility from other NGOs.

In 1986 these two young organisations, SPARC and Mahila Milan, joined forces with the National Slum Dwellers Federation (NSDF) to secure housing for the urban poor. The NSDF was formed in the early 1970s in Janata Colony, a slum in Mankhurd that was the site of the largest and most brutal evictions that the city had witnessed until then⁴. It has since developed chapters across

⁴ The demolition of Janata Colony and the eviction of its 72,000 residents on 17 May 1976, together with the April 1976 demolition of the slum settlement in Turkoman Gate in New Delhi stand out as sites of the worst excesses of the period referred to as the Emergency, a

the country, working in 52 cities, with a constituency of over 750,000 slum dwellers. This three-way partnership between SPARC, NSDF and Mahila Milan, often referred to as the Alliance, has over the years gradually succeeded in gaining political recognition of the urban poor and advancing the claims of the poor to public goods and to housing. As of April 2006 the pavement dwellers of Byculla became apartment dwellers in Mankhurd, in a complex of buildings that comprise the Milan Nagar Cooperative Housing Society.

The original goal of my dissertation project was to tell the story of how the Alliance had succeeded in getting housing for pavement dwellers from a revanchist city that had until recently refused to include pavement dwellers in the population statistics of the city much less provide them access to public goods. However within weeks of my return to Ithaca from Mumbai, my 'field' literally disappeared and my narrative changed course abruptly. In December 2004, the newly elected state government, which had come to power at least in part by virtue of promising to provide housing to those among Mumbai's poor who could prove that they had settled in the city before 2000 (the previous 'cut-off' date being 1995) embarked on a three-month orgy of violence against the poor (cf. Koppikar 2005). In the first week of December 1,000 small slum settlements were bulldozed; by the second week, the government promised to raze to the ground 2,000 houses everyday, roped in

period when democratic rule was suspended by Prime Minister Indira Gandhi under the pretext of rooting out the corruption that was holding back the country's modernisation efforts (cf. Tarlo 2003). What is particularly revealing about the demolition of Janata Colony is that the residents were not encroachers, they had been given this plot of land in 1949. They were just poor, and were required to make way for 'the public good,' which in this case was the extension of the residential facilities and clubhouse of the adjoining campus of the Department of Atomic Energy, where, incidentally, many of them were employed (cf. Patel 1996).

'citizens' to report encroachments and hired private security guards to protected the cleared lands. By the end of the first month over 50,000 houses had been demolished. The evictions continued for another month and a half before finally coming to a halt at the end of February 2005. The violence was largely met with applause from the middle class. As for the urban poor, the target of the violence, they did not leave; they either lived on top of the rubble that used to be their home or found a new place to live, gradually rebuilding their homes and lives, duly disciplined.

Sitting transfixed in front of my computer, reading reports of the demolitions, I was provided with a brutal reminder that the story of citizenship that I was thinking of developing through relating the making of Milan Nagar had to be held in tension with the long history and experience of violence from which this successful and undoubtedly heartening project of accommodation had emerged. I was particularly provoked by an article on the demolition of Kranti Nagar, a slum near the airport, where Ranjani Prakash Vetale, a resident, was reported to have cried out to the demolition crew as they razed her house, "*Amhala pay theyvala teri zaaga dhya,*" i.e. give us at least some place to stand, before asking "where do we go now?" (Where do, 2005). In the months that followed, as I worked through my field notes, providing a historicized understanding how it was that she, my informants, and the larger population that was the target of this demolition drive, had run out of place to stand, to live, became the driving impulse of the narrative that emerged. Explaining how this condition of abjectivity – of having no place upon which to conduct the daily business of reproducing one's life and of being subject to

violence – was produced, reproduced and subverted prompted both a relational formulation of ‘living conditions’ and its logic of exposition.

Outline of Chapters

Chapter Two provides an introduction to the degrading living conditions of the pavement dwellers of Nagpada, focussing on what the everyday acts of bathing and going to the toilet entail. Here I discuss how the exclusion of pavement dwellers from access to public facilities such as sanitation and water reproduces and amplifies their marginality. For not only do pavement dwellers pay much more for these services than do the middle-class, but by being compelled to take care of their bodily functions in degrading and public ways, they come to be seen as sub-human and consequently reproduced as targets of violence. The chapter serves as a prologue to the discussion of the production and reproduction of the abjectivity of the poor that is provided in subsequent chapters.

Chapter Three provides a methodological exegesis on the figure of the pavement dweller, ubiquitous in contemporary Bombay. I historicize the fragile ‘living conditions’ of pavement dwellers of Byculla by examining the circumstances in which they came to live in the city, over thirty years ago. I provide an analysis of the historical processes that have rendered the urban poor out of place and constituted them as Other on the terrain of citizenship. Given the middle-class and politician’s frequent admonition that ‘these people should go back to their villages,’ the argument I make is that it is vital that we investigate why this is not an option. For it is only then that we can begin to apprehend the material and political alienation of pavement dwellers from the

body politic. The stories pavement dwellers' shared with me about their flight to the city allowed me to link the imperilled material and political circumstances of their lives in the city, to the Green Revolution and the changes it wrought both in the relations of social reproduction and the form of electoral politics. This linkage proved to be essential to understanding the hostility of the middle class towards the poor as well as the asymmetrical and ambiguous relationship between politicians and the poor.

Chapter Four provides an examination of the *locus standi* of the urban poor in the juridical order, and finds that as 'squatters' their ability to lay claim to the state and to the city, as a matter of entitlement, to be severely compromised. Through an investigation of three different instances - a case adjudicating the valency of the Pavement Dwellers' right to life, a case contesting the confiscation of personal belongings during the course of a demolition, and a debate over who can legitimately lay claim to the right to the city - I explore how the violent exclusion of the poor from the site and subject of the public is justified.

Having portrayed the marginal location of pavement dwellers on the landscape of rights, I proceed, in Chapter Five, to look at how the Alliance has sought to challenge the abjectivity of the urban poor. The interpretive approach that I have taken to their practice is a prospective one, what Santos and Rodriguez-Garavito (2005) have referred to as a "sociology of emergence" where the "traits of ... struggles are amplified so as to render visible and credible the potential that lies implicit or remains embryonic in the experiences under examination" (p.17). What I found in my analysis of their

practice of mobilisation and the terms by which they engaged the state, is that rather than pursue inclusion into the extant liberal conception of the citizen, they have sought to pluralize the notion of the citizen to which the state must be accountable, and must eventually accommodate.

Chapter Two

BODY POLITICS: A PROLOGUE

The inhumane conditions under which the urban poor in Mumbai engage in the everyday act of expelling bodily waste both indicate and perpetuate their abjectivity. For they are forced to defecate in poorly maintained toilets or in public view, sights that not only attest to the structural violence of poverty (cf. Farmer 2003), but also serve to justify their expulsion from the city, and from the body politic more broadly. To understand the bio-politics of contemporary citizenship wherein the urban poor is constructed as Other, it is thus useful to get a sense of what the daily acts of bathing and going to the toilet entail and mean for pavement dwellers in contemporary Mumbai. An examination of the politics of human waste provides an opportunity to understand the complex ways in which the bodies of the urban poor are constructed and treated *as* human waste, as matter to be expelled. The construction, as is indicated by the frequent evictions of the poor under the pretexts of cleaning the city, is a powerful one. This chapter, by focussing on the conditions under which the poor are compelled to undertake an essential act of living, serves to introduce aspects of the abjectivity of the city's poor that are taken up in detail in subsequent chapters.

Politics of the Effluent

All the pavement hutments along Kehimkar Road⁵ in Nagpada have large plastic drums filled with water, hosepipes neatly coiled on top of them. Often

⁵ The names of certain locations and of pavement dwellers have been changed.

a small wooden plank with wheels, a makeshift trolley not unlike a skateboard, can be detected wedged next to the drums. These drums, that once contained industrial chemicals, have been scrubbed and put to use as storage for the day's supply of water for each family, used for cooking, drinking, and the washing of clothes, utensils, and bodies. The illegal water connection procured in the run-up to the last election provides most of the water used by this pavement dwelling community. The public water lines that run below the pavement have been tapped into, providing a single faucet for the pavement dwelling community in exchange for their votes. To keep it out of view, a jerry can is placed on the pavement in front of the faucet that springs up from a hole in the pavement. But it is a single tap that can only be used under the cover of darkness. Still, it is an improvement on the old days, when the pavement dwellers would have to trawl nearby streets for someone who would provide them water. The Apna Street pavement dwellers are more fortunate; they have made a *bandobast*, an arrangement, with the local fire station located at the end of their street that allows them to tap a fire hydrant. And so every morning, at about 4 a.m. a queue forms at the hydrant, tired women, with pails and drums, lining up to collect a few *handis* (pots that hold about ten to fifteen litres of water) of water for the day (Crandall-Hollick 2002). The water that they get from the hydrant is typically not enough to meet their household's needs – amounting to only three or four *handis* – so they also have to buy a few *masaks* (leather containers used for water) every day (Sharma 1999). A SPARC study of the ways in which the pavement dwellers of Nagpada procure the water that they need everyday is illuminating. Not only does it reveal that each household spends about Rs.30 a month for 80 to 100 litres of water a day, but that at Rs.10 per 1000 litres they

are paying twenty times more than do legally housed residents for whom the Municipality supplies water at 50 paise per 1000 litres (Sharma 1999).

“There is a water-tap right there, just inside the gate,” Jamila gestures to the chawl that is across the street from her home, a bare 50 yards away, “but they refuse to give us water, even during the riots they refused. Instead, we had to go to 14th Street to fetch water.” 14th street is in Kamathipura, a neighbourhood located about fifteen minutes walking distance from her home. It is the city’s oldest red-light district, and unlike Nagpada, perceived to be a ‘Hindu’ area. “There is no sense of *qaum* (community) here, the chawl residents (who are largely Muslim) don’t give us water, but the Hindus from Kamathipura do,” continues Jamila, providing a sense of the complex geographies and negotiated arrangements that come into play in order to realise the everyday provisioning of the households of the urban poor. While the men and small children typically bathe in public, stripped down to their underwear, women cannot exercise that option. Jamila either slips into the bathroom at the morgue in a nearby hospital ten minutes away, or uses the public restrooms provided on the platforms at Bombay Central, the railway station located about a twenty-minute walk from where she lives. To get to the latter, she has to walk through an extremely crowded thoroughfare, cross two major traffic junctions, enter the station using a hole in the wall as she is not a ticket-holder, and cross the railway tracks before she can get to the restroom provided for the convenience of the commuting public. And then she has to make the journey back, hoping that the railway police do not stop her as she picks her way back across the tracks.

Going to the toilet is an even more problematic proposition than bathing and procuring water.⁶ There is a public toilet located a few streets away from Jamila's home, in a state of absolute disrepair. Most public toilets, ostensibly maintained by the city's municipal authorities, are unusable, particularly those that are located in or near slum settlements. A survey of municipality toilets conducted by the Alliance in the mid-1990s, of 151 settlements of the urban poor (comprising a total population of 1,022,016 people), revealed that 80 per cent of them were not working, the consequence of which was an absurd ratio of one toilet seat per 1,488 people (NSDF et. al. 1997, p.12).

For the most part the pavement dwellers had to devise arrangements, other than the use of the city's public amenities, in order to meet their need for a toilet. Typically they pay a local shopkeeper or an obliging guard at a nearby building for use of their toilet. This is an expensive arrangement; given an average family size of five, the daily toilet expenses can equal the daily income of the household's primary wage earner. Not surprisingly therefore, they strive to limit their use of paid (formal and informal) toilet facilities, relieving themselves in alleyways, in plastic bags, at garbage dumps and along the railway tracks. Commuters on the local trains are inured to the sight of men and boys picking their way along the tracks, pails of water in hand, looking for a spot to squat, and if they are lucky, a spot where they will not be in view of the commuters when they squat down on their haunches. Women are rarely sighted during the day in these settings, having to wait for the cover of darkness to give them some sense of privacy before they can relieve

⁶ UNDP's *Human Development Report 2006* indicates that globally the sanitation deficit outweighs the deficit in the availability of potable water by two and a half times; 2.6 billion people live without access to adequate sanitation facilities (p.112).

themselves there. The absence of a functioning, accessible and safe toilet also means that mothers would rather have their young children use the road adjoining their dwelling where they can keep an eye on them than send them to these 'wastelands' unescorted.

Considering the size of the city's slum and pavement dwelling population, and the paucity of adequate sanitation facilities, it can be surmised that given the quantum of faecal matter that is disposed of in the open, in and around the living spaces of the poor, that the poor are literally living in the conditions of their own demise. Appearances to the contrary, however, these conditions are created by a social order where the extension of public facilities to the poor as a matter of entitlement has little political purchase. The provision of toilets that the city's poor can access, is seen by many middle-class actors as 'encouraging' the influx of 'squatters.' Underlining the absurd logic of this position, Vibha, a SPARC activist, derided, "What do they think? That people are coming to Bombay to go to the toilet?"

The fact that a large number of the city's residents have to defecate in degrading conditions has a lot to do not only with the hostility with which the poor are viewed but also with the government's infrastructure development priorities, which are increasingly catering to the extension and subsidisation of private interests. As a critique of the approach to infrastructure development adopted in the government's Tenth Plan makes clear, "A poor person's notion of essential infrastructure would be schools, hospitals, anganwadis, and other facilities that can be accessed by entire communities. This is in contrast to the notion that infrastructure means new airports, tolled expressways, flyovers,

and so on. The Approach Paper, by upholding the latter, prescribes a course that is iniquitous” (Sridhar 2006, pp.34-35). These priorities are reflected in the initial design of the Mumbai Municipality’s project to upgrade the city’s sanitation facilities, which completely ignored the need for toilets and sanitation facilities of the millions of people living in the city’s slum settlements, choosing instead to focus on investing in sewage treatment plants (Burra et al 2003, pp.13-14). Challenged by the Alliance who pointed out that the project did nothing for the treatment of sewage lying in stagnant, fetid pools in the areas in which the majority of the city lived, the Municipality, and the World Bank which was financing this project, eventually agreed to set aside US\$5.5 million of this US\$ 192 million project for the construction of toilets for the urban poor. Had the Municipality not been challenged, the settlements of the urban poor would have been completely bypassed by the newly refurbished public sewers and the poor would continue to live in their own shit, which, as Daniel Nugent (2001) points out, is why sewers are usefully understood as “underground grids of power” that play a critical role in the production of subjectivities (p.146). As SPARC activists frequently point out, given that the Mumbai Municipality is the richest municipal corporation in the country, and the fact that budgetary allocations for the construction of public toilets lie unutilized the lack of financial resources is not the reason why the poor are forced to live in such squalor. Rather, as Vibha makes clear, “The universal provision of sanitation is a political choice not a technical or an economic one.”

Producing Abjectivity

Abjection, Ferguson (1999) points out, “refers to a process of being thrown aside, expelled, or discarded. But its literal meaning also implies not just being thrown out but being thrown *down* – thus expulsion but also debasement and humiliation” (p.236). It is not hard to see why abjection offers a particularly apposite way of capturing the conditions under which the urban poor go about the business of bathing and certainly of going to the toilet. The daily act of defecation is both a dangerous and humiliating bodily function for the urban poor. They are faced with the choice of braving lines for a dysfunctional public toilet, heckling commuters, fast-moving traffic or toxic garbage dumps and sewers. Forced to bare oneself in public, it is an act of unimaginable indignity, repeated daily and witnessed daily. As they shit, the poor reproduce their abjectivity.

João Biehl (2001), recounting his introduction to his field site in Porto Alegre, relates how the city’s AIDS coordinator told him that if he wanted to understand the consequences of neoliberalising health care then he must go to Vita, an area of the city where its destitute and sick are abandoned, saying: “You will see what being human in this land is becoming, what men do to men.” (p.132). In Vita he is confronted with the horrifying spectacle of the poor, literally being left to rot, their bodies ravaged by disease and deprivation. To understand what being human in Mumbai is becoming one rarely has to go any place in particular, one only has to witness the conditions under which the majority of the city’s population takes part in the human act of defecation. And yet, it is not the suffering wrought by ‘men’ that is seen, but the defilement of the city. “Bum-bay,” the neologism that the middle-class

uses to express their indignation at what the disgusting 'habits' of the poor are 'doing' to their city, is everywhere.

Clearly to 'witness' these conditions is not the same as apprehending the degrading way in which the urban poor are forced to take care of their bodily needs. For everyday the city's 'lavatoried' residents are exposed to this degradation of life, they see as they make their way through the city what "men do to men." But instead of "bearing witness" to the suffering of the poor (cf. Farmer 2003), to what being human in this city has become, these spectators perceive human waste. As Farmer argues, to 'bear witness' references a different order of perception, where the social ordering of suffering comes into view. But for the majority of the 'housed' public in Bombay, it is not suffering that they see when faced with the degrading living conditions of the majority of the city's population, but the dirt that they have traditionally associated with lower castes and the uncivilised ways of the *gavaar* (the underdeveloped villager). Shirish Patel (1996), recognised as one of the city's leading planning authorities, provides a scathing critique of middle-class attitudes towards the city's poor:

Our centuries-old caste traditions encourage the drawing of clear lines between social groups. We strongly discourage mobility up the social ladder. The middle-class, which is in power in India, certainly does not want the lower classes moving up to their level. Pucca dwellings, even if only 225 sq. ft. in area, are seen as the privilege of the middle-class. The feeling is that it is quite proper that those lower in the social scale should live in *jhopdis*,

and equally proper that their habitations should be 'illegal' and open to bulldozing and demolition at any time... insecurity needs to be brought home to them at regular intervals by police actions that destroy their homes and displace them from where they are, although of course they can then be permitted to slowly creep back again to where they were, the lesson of insecurity having by then presumably been properly learnt (p. 10).

Like the *abandonados* of Vita that Biehl introduces to us, whose humanity is beyond recognition through deliberate bureaucratic procedures that animalise the destitute, the urban poor of Mumbai are de-humanised by their sub-human living conditions. These assessments are reproduced through terms such as 'squatter,' which brings together notions of encroachment of property, squatting down on one's haunches to defecate, and a position that has traditionally been used to express deference, marking the wretchedness of the body of the poor in relation to the body politic.

What occurs as a result of large numbers of the poor having to defecate in public is that the notion of human waste is transposed onto them. They are seen to have no shame because they shit where they can be seen - and in the process, i.e. through their transgressions, they become equated with the very matter that they have little choice but to expel in public. Lacking shame, humanity cannot be accorded to them, this filthy Other, by those who are exposed to and indeed claim to be persecuted by their 'shameless' behaviour. The deprivation of the poor mutates into evidence of their depravation (cf.

Stallybrass and White 1986). Such evidence is used to perpetuate further violence upon them.

'Clean Mumbai' is a relatively commonplace hoarding in Mumbai, presumably reminding citizens of their civic duty to dispose of their waste correctly. For the poor, however, this sign conveys a more sinister meaning. For they have typically been the targets of 'cleaning,' they are the city's waste. Their wasted bodies, their work as waste-recyclers, as scavengers, their lack of access to basic sanitation facilities all meld together to designate them as 'human waste,' whose continued presence defiles the social ordering of the subjects and spaces of the city. They have been the object of evictions and the easy targets of the bouts of ethnic cleansing, the methods through which the cartography of citizenship is traced in the city. "*Jhoprapatti, Kachhrapatti!*" (trans. 'slum dwellings are garbage') is a familiar refrain.

On an October afternoon in 2004 Rafiyabi repeats this refrain to me, as a slogan that was chanted at a pre-election political rally held on their street by the local Bahujan Samaj Party councillor. The slogan was clearly a bid to win the votes of the residents of the *chawls* that lined the street, by appealing to their desire to get rid of the pavement dwellers who lived below. This refrain, she relates, was interspersed with "*kachhra ko nikaal do*" (trans. get rid of the garbage), and she points out it was clear that they were certainly not talking about holding the street cleaners accountable, or even clearing the mountains of scrap (plastic, cloth, cotton, paper) that fronted almost every pavement-dwelling, but about the people who sorted the scrap, i.e. the pavement dwellers. "It is not because we are Muslims that they are calling us *kachhra*,

we are all Muslims here, but it is because we are from Bihar,” she explains referencing the multiple, overlapping exclusions of the prevailing politics of citizenship being played out in the city. In doing so she is also marking herself, as others clearly do, as an outsider, a migrant from Bihar, even though she has lived in the city since the 1960s and raised children and grandchildren on the pavements of Nagpada.

Through this process of othering the poor find it challenging to be recognised as legitimate members of the city’s ‘public.’ The neglect that defines their degraded environment provides a good indication that they are not seen as worthy of government in the Foucauldian sense of the management of social reproduction (cf. Cheah 2006). The equation between the poor and bodily waste, wherein the poor are seen as human waste, leads to them being treated as human waste, as matter to be expelled. It is a perception that provokes the demolition of their dwellings and the removal of the poor from the city through evictions and ‘deportations.’

By portraying what one small but essential aspect of living in the city entails and means this chapter serves as a prologue to the discussions of the production of the insecure living conditions of pavement dwellers. If, as SPARC activists contend, the poor have not come to the city to go to the toilet, then what brings them here, to the edge of the road? In the next chapter I discuss the transformations in the relations of social reproduction that brought the rural poor to the pavements of Byculla over thirty years ago, and analyse how they became a people out of place, both materially and symbolically. In the fourth chapter I explore how the violence against pavement dwellers is

justified and the challenges that they face in being recognised as citizens. The association of filth with the bodies of the poor that this prologue presents is an essential factor in the construction of the urban poor as the Other, against whose transgressions the properties and proprieties of the rightful subjects of the city (and users of the sewers) must be secured. The last chapter presents the efforts of the Alliance to recover the historical subjectivity of the poor, who have been rendered abject through the repeated demolition of their houses and the degradations of everyday living on the pavement.

Chapter Three

PEOPLE OUT OF PLACE

Making visible the experience of a different group exposes the existence of repressive mechanisms, but not their inner workings or logics; we know that difference exists, but we don't understand it as relationally constituted. For that we need to attend to the historical processes that, through discourse, position subjects and produce their experiences. It is not individuals who have experience, but subjects who are constituted through experience (Scott 1994, p.369).

In the obscene hierarchy of the wretched in Mumbai, those who live on the pavements form the base. They are literally a people out of place, having being denied every option aside from encroaching on the pavement in order to reproduce themselves. From the repeated demolitions of their dwellings it is clear that they are also 'a people out of place,' in the sense that we get from Mary Douglas' ([1966] 2005) analysis of dirt as being "matter out of place;" where "Dirt is the by-product of a systematic ordering and classification of matter, in so far as ordering involves rejecting inappropriate elements" (p.44). For, as I will endeavour to establish in this chapter, pavement dwellers are by-products in the ordering of body and territory that is constitutive of modern sovereignty. This has been a process that has left large swathes of the population physically and discursively "out of place," perceived as "inappropriate elements." As a people out of place, there seems to be no limit to the violence that can be visited upon these bodies. Whatever

accommodation is made for them is largely arbitrary. Certainly the direct and indirect violence to which they are exposed attests to the difficulty they face in being recognised as part of the body politic.

In considering how we might account for the precarious fate to which these bodies have been abandoned it is clearly not sufficient to bring to light the deplorable living conditions of urban poor, for that, on its own, serves little by way of explaining *how* they have become Other on the terrain of citizenship. As Joan Scott (1994), in the excerpt cited above, has argued in connection with efforts to make visible the experiences of the marginalised, that effort alone does little to restore the marginalised to the histories from which they have been written out of. Rather, she demands, such experiences must be explained, which is to say that the production of marginalisation, of the historical production of a people out of place, must be pieced together if we are to challenge the discursive foundations of othering. Complementing the methodological point Scott raises with regard to the historicization of experience, Paul Farmer (2003) argues that “making sense of suffering” must be supplemented with an “explaining” of suffering (p.39). If the former task is accomplished by recognising the nature and depth of suffering, the latter, he contends, requires us to investigate the production of that suffering. This task demands that we develop an account of that particular experience of suffering that is not empiricist, incarcerated in its particular location and moment of articulation. Rather, he compels us to develop a “geographically broad” and “historically deep” account of the social relations that produce the particular instances of suffering that we confront (p.42). It is to this task, of explaining

how pavement dwellers were historically produced, as Other, as a people out of place, that I attend to in this chapter.

I do so by historicizing the fragile 'living conditions' of pavement dwellers, locating them within the changing configurations of authority over land and life as the Indian state pursued the project of 'national development.'⁷ As I investigated the circumstances of the pavement dwellers' migration to the city, what I found lodged in their ragged encampments on the side of the road was a history of the changing practices of sovereignty that have shaped political power and the terms of life in postcolonial India. Initial attempts by the newly independent state to reduce its dependence on food aid, and thereby register its sovereignty within the community of nations that it had just joined, were severely compromised as its agricultural strategy failed on several counts. To recoup its rapidly diminishing claim to be a sovereign entity, the state adopted a process of agricultural modernization now known as the green revolution.⁸ This project, while succeeding in its mission to reduce food imports, radically transformed the basis of social reproduction and the nature of electoral politics as it cast out millions of peasants from the rural India and transformed them *en masse* into "beggars, robbers, vagabonds" (Marx [1867] 1970, p.734), i.e. the 'other' against which the subject of

⁷ 'National development,' i.e. the creation of 'an economy' comprising of an industrial sector and an industrialised agriculture sector that would feed off each other, was a model that emerged out of a particular moment in US history (Friedman and McMichael 1989). As nationalist movements sounded the death knell of colonialism by the middle of the twentieth century, the model subsequently became the prescription for economic success for newly independent countries determined to establish their sovereignty (ibid).

⁸ Ironically, the adoption of this particular strategy of recovering state sovereignty on the international stage, i.e. the Green Revolution, was in no small measure the result of the strong-arm diplomatic efforts of the American government.

sovereignty – whose right to protection from state violence is recognised – is constructed.

While scholars of the current conjuncture, drawing on the work of Arendt (1951) and Agamben (1998), have provided some extremely important analyses of the violence inflicted on populations considered to be ‘out of place’ as indicative of the new ‘internal’ theatre of sovereignty (cf. Hansen and Stepputat 2005), less recognised is the fact that these displaced bodies are a product of the pursuit of the external aspect of sovereignty (the terms by which states seek to establish themselves as independent entities). This chapter brings these two theatres of sovereignty in relationship with each other through its investigation of how the pavement dwellers of Byculla come to be a people out of place. It is to this historical structuring of land and life that is vested in the concept of sovereignty, of the terms by which the boundaries of territory and humanity are recognised and consequently gain protection from state aggression, that I now turn.

Subject of Sovereignty

When India gained independence in 1947 the vast majority of the population lived off agriculture, though in conditions of extreme inequality. Agriculture itself was marked by low productivity, both as a result of low levels of investment and because the majority of farm holdings were too small to be considered viable investments in economic terms. Seeking to transform the low productivity of agriculture and the great disparities of wealth and power in rural India, the government sought to develop an economic policy that would raise productivity through the introduction of new techniques, develop

institutional mechanisms to bring about redistribution, and promote the growth of industry which would in large part act as a sump for the 'under-employed' rural population. However, Nehru's attempts to effect redistributive change in the institutionalised nature of rural inequality foundered as the Congress party remained beholden to rural landlords to deliver votes at election time (cf. Kohli 1987, Frankel 1978, Ladejinsky 1977, Thorner and Thorner 1962).

The government was not able to make much headway in improving agricultural productivity either. The labour-intensive agricultural strategy adopted by the state in light of its redistributive goals failed to take off as the institutional incentives for the small farmers who were the target of this strategy - land redistribution, cooperatives, etc. - were blocked by the extant rural power structure (Frankel 1971).⁹ The ensuing food deficits lead the government to accept American food aid, under PL-480, by the late 1950s. In the first half of the 1960s, continued food shortages and the very modest gains in agricultural output made obvious the failure of the government's ability to realise its agricultural development strategy, for neither redistribution nor productivity increases had occurred at any significant level.¹⁰ Introducing his work on the critical role of agriculture in the making of the Indian nation-state, Gupta (1998) points out that while initially the low level of

⁹ Furthermore, as Thorner and Thorner (1962) have pointed out, the land reform legislation did not spur large landowners to improve the productivity of their holdings, rather, they found it more profitable to earn rent from their lands, driving the rents so high that the actual cultivator of the land was left with little to invest in the improving the land's productivity and could only hope to stay out of debt.

¹⁰ One index of this double failure is the level of malnutrition that existed: "According to estimates made by the Indian Planning Commission in 1960/61 - after the first decade of planning - fifty to sixty percent of the rural population, or approximately 211 million people, could not afford minimum levels of consumption, calculated primarily in terms of caloric intake necessary to avoid the onset of malnutrition" (Frankel 1978, p.4).

industrialization was perceived by India's planners to compromise the sovereignty of newly independent India, "it was a crisis in the agricultural sector that truly challenged the sovereignty of the nation-state" (p.60). Cumulatively, the failures of agricultural policy on both the productivity and the redistribution fronts, served to make 'population pressure,' i.e. the inability of the land, so long oriented to the pursuit of colonial interests, to meet the subsistence needs of those who tilled it, the stumbling block of the nationalist quest for sovereignty.

Three events in the 1960s hastened the abandonment of the previous redistribution oriented, labour-intensive strategy for achieving food self-sufficiency and agricultural growth: the death of Nehru in 1964, sharp dips in food stocks as a result of the failure of the monsoon in 1965 and 1966, and the 'short-leash' food diplomacy exercised by the American government.¹¹ Together they heralded the 'Green Revolution' – a strategy of increasing agricultural productivity and achieving food self-sufficiency through the use of capital-intensive technologies in targeted areas, favouring better endowed agricultural areas and upper and middle class farmers, and undercutting the subsistence basis of the vast majority of rural India. With this development the subject of public action and investment had narrowed from the large populations of the poor and the marginalised who would have benefited from land reforms to the vastly smaller target population of upper and middle-class farmers whose size of landholding allowed them to take advantage of the

¹¹ Kohli (1987) argues that the Congress party's failure to push through its key post-Independence rural development agenda, i.e. land reform, exposed a political vulnerability that prompted the party to gradually back-track from its redistribution-based agricultural development strategy and embrace agrarian capitalism in order to ensure its political survival.

green revolution's agricultural technologies and the public subsidies that made it possible. As Kohli (1987, p.75) puts it, the green revolution represented an understanding that "the only way to improve the "food situation" was to support private profitability by public action." What did this shift signal in terms of the pursuit of sovereignty? Where the land reform initiative sought to incorporate millions of marginal farmers and landless agricultural workers in the effort to overcome the state's dependency on food imports to feed its people, food self-sufficiency being an important index of sovereignty, the green revolution saw it worthwhile to engage, and thereby valorise, the efforts of only a small segment of the country's farming population to participate in resolving the crisis of feeding the body politic.

To get a sense of how this pursuit of sovereignty changed course, and understand how these changes expressed on the international front created the conditions for producing a people out of place domestically, we need to return to Nehru's death in 1964 and the resulting change of guard allowed a new lease of life for the proponents of intensive, targeted agricultural strategies. They had previously lost out to those advocating a redistribution-based strategy of attaining agricultural self-sufficiency, and thereby national sovereignty. Strengthening the case made by the former was the food deficit crisis of the mid 1960s. For two consecutive years, 1965-66 and 1966-67, the monsoons had failed, leading to the worst drought in 50 years. The resulting food shortages were dire; the government urged people to give up a meal a week in order to conserve scarce resources. For many however, as news reports of that period (cf. EPW 1966) and present day recollections of the urban poor in Mumbai attest, missing a meal was not a choice, death by

starvation was a very real and immediate possibility. Reporting on the conditions in Bihar in 1966, the state where many of the Byculla pavement dwellers came from, a correspondent reveals that, "Starvation deaths are already occurring, cattle have been let loose to fend for themselves in the drought-hit areas. Hundreds of villagers queuing up in front of bania shops to pawn their few belongings is now a common sight in most towns of Bihar" (A Spectre 1966, p.656) and that the "trek to the big cities has already begun" (p.657).

Food aid from the United States, having grown from 3.1 million tons in 1956-57 to 10 million tons in 1965-66, came to the rescue, but on terms that made plain the state's complete dependence on the United States to provide food for its people, and the failure of its strategy for 'national-development'. President Johnson completely undercut any illusion that the Indian state might have had about acting as a sovereign nation-state, by demanding that the government present its food requirements on a month-by-month basis, keeping India on a 'short-tether' in order to bring its economic policy in line with US interests. The US government would make its decision depending on the Indian government's monthly progress on the reform front. As Gupta (1998) has pointed out in his discussion of this crisis and the "food diplomacy" exercised by the United States, while policy makers were already moving from a redistribution emphasis to a capital-intensive national agricultural strategy in the wake of Nehru's death, "The *manner* in which Johnson treated Indian leaders and policy makers was to hasten the drive to food self-sufficiency to no small extent..." (pp.62-3).

Thus was the green revolution born, a strategy that disproportionately favoured large farmers and marginalised small farmers (cf. Frankel 1971) in the effort to minimise the country's humbling dependency on food imports. Census data indicates that by 1971, half the farming population were classified as marginal farmers, cultivating holdings of less than 2.5 acres, and accounted for only 9 percent of all farmed land, whereas in 1961 small and marginal farmers who comprised slightly over half of all cultivators, farmed approximately 19 percent of all agricultural holdings (cited in Frankel 1978, p.493). The amplification of rural inequality, that was a consequence of the move to a capital-intensive agricultural strategy, hastened rather than lessened the massive exodus of subsistence farmers and landless labourers to urban India that had started with the famine of 1965-67. Keeping these changes in landholding patterns and demographic movements in mind, what we find is that the green revolution, understood as a strategy of recouping national sovereignty, was made possible through a particular ordering of land and humanity that rendered as by-products, a significant proportion of India's rural population. Most of the pavement-dwelling families that I encountered in Nagpada in the course of my research hailed predominantly from rural Bihar and Uttar Pradesh (states in north India), and locate their departure from rural India within this period of agrarian transformation.

Whereas the route to survival in times of hardship in these areas, i.e. migrating to cities in search of work, was well-worn, the conditions under which they took place are historically specific. For these erosions of home and subsequent departures are located within the emerging political economy of the green revolution, succinctly described by Kohli (1987, p.75) as "a growth-

oriented alliance between the dominant political elite and the less than self-sufficient private sector,” and the relationship between land and life, i.e. the living conditions, that it entailed for those cast off from the fields of rural India and compelled to piece together a living by encroaching on the public spaces of urban India.¹²

While the distribution of agricultural holdings across the farming population provides some indication of the growing socio-economic polarization in the countryside, less visible is the transformation in the moral economy that this shift in state strategy precipitated. Traditional relationships of patronage that bound landlords and tillers of the land buckled with the commercialization of agriculture promoted by the green revolution. As Frankel (1971) has pointed out as large landowners benefited from the green revolution they not only got disproportionately richer, but they also reneged on traditional tenurial understandings, choosing to employ a market based rationale to make their decisions about how to use the land and under what terms. For the vast majority of the rural population, this shift in rationale spelled tenurial insecurity, a condition that compounded the impoverishing effects of the famine, and their ongoing marginalization by green revolution’s emphasis on capital-intensive strategies. While I will address the political consequences of this polarization in rural India in my subsequent discussion of populism, what I want to attend to at this juncture is the crisis of social reproduction that both precipitated the green revolution, and that the green revolution subsequently

¹² These rural-to-urban migrations are part of a much longer historical trajectory of hunger-fuelled migration from Bihar and neighbouring Uttar Pradesh, that reaches back to the colonial period and continues today, and that has brought manual labour not only to the streets of Bombay and the fields of Punjab, but as indentured labour to colonial plantations in the Caribbean, Africa and South-east Asia (Masselos 1995, Ludden 1999).

deepened. For it is in this concatenation of events and processes that the stories of the pavement dwellers of Byculla are located, precipitating their journeys from Bihar, eastern Uttar Pradesh and other drought-stricken areas including Maharashtra, to Bombay in a bid for survival.

This crisis is revealed in the story that Amina shared with me one afternoon, as she squatted on the pavement and sorted through scraps of cloth (readying them for sale in the city's vast market for recyclable goods), when I asked her about the circumstances under which she first came to Bombay. She tells me that she came to Bombay over thirty years ago but cannot tell me when exactly she came to the city. I try to triangulate the story, to pin a date, but aside from the reference to famine-like conditions that suggest that it is located in the mid-1960s, I come up with little by way of objective historical markers. Later, as I reflect on my hesitation to include a story that is so bereft of History, it occurs to me that the story's absence of markers is itself an index of the very abjectivity that it narrates. Amina frames her story of departure and arrival by telling me about her mother's response when Amina, a young widow, and her three children showed up in Bombay after an arduous journey from Madhubani, a district in the northern state of Bihar that is close to two thousand miles away. What the story conveys is a sense of the multiple and intimate ways in which she was cut loose from the relationships constitutive of social reproduction.

“Why did you come here?” my mother rebuked, “You should have stayed there and begged.” But there was no one we could beg from... someone should *have* something in order for you to

beg from them. People were dying of starvation in my village. I had no choice but to take my children and leave for Bombay, travelling ticket-less all the way here. My mother did not want to help me though – I had three children you see. Besides, she lived in the house in which she worked.¹³ My first few years, we lived in Jhoola Maidan¹⁴ - at that time there were only 2-3 *jhopras* – and I earned money cutting thread for the mills.

The anguish and anger with which Amina narrated this period of her life offers a small window into the ways these traumatic memories, distant in time and space, live on in the current moment. These memories are not only of dearth and near death but, perhaps more profoundly, of being cast off the land and cast off by kin. By framing her story of departure and arrival in terms of the villagers' inability to respond to her pleas for food and her mother's refusal to help provides a window into Amina's experience of discovering that that the bundle of social relations that provided her with a sense of home had unravelled, leaving her not only materially but culturally homeless.

Some memories of this period are more deadly than others I learned when, one hot afternoon in November 2004, I was told that Mubina had died.

Mubina was a fierce Mahila Milan leader who, like Amina, had arrived in the

¹³ Live-in domestic help in Bombay rarely have their own rooms. Typically they sleep on the floor in the common areas of the house in which they worked – the kitchen, the living room, the corridor or the stairwell.

¹⁴ 'Jhoola Maidan' is a corruption of 'Julaha Maidan' or Weavers' Park, and references the history of the locality. This area was home to the labour who worked in the many textile mills that had appeared at the turn of the twentieth century and provided the engine of the city's economic growth and prosperity.

city from Madhubani as a young widow, over thirty years ago. When she first arrived she was unable to even afford a stretch of pavement, and slept next to the public toilet, and *on* her children so that they would not be assaulted while she slept. Like many of those around her, she worked as a domestic help, washing dishes in nearby apartment buildings, and in the city's vast, informal, recycling market. I heard that she had died from over-eating, not a cause of death I typically associated with the Indian poor. Puzzled by this anomaly I asked Vibha, from SPARC, what I was missing. "The memory of hunger drove her to eat and eat and eat, she couldn't help it, you know? It was all that starvation in Bihar when she was growing up..." Vibha explained her voice trailing off. And so I learned that it was the betrayal of memories, not over-eating, that killed Mubina. Yet, such memories of hunger cannot not be admitted as a cause of death, there is no place for it in the state's roster of mortal conditions. As Klinenberg (2001) points out, "The social nature of death, in disaster as well as normal conditions, escapes the categories and classifications of modern states and societies" (p.132) and thus the record of Mubina's death remains incomplete.¹⁵ 'Over-eating,' after all is a medical condition that in its abstraction, betrays little of the biopolitics that provided the social conditions both for Mubina's living, and for the memories that eventually relinquished her tenuous hold on life.

Methodologically speaking, it is only when we historicise Mubina's death, by locating her life-story within the tumultuous changes in the relationship

¹⁵ In his analysis of the social ordering of deaths that took place during the 1995 heat wave in Chicago, Klinenberg (2001) revealed the "epistemological sovereignty" wielded by biological explanations of death, and the displacement of sociological analyses of the conditions of death.

between land and life in postcolonial India and the conditions of social reproduction that they produced and that clearly marked her body, that we create the epistemic conditions for challenging the reductive assessment of her suffering that is produced by the medicalisation of her death. By historicising her death and making her memories count, we begin to apprehend Mubina's life and living conditions as relationally constituted, an outcome of processes by which the normative political subject of postcolonial India is produced. That is, her body is made articulate¹⁶ and she is made to matter, so to speak, providing evidence of a historical experience that has been elided in developmentalist narratives about the making of the nation. By refusing to limit our understanding of the cause of Mubina's death to 'over-eating' and insisting on a sociological assessment of her suffering, we thus create the conditions for restoring Mubina's life to the history of the land. This history is a narrative that in its celebration of the green revolution and the recovery of national sovereignty that it claims to represent, marginalised and imperilled the lives and stories of the many people like Mubina who were compelled to perch precariously on the city's pavements in order to live.

It is also important to recognise, not only for its own sake but also for the broader political changes that it precipitated, that the process of being cast off the land, that we get glimpses of in these accounts, did not go unchallenged. Cases of agrarian conflict doubled between 1967 and 1968, from 19 to 43, according to Home Ministry records (Frankel 1971). Commenting on this growing rural insurgency Frankel (1971) makes the point that "Poor peasants

¹⁶ Cf. Klinenberg's (2001) excellent analysis of the body's evidentiary status and the discursive ways in which it can be rendered silent on the social context in which it materialises.

who had appeared resigned to their handicaps under the existing agrarian structure as long as the prospect of material improvement was relatively limited, had become increasingly resentful of institutional arrangements which deprived them of their “legitimate share” in the greatly increased production now possible with modern technology” (p.10). Electorally, a consequence these changes in the moral economy of rural India, she indicates, was that where previously landlords (who were often also politicians) had ‘delivered’ the votes of ‘their’ peasantry, the transformation of tenurial relationships that occurred as a result of the green revolution had rendered peasants less obliged to heed the political affiliations of their landlord. The narrow victory of the Congress in the 1967 parliamentary elections has been attributed in large part to the changing electoral conditions wrought by the Green Revolution (Frankel 1971, Gupta 1998).

There were much longer-term political consequences that emanated from these changing relations of social reproduction and the displacement of the rural poor to the cities that they precipitated. As Gupta (1998) and others have pointed out, populism emerged as way of containing agrarian unrest that threatened to derail the processes of accumulation set in motion by the Green Revolution (and a means of providing Indira Gandhi a victory over her detractors in the Congress). *Garibi Hatao* (trans. remove poverty) emerged as a tremendously successful electoral campaign in the context of the wide-scale immiserisation that was taking place, ironically enough, as the rural poor were being displaced and dispossessed, and delivered Indira Gandhi to power in 1971 with a two-thirds majority in Parliament. Significantly, Gupta (1998) argues, her campaign was addressed to ‘the people,’ a strategy that allowed

her to circumvent the power of the regional kulaks who had traditionally marshalled the votes of the poor, and established the poor as a critical audience to be catered to on the electoral plane.

There is an aspect of Frankel's (1978) commentary on the 1971 campaign and elections that Gupta (1998) hones in on as a critical moment in the formulation of development policy, and that is essential to grasp in order to understand subsequent middle-class resentment of the plebiscitary power of the poor, and of 'squatters' in particular. Whereas previously development was pursued as growth with redistribution, what Indira Gandhi succeeded in doing was to "decouple the two goals, pursuing standard policies of providing incentives for industrial growth, on the one hand, and thinly disguised welfare programs whose main goal was redistribution, on the other" (Gupta 1998, p.69). That is, not only was welfare of the poor hived off from the pursuit of the growth of the national economy, but populism also made the provision (or at least the promise) of welfare programs a critical player in the calculation of electoral prospects. The de-coupling of growth and redistribution that Gupta highlights in his analysis of development suggests that what populism did was to create the conditions where the welfare of the poor was perceived to be not only distinct from economic growth but also as siphoning off of the wealth created by middle-class effort. Populism thus had the effect of constituting the poor as the Other against whom the interests of the middle-class were to be protected. By separating out growth from redistribution, it created the conditions for fuelling middle-class hostility towards the poor, who were seen as encroaching on the economic growth and prosperity of the middle-class. It also created the condition for elite frustration with politicians, whose electoral

prospects were obtained, as Gupta points out, by addressing the welfare needs of their poorer constituents, which the elite came to see as 'pandering' to vote-blocs.

Particularly galling to the middle-class, as I show in the next chapter in my discussion of the *Mee Mumbaikar* campaign in contemporary Mumbai, is the fact that the poor to whom the politicians pandered not only fed off, i.e. encroached upon, the growth created by middle-class industry, but that they were actually encroachers. The demographic shift that the Green Revolution precipitated, where millions of the rural poor migrated toward cities in search of a living, resulted in growing numbers of slum dwellers. In 1971, Bombay's slum population was approximately one and a quarter million, about 20 percent of the city's population (Patel 2003, pp. 20-21), by 1976 around 41 percent of the city's population lived in slums (Swaminathan 2003, p.82), and in contemporary Mumbai it is commonly held that 60 percent of the population lives in slums or on pavements. It was the votes of this population of encroachers that politicians had to harness in order to secure their election, by promising to improve their living conditions.

However, because they were encroachers, as Chatterjee (1998) has pointed out in his discussion of the claims-making efforts of a squatter community in Calcutta, they are not treated as part of civil society, comprising of citizens, whose welfare is a matter of entitlement. Rather, the relationship between politicians and the urban poor was one of negotiation, where public goods such as a water connection or toilets became highly valued currency in the transaction of electoral democracy. Consider, for example, the way in which

Manohar Joshi,¹⁷ views the construction of a toilet block in Dharavi, a slum settlement that falls in his constituency, which we can apprehend from a speech he gave on the occasion of its 'inauguration,' on August 23, 2003:

Once upon a time there was a man who wanted to build something for his people. Something that he would be remembered by. So he built a temple. While the Hindus frequented the temple, he found to his dismay, that it was shunned by the Muslims, the Parsis and the Christians. Upset, he then built a mosque but faced the same problem - only Muslims would visit it. Then, he was advised to build a church- at least everyone would visit it for Sunday Mass, he thought. No luck this time either. Ultimately, completely exasperated, he went to a wise man, who said, "*Mandir, Masjid chhodo, Toilet banao.* Everybody will come, don't worry." So he did and to his happiness, the toilet was frequent by all alike and his fame grew far and wide (cited in Thorat 2003).

There are many remarkable aspects to this flowery speech, not least that a politician from the Shiv Sena party, a party which sees itself as the standard bearer of Hindu chauvinism and takes pride in having had a hand in the *destruction* of mosques and churches, delivered it. For the purpose of this discussion however, what this speech quite clearly communicates is that the toilet is produced as part of a ruler's munificence to 'his people' in return for

¹⁷ Former speaker of the lower house of the Indian Parliament and Shiv Sena politician.

which the ruler's place in the telling of history would be assured.¹⁸ What we see therefore, is that while populism created the conditions where the welfare of the poor became politically important, it did so in the wake of the demographic shift precipitated by the Green Revolution that created squatters out of peasant bodies. This social transformation meant that their relationship with the state was, as Chatterjee observes, "not that of a civil society of citizens dealing with a state in whose sovereignty they participate but rather that of a political society where claims and benefits can be negotiated between governmental agencies responsible for administering welfare and groups of population that count according to calculations of political efficacy (p.281).

Becoming Other

Departing steadily from fields all across India in the wake of the Green Revolution, these peasant bodies became pavement and slum dwellers, encroachers on the land. In Mumbai, between 1971 and 1981 migration accounted for 47 per cent of the increase in the city's population (Patel 2003, p.21). While there is no way of accounting what proportion of these migrants made their journey to the city as a consequence of the changes in tenurial relations in agriculture wrought by the Green Revolution, it is possible to make a safe bet that most of the new migrants were those cast off the land by the Green Revolution. For, in the following decade, migration constituted only 17 percent of the increase in the city's population (Patel 2003, p.21). As the figures on the slum population of the city, previously mentioned, indicate,

¹⁸ What is not mentioned of course is that the ruler let 'his people' live in a cesspool for decades, promising but not necessarily delivering toilets, until the Alliance took on the task of lobbying the Municipality and the World Bank to make a provision for toilets for the poor in the city's sewage upgradation project.

the vast proportion of these migrants had to house themselves in the slums and on the pavements of the city.

Most of the families I spoke with had lived in Byculla, often on the same street, for over twenty – often thirty - years, surviving countless demolitions. While many of the older residents claimed that when they first settled in Byculla, in the 1960s, there were no pavement dwellings, by 1970, newspaper reports of demolitions conducted in the area indicate that most of the streets in the area were flanked by pavement dwellings. On Souter Street in Byculla, where Aziza lived, 120 houses were reportedly torn down, and around the corner on Water Street, where Nargis lived, a report of entire rows of houses being demolished indicates that the pavements in the area were already home to many (Hutments 1970, p.1). A *Times of India* report on the newly constituted Slum Improvement Cell of the Bombay Municipality reveals that while slum-dwellers might benefit from the improving ministrations of the unit, pavement-dwellers were not so lucky and were being targeted for a war of attrition that the Municipality was resolved to win. That it was a war that was being waged was made quite clear in the language used in the report of the demolitions.

Like the mythical monster hydra, hutments along Bombay's roads are hard to extirpate. This is the exasperating experience of the newly-created municipal slum improvement cell... 2,200 huts put up on pavements along 95 roads had been removed but 75 per cent of them are to be seen again...

What is more, the more hutments are muffed out, the more they proliferate in other places...

The municipal demolition squads... are assisted by the police (each squad has a sub-inspector and five policemen) lest there be an attack on the demolition workers...

Detection squads have also been set up in all the 17 municipal wards, one in each ward. Their job is to inform the demolition squads of huts put up in any place in the city and suburbs.

The official was confident that with adequate staff, shanties which mar the beauty of the city's well-paved roads would be eventually eradicated (Hutments 1970, p.1).

The reporter goes on to reveal that what really infuriated the municipal squads was the truculence of pavement dwellers, who through their continued occupation of the pavements even after their huts had been destroyed, living on top of the rubble, clearly refused to be 'disheartened' or cowed down. The grainy picture accompanying the text is of Water Street, where many of the founding members of Mahila Milan resided with the caption:

Demolition of their shacks has not disheartened the shanty-dwellers of Water Street who manage to live in the same place by putting up tent-like shelter along the pavements, using sack cloth and blankets. Water Street is one of the roads on which the demolition squad removed entire rows of huts a few days ago (ibid).

For the pavement dwellers, sitting atop the rubble that once was their home was not an expression of defiance, but of having no other choice. Where *were* they supposed to go? The state hoped, through the violence that it inflicted on these populations, that they would be able to beat them back to the village. But for the poor, that was not an option. To live was to sit atop the rubble, not to leave. As Jamila and others told me, they would sit atop the site of their demolished homes, along with their children and whatever possessions they were able to retrieve for days, and then slowly begin the process of rebuilding.

The city's authorities were clearly of the opinion that employing a 'strong hand' would not only send a message to the pavement dwellers, but also to the hordes reputedly amassing at the city's borders. An article published in 2003 written by B. G. Deshmukh, who was the Municipal Commissioner of Bombay in the 1970s, reveals as much:

When I was working as Secretary to Chief Minister Vasant Naik in the early 70s, the question of people pouring into Bombay from outside had already engaged our attention. No doubt the Shiv Sena was exploiting this issue for a foothold in the city and, therefore, any agitation against outsiders coming into Bombay has assumed the controversy of Marathi versus non-Marathi people. But we in Government were more concerned with rapid spread of slums and pressure on the civic infrastructure. If I remember right, we were examining whether legally it was possible to impose some reasonable restrictions on

this immigration. But then when the news leaked out, there was an uproar especially from constitutional luminaries... My thrust is that you cannot stop immigration into the city legally or by imposing restrictions, however reasonable they might be. But this inflow can be controlled and reduced, if no authorised residential structures, hutments or slums are allowed to come up at all. There should be a very strict, if not harsh, implementation of this policy. Anybody would think twice before he or she knows that there is no place to stay or even sleep in the open on the footpath... (Deshmukh 2003, p.8).

The 'strong hand,' however did little to staunch the flow of migrants in search of a living. What we do learn from Deshmukh's object lesson, and as the urban poor no doubt learned as well, is that the poor had run out of place. The Green Revolution had cast the small farmer and landless agricultural labourer off the land and the city's offered them no accommodation. The tenurial insecurities that were the outcome of the rural differentiation that occurred and were amplified as a result of the Green Revolution continued to reverberate through the frequent demolitions of the shelters that they propped up in the city (cf. Araghi 2003). Politically too they had little traction, for as squatters, they were reviled by the middle-class and toyed with by politicians, who only brought them into the political fold when elections occurred by dangling access to public goods. Physically and politically out of place, these cast out bodies of the poor constituted the boundaries of citizenship, for their ability to have their lives registered by the social order and recognised as part of the body politic was extremely tenuous.

The Bodies of the Disappeared

Given that elections rarely bring change, much less security, for the urban poor I asked some of the women living on the pavements why they vote? Their response are extremely illuminating, and bear out Mukulika Banerjee's (2007) assertion that voting, for the poor, is a sacred ritual that allows the impoverished body to count, to have a say in the distribution of power, if ever so ephemerally. Jamila's response to my query was "*hamara huq hai* – it is my right" – not duty, but right, and probably the only right that she has ever experienced. As Banerjee points out in her work on the meaning of voting in rural Bengal, "Exercising one's right to vote... provided one of the very few ways to express one's citizenship and in a more appealing and dignified mode than merely claiming one's rice ration" (p.1560). Her observation on dignity as an aspect of the electoral ritual is borne out by Askari's rationale for voting for Arun Gawli, one of Bombay's most notorious mafia dons who recently entered electoral politics:

See, the other day while I was sitting here and working one of these Muslims who live in the chawl above called me over and began to yell at me – telling me that my children were crawling all over the street like vermin. Gawli though, when he came to ask us to vote for him, he came right here – to the zhopda and he folded his hands and he touched my feet.

Does Askari know the hollowness of Gawli's gesture? Yes, of course, but she also knows that this gesture is something he realises that he has to make in

order to get Askari to vote for him and not the other candidate. He gives her the one moment of respect. This choreographed humility of the candidate and show of respect to the voter is not farce. Rather, Banerjee suggests, it is what makes voting a sacred ritual in the life of the poor, i.e. distinct from the profanity of everyday life when Askari's children are considered vermin. And so they vote, it is their right.

There is another aspect to the politics of recognition that comes into play during elections. Jamila also told me that she voted because "voting *saboot hai*," i.e. voting is evidence. Evidence of what I enquire. Of her existence she responds. This is something I am told by many other pavement dwellers. Their response to my query raises a critical dimension of the pavement dwellers' invisibility: How does the body that is present on the streets but disappeared by History and invisibilised by law, effect change if it cannot be seen? Raziya's response provides a clue:

I vote not because voting is going to change anything for the poor, but my name should be on the electoral roll. I am not concerned with the results of the election, but having my name on the electoral rolls is useful for me, it shows that I live here. When I go into a government office and they want proof of my existence and of my residence, I can tell them to look at the electoral rolls. *Matdaan kartey hain p-roof ke liye* – I vote for the proof it provides. Even if I don't have in my hands, anything that proves that I live here, at least the government will have

proof; the collector's office will have proof, no? My name, the area's name, other details – with that, we can fight.

The evidence of voting, that she Raziya exists by virtue of presenting herself at the ballot box, she contends is the basis for the struggle for redistribution. The demolition of her pavement dwelling might destroy any material and documentary evidence that she lives on 14th street, but somewhere in the Collector's office, a strong and stable structure that is unlikely to be demolished, there will be a record that she lives. And if she lives on a piece of paper lodged in the Collector's office, she can fight to change her living conditions she reasons. The registration of her existence on the electoral roll provides her the ability to address the state.

However the middle-class generally views the poor's exercise of franchise, and the politician's courting of the votes of the poor, with disfavour. Elections are the one moment when the wide inequalities of Indian society that leave the majority of the population materially insecure become a matter of concern to the middle-class – who seek to discount the votes of the poor, ostensibly to protect the poor from being exploited by politicians. Since the emergence of populist politics, there have been several attempts to curb, restrict and disqualify the votes of the 'encroachers.' In the article by the erstwhile Municipal Commissioner of Bombay, B. G. Deshmukh (2003), that I referred to earlier, he goes on to describe what the government in the 1970s considered doing once their plans to restrict the entry of the poor into the city were foiled:

I have been suggesting since I was Municipal Commissioner that persons staying in unauthorised slums, hutments or residential structures and footpaths should not be registered as voters. And if at all it has to be done, they should be clubbed together in an electoral area or a constituency specially created for them on the outskirts of the city. This may sound impractical and even not very legal, but this is one of the best ways of ensuring these people do not become vote banks and are, therefore, exploited by politicians and/or they themselves do not exploit this to continue to live where they are (p.8).

In other words, what was being proposed was a camp in which to intern those who had no place to live in the nation. To apprehend the sinister significance of this proposal and what it indicates about the precarious political location of the urban poor it is useful to reflect on Agamben's formulation of *homo sacer*. For as Agamben (1998, 2003) and others have pointed out, internment measures are part of a continuum of diminishing the political life of an individual, one that historically has ended in the extermination camp, but whose less final resolutions were to be found in a range of camps and segregated townships, and had Deshmukh had his way, on the outskirts of Mumbai.

Newspaper reports of Bombay during Deshmukh's tenure as Municipal Commissioner reveal that his attempt to intern the poor did not stop at a recommendation. In 1976 during the Emergency, when Indira Gandhi suspended democracy purportedly in order for modernization to occur and to

root out the exploitation of the poor (a logic that has found its way into contemporary middle-class efforts to disenfranchise the poor), the newspapers reported a government plan to relocate the city's pavement dwellers to work-sites outside the city (Pavement, 20 May 1976, p.1). Three days prior to this announcement, city authorities had finally succeeded in demolishing Janata Colony, a settlement housing 70,000 people that had waged a long battle against their eviction. Clearly buoyed by the 'success' of the Janata Colony operation, the city authorities trained their sights on pavement dwellers:

At present about 150,000 people have made the pavement their home and the civic authorities feel that, to keep the city clean, steps should be taken to remove them to distant places.

A proposal is afoot to transfer them to worksites. Some public projects are reported to have been held up as hutment dwellers are occupying the land reserved for development.

According to the Municipal Commissioner, Mr. B. G. Deshmukh, it was proposed to remove at least 10,000 hutment dwellers from Tulsiwadi, Mahakali at Worli and other places where the projects had been held up. (Pavement, 1976, p.1).

Since the Emergency had rendered voting redundant, there was apparently no need to carry through with the proposal of creating a special constituency for those relocated to these work-sites. The proposed worksites were not the 'special constituencies' of the poor that the Municipal Commissioner had proposed, for the Emergency had rendered voting redundant. But they certainly were an attempt to intern the poor and harness their labour to

produce 'public projects' that they probably would not be able to benefit from as they were not recognised to be a part of the public, merely living in public.

One of the latest iterations of the impulse expressed by Deshmukh, and by the middle-class generally, is a Public Interest Litigation that was filed in August 2004 against the state's election machinery for registering slum-dwellers, who by virtue of their residence were, according to the litigants, law-breakers and thus ineligible as voters (Writ petition of Madhav Gadkari & Ors. Versus Union of India & Ors.).¹⁹ The High Court ultimately threw the case out but not before it provided a rallying cry for a range of middle-class activists anxious that their city was rapidly declining as a magnet for global finance because politicians were too busy pandering to the demands of slum-dwellers to heed the aesthetic degradation of the city. The rationale provided for disenfranchising the poor was, yet again, to prevent the poor from being exploited by the corrupt politician, for their poverty, the petitioners reasoned, made them vulnerable - they would exchange their vote to anyone who might promise them a water faucet.

While the poor *are* exploited by politicians, exploitation is certainly not a real concern of the middle-class. Slipping completely out of view in this argument is any consideration of why the poor might be poor. Hired as housemaids, nannies, chauffeurs and labourers in the houses, offices and factories of those who would deny their right to vote, pavement and slum-dwellers are not paid wages that would permit them to rent an apartment anywhere in Mumbai.

¹⁹ In previous years, one of my informants in the government revealed, the Chief Election Commissioner of India, like Deshmukh before him, tried to restrict those who encroached on government land from being enrolled as voters.

Data from a socio-economic survey of pavement dwellers living on Dimtimkar Road in Nagpada, conducted by SPARC in 1985, provides corroboration - indicating that 69 percent of the twenty-six households were living on incomes below the poverty line (Swaminathan 1995). They worked as house maids, banana vendors, masseurs, power-loom workers and waste recyclers – occupations that allowed them to purchase the use of a stretch of pavement about one and a half square metres in area. Further corroboration is provided in the evidence collected by pavement dwellers of the losses incurred by them during demolitions, for in these testimonials we get a rare glimpse into the asset base of these households. From a 1989 case (Nazamunnissa Shaukat Ali and another Vs. Municipal Corporation of Greater Bombay and Others) where the pavement dwellers’ challenged the Municipal authorities’ confiscation of their personal belongings, related in a subsequent chapter, we are provided with a list of the material belongings of a group of pavement dwellers that were confiscated in the course of a demolition of their houses (provided in Appendix A). The market value of each confiscated item has been listed (the Court having approved the pavement dwellers’ assessments of each item’s value) and cumulatively, they amount to a paltry Rs.10,090, which is the sum that the Court ordered the Municipality to pay to the 20 households. To put the compensation in perspective, the expenses of approaching the Court, which also was awarded to the petitioners, amounted to Rs.15,000. Given this data, it is quite clear that the welfare of the poor is not what is fanning the surge of middle-class activism. Rather, what we see here is a contemporary iteration of the tensions between growth and redistribution that Indira Gandhi’s populist plank put into motion over thirty years ago when she de-linked the former from the latter.

When we consider the insecure location of the urban poor on the political and physical spaces of the city, it is possible to read the Green Revolution, like other revolutions of the recent past, as one that 'disappeared' millions of peasants. The grammatically awkward "disappeared" is a term, used especially in Latin America by those fighting the atrocities of military rule where dissidents mysteriously vanished and never reappeared. They did not disappear but were "disappeared" by those whose power they threatened. And there were so many of them that to constrain them using the law would only expose the illegitimacy of the law, and so they ceased to exist by other means. Is it extreme to use the term 'disappeared' to describe the fate of those depeasantised by the green revolution and left to scrounge a survival on the pavements of Mumbai? Perhaps so, but how else might one accurately portray what this transformation in the conditions of social reproduction meant, materially and politically to the body of the once-peasant who now votes in order to prove that she exists?

To do justice to the stories of the pavement dwellers requires that they be restored to history, to the making of history. Any other treatment of the stories would only serve to perpetuate the injustices that erode the lives narrated in these stories. It is only by historicising these individual stories of depeasantization that we are able to avoid reproducing the terms by which they are 'othered' and cast out. For the tenuousness of their claims to belong to the body politic emerges out of a long process of othering, that is of suppressing the historical relationships that have produced them as pavement

dwellers. This is how the history of capitalist modernity represents itself, by othering destitution.

Through a process of being untethered from the land and its history, pavement dwellers become materially and politically insecure, and as 'other,' are subject to sustained violence. The vital political significance of this epistemological stance, of establishing a relationship between their precariously balanced encampments on the side of the road and the unfolding of broad world historical processes, is starkly revealed in the case of the pavement dwellers. The invisibility of these relations lies at the heart of their crisis of belonging – providing 'confirmation' that they are "matter out of place" (Douglas 2005[1964], p.44). What this chapter establishes is that they are a doubly dispossessed population: materially so through processes of depeasantization that leave them placeless, and politically so through a suppression of the historical relations that tie their lives to the history of the land. It is through this double alienation that they are rendered *homo sacer*, bare naked and abandoned to violence (Agamben 1998).

Conclusion: Stories and Histories

What I have done in this chapter is to historicise the living conditions of the pavement dwellers of Byculla. In doing so I have traced the long and troubled relationship between land and people and the governance thereof, i.e. sovereignty, of which these pavement dwellings and dwellers are precipitates. The newly independent state, lead by the Congress party, sought to extend its sovereign power through growth (thereby reducing its dependence on external sources) and through redistribution (thereby undercutting the

sovereign power exercised by landlords over 'their' peasantry). This quest was compromised because the Congress party was beholden to the landlords to deliver votes, i.e. they depended on the ability of the landlords to exercise sovereign power. In turn, the failure of the agricultural sector as a consequence of the competing sovereignties of landlords and the state, threatened the pursuit of agricultural self-sufficiency, an index of the state's 'external' aspect of sovereignty. The green revolution provided a way for the state to achieve this external aspect of its sovereign power – agricultural self-sufficiency. It also, as a consequence, eroded the sovereign power of the rural kulaks on whom the Congress party depended for re-election – as is indicated by the narrow margins by which the Congress resumed power after the 1967 parliamentary elections. And in doing so, set the ground for populist politics that promised to incorporate the thus liberated peasants into the fold of popular sovereignty. However, it did so only very partially and provisionally. The peasants severed from the land, and not having the means to do anything apart from encroach on the vacant spaces of the city, lived on the edges of the physical and political spaces of the city. Here they dwelled unclaimed until the next election, where momentarily they would have the grounds from which to address those in power, to present their bodies as part of the body politic.

The analysis presented in this chapter emerged out of an attempt to find answers to a question that emerged as pavement dwellers shared their stories with me: what was this famine that was repeatedly referenced in these stories of migrating to Bombay in the late 1960s? When I first began to pursue answers to the question, I did not think that the responses would amount to

anything more than ‘background information’ that would add some additional historical detail to the stories of becoming pavement dwellers. However, I soon discovered that getting an answer to the question was surprisingly difficult. Assuming erroneously that the famine was confined to Bihar, as that is where most of the pavement dwellers I spoke with hailed from, I asked a few policy makers who work on agriculture and rural development in India, if they knew when it occurred. I was hoping that they might be able to help me identify which year this famine occurred so that I could narrow my search of the newspaper records of the period. None of them were able to help me. For one of the many aspects that I had not factored in when asking the question was that in the contemporary moment Bihar is widely considered to be that ‘basket-case’ of development in India – poverty and hunger are considered synonymous with Bihar. This contemporary understanding percolated backwards into history so that an experience of famine and starvation deaths in the 1960s did not stand out as a critical event, that was just Bihar. And so slipping through the faultlines of the present, a famine disappeared.

As it turned out, there was a famine, it was not confined to Bihar, and it was what Das (1995) might consider a “critical event” in the sense that it provided the basis for new political formations and modes of action – and new ‘living conditions’ for the poor. My trawl through the newspaper records of the 1960s revealed that famine-like conditions were experienced across the country in 1965-66 and that this event precipitated the green revolution.²⁰ In

²⁰ That the green revolution (even in critique) is remembered and commemorated but the famine that provided its legitimating condition (and moment of diplomatic humiliation) is forgotten is telling.

my search for a little historical sidebar to the stories of pavement dwellers in Byculla I had quite unwittingly stumbled upon an event that had transformed the nature of politics, the parameters of sovereignty and the relations of social reproduction in the country. Yet it seems that the only memory of it lives on in the bodies and stories of pavement dwellers, a population that is routinely denied a place to dwell on the land, and as it would appear, a place in history.²¹

²¹ Indeed another significant 'critical event' in the making of modern India, the suspension of democratic rule between 1975 and 1977, a period known as the Emergency, suffered a similar fate until recently (cf. Tarlo 2003).

Chapter Four

CITIZENS AND 'SQUATTERS'

Now one question we face as a society – a broad question of justice and social policy – is whether we are willing to tolerate an economic system in which large numbers of people are homeless. Since the answer is evidently, “Yes,” the question that remains is whether we are willing to allow those who are in this predicament to act as free agents, looking after their own needs, in public places – the only space available to them. It is a frightening fact about the modern United States that those who have homes and jobs are willing to answer “Yes” to the first question and “No” to the second. (Waldron 1991, p.304).

Demolitions, impoverishment, and ‘deportation’ from the city are some of the many, banal ways in which the poor are excluded from the physical and social spaces of the city and of citizenship in contemporary Mumbai. In this chapter I examine how the violent exclusion of the poor from the site and subject of the public is justified and what the justification reveals about the *locus standi* of the poor on the terrain of citizenship. What makes it politically possible, for example, for the Municipal Corporation of Mumbai to embark on a three-month orgy of destruction directed against the poor, where in one month alone (December 2004) 72,000 slum dwellings were razed to the ground leaving 350,000 people homeless (Koppikar 2005)? The near absence of protests against this massive, orchestrated, administration of violence against the poor (who constitute the majority of the city’s population) attests to the

legitimation of social suffering and expulsion of the poor in the contemporary social order, a social order conditioned increasingly by Mumbai's global positioning as the commercial capital of a rising economic powerhouse.

In this chapter, as I investigate the justifications of the violence levelled against the urban poor, I continue with the examination of sovereignty - the power over life that is the bedrock of the modern state (cf. Agamben 1998, Foucault 2003, Hansen and Stepputat 2005) - that I began in the preceding chapter. There, I situated contemporary urban poverty in Mumbai as a historical product of the pursuit of agricultural modernization embarked on by the Indian state in a bid for national food security and more broadly, to recover their sovereignty on the international plane. To recapitulate, the crisis of food security in India in the 1950s and early '60s threatened to capsize the fledgling nation's attempt to establish itself as a sovereign power by transferring the power over its citizens' lives to food-exporting nations. This crisis was addressed by a set of social and technological measures called the Green Revolution that promised, through increases in agricultural productivity, to restore to the Indian state its authority over the life of its citizens. In this chapter I focus on the exercise of this authority, by looking at the rationalisation of state violence against the bodies of the urban poor and the exclusion of these bodies from the body politic, actions that has certainly put their lives in peril. Since law, as Hansen and Stepputat (2005) point out, is the primary idiom of sovereignty, I examine how the pavement dwellers' claim to bodily security, i.e. to life, is weighed in court. Further, I analyse the choreography of justice as the question of belonging - that is provoked by the

evictions, deportations and other forms of violent exclusion of the urban poor - is adjudicated.

The centrepiece of my analysis is the 1985 Supreme Court judgement on a case concerning the large-scale eviction of the urban poor that took place in July 1981 in Mumbai - *Olga Tellis and others Vs. Bombay Municipal Corporation and others*, and *Vayyapuri Kuppusami and others Vs. State of Maharashtra and others* - a case now known as the *Pavement Dwellers' case*. The judgement has been hailed as a landmark in Indian jurisprudence because, by recognising that the deprivation of a livelihood was tantamount to the deprivation of life, it expanded the scope of the existing constitutional right to life (Bhushan 2004, Dhavan 1989). Yet the outcome of the court's deliberations was to legitimate the state's right to evict pavement dwellers without providing them with a place to live. My interest in this judgement concerns what it reveals about the politics of belonging. It stems not from the expanded meaning of the right to life that the petitioners extracted from the court, but from the retraction of this newly expanded right from the very pavement dwellers whose plight had prompted this legal expansiveness. The court could admit livelihoods as a part of the right to life but could not accommodate the poor whose lives and livelihoods were imperilled by evictions. I find, as Waldron (1991) does of contemporary American society, that civil society and the institutions commissioned to ensure the delivery of justice, will not to make place for the lives and bodies of the urban poor even as they are willing to accept an economic system that is defines the livelihoods of the poor in terms of a 'race to the bottom,' thereby condemning them to squat in order to make space for themselves to live. The challenging position

that the urban poor find themselves in, of their right to life recognised but being denied their right to a space to live, i.e. to realise the right to life, provides an important window into the exercise of sovereignty, understood as the authority over life, in the contemporary social order. By sentencing the pavement dwellers to a condition of placelessness through issuing an eviction order without making any provision for a place to live and to carry out the practice of social reproduction, the court effectively pronounced them *homo sacer*.

Homo sacer, the formulation of political exclusion, of sovereign power, that Agamben (1998) offers us, puts the spotlight on the juridical order as it probes the conditions under which violence against and suffering of particular populations is deemed socially legitimate. It is thus a particularly apposite tool to deploy in examining why it is possible for the Supreme Court of India to simultaneously expand the meaning of the right to life and restrict its application when weighing the pavement dwellers' claim to bodily security from violence. As Feldman (2004) points out in his analysis of political exclusion and homelessness in America, and Biehl (2001) reiterates in his discussion of structural violence and the dehumanisation of the poor in Brazil, for Agamben, the *homo sacer* is not an individual who has no access to the law, but is one who is actively "*abandoned by it*" (Agamben 1998, p.28). Biehl, confronted by the horror of bodies devastated by poverty and left to die in Vita, is provoked to ask "one wonders what kind of social order could allow such a disposal of the Other in Vita without indicting itself" (p.133). What Agamben's discussion of political exclusion allows us to apprehend is that the *homo sacer* is one who is exposed to violence *by* the law, which is why violence

against this being, who has been discarded by the political community, is not deemed to be a violation of the law, i.e. a crime.

Following the discussion of the 1985 Pavement Dwellers' case and the events leading up to it, where the claims of pavement dwellers to the right to life were challenged, I present an instance where the claims of the urban poor were accommodated by the court and explore why this might be so. The case involved the confiscation of the personal belongings of the poor during a demolition and resulted in the court ordering the Municipality to compensate pavement dwellers' for their loss. Analysis of the judgement suggests that what vexed the court was not so much the confiscation of the materials *per se* but the arbitrariness of the procedure by which it was confiscated – an arbitrariness that threatened the legitimacy of the state's actions against the poor. This leads me to argue that what the court was ordering to be restored was not just the belongings of the pavement dwellers, but also the legitimacy of the state's power to confiscate the property of trespassers, a legitimacy marred by the errant actions of the demolition squad. While in this case a concern for the legitimacy of the state's action lead to compensation being paid to pavement dwellers, it is at a fundamental level no different from the concern for legitimacy in the Pavement Dwellers' Case that prompted the court to require Municipal authorities to provide notice of demolition to pavement dwellers in order to make legitimate the eviction and consequent placelessness of pavement dwellers.

I then investigate the events following the judgement, when pavement dwellers took claim of the compensation awarded by the court. What the

compensation award ceremony staged by pavement dwellers in the wake of winning the case reveals is the tenuous subject position to which pavement dwellers were condemned in the judgement of the Pavement Dwellers' case. By absolving the state of the responsibility of providing citizens the space to live before evicting them, the judges presiding over the Pavement Dwellers' case effectively condemned the urban poor to a condition of having to encroach in order to procure a place upon which to live. It is a subject position in which the relationship between the poor and the state is marked by negotiation and informality rather than entitlement (cf. Chatterjee 1998, Roy 2003).

In the concluding section of the chapter, I provide a glimpse into a debate in the contemporary moment that seeks to define who is a *Mumbaikar*, i.e. a legitimate citizen of Mumbai. The *Mee Mumbaikar* debate indicates that the challenging *locus standi* of the urban poor that the 1985 judgement allowed – yielding the right to live but withholding the means of social reproduction – has led to a growing conviction within civil society that the poor are trespassers rather than members of the body politic. Cumulatively these three moments of wrangling over the legitimacy of the state's violent actions against the poor provide a glimpse into the exclusions through which modern sovereignty is realised in the neo-liberal era. For what comes into view in these moments, where the poor are identified as *homo sacer* – squatters who are trespassing not just on public property but on 'the public' itself in the course of their daily struggle to reproduce themselves, is the growing private determination of sovereignty and the sovereign subject. That is, property has increasingly become the key to unlocking an Indian citizen's right to life and

right to live in the city, the primary exclusion through which both the normative political subject and *homo sacer* of an aggressively globalising India are specified.

The Right to Life

The monsoon season (May through October) of 1981 was a very momentous one, though perhaps its significance was not quite obvious at the time. On the other side of the world, in America, President Reagan destroyed the air-traffic controllers strike and kicked off a series of austerity measures that would become known as 'Reaganomics' and emulated internationally; India became - for the first time - a borrower from the IMF's conditionality laden extended facility arrangement (Raze, 6 Aug. 1981, p.1); and the state government of Maharashtra, in an effort to 'beautify' the city, set about achieving this aesthetic by ridding Bombay of its pavement dwellers through mass evictions and 'deportations' so that it could become the next Bangkok. While the liberalisation of the Indian economy and the concomitant surge in the growth rate of the Gross Domestic Product is popularly associated with the set of economic reforms that were brought into play to resolve the 1991 crisis in foreign exchange reserves, some economists argue that the genesis of the current growth of the economy is more accurately located in the mid-1970s, around the time of the Emergency (cf. Basu 2008). Subsequent momentum picked up in the policies and technology-friendly incentives of Rajiv Gandhi's government in the 1980s that was eager to close the gap between India and the much-lauded 'Asian Tigers.' Cumulatively, these events, that spanned the globe, were indicative of the emerging neoliberal sensibility that held out global competitiveness as its measure of success, pitting Bombay against

Bangkok, and social exclusion and the diminution of the concept of the public (as site, subject and service) as the means of achieving a competitive edge. That is, they signalled the expiration of the promise of inclusion held out to the nation's impoverished subjects as the premise of the nation-state shifted from enabling the project of development to facilitating the project of globalization (cf. McMichael 1996).

On July 13, 1981, the Chief Minister of Maharashtra, Abdul Rehman Antulay, directed his government to clear the city's pavements of the people who lived on them by July 21, 1981. This fiat came on the heels of an announcement of a new policy on urban land use developed by the Kerkar Committee. The 'High-power Steering Group on Slums and Dilapidated Houses,' chaired by businessman Ajit Kerkar, was appointed by the government as part of an effort to shore up the city's flagging fortunes in light of rapid de-industrialisation. The Kerkar committee's recommendations of 'Cleaning up Bombay,' as a way of 'catching up' with Bangkok, provided the pretext to Antulay's ultimatum regarding pavement dwellers. Following through on the committee's recommendations Antulay put together a five-member committee and according to the *Times of India* (14 July 1981, p.1), directed it "to tackle this issue on a war-footing" in order to ensure that the July 21st deadline was met.

I realised that the military reference was not misplaced when I spoke with a journalist who had been in the thick of the events that followed Antulay's directive. For what ensued was a demolition operation that was unprecedented in its scale and its planning, even in comparison to the large-scale evictions of the urban poor that were emblematic of the Emergency

period that had ended just a few years ago. The Emergency, to briefly recapitulate, refers to the period from June 1975 to March 1977 when Prime Minister Indira Gandhi assumed dictatorial powers by suspending democratic rule and severely curtailing civil liberties. By 1981, when the demolitions under consideration took place, democratic rule had been restored and the Congress party had recovered from the ignominy of the Emergency and had been delivered back to power. The staging of this massive and violent performance of social exclusion, and its subsequent rationalisation in the court of law under 'normal' democratic rule, is what constitutes this event to be a particularly significant and rich site for the investigation of the *locus standi* of the urban poor on the terrain of citizenship.

While pavement dwellings in the city have always been subject to frequent demolitions, the demolition drives were sporadic and piecemeal. Never before had the pavement dwellings of the entire city been the targets of a single demolition drive. One hundred thousand people were targets of this exercise of beautifying the city (Shah 1986). Planning for the execution of the Chief Minister's order was cloaked in secrecy, my informant recounted – there were only a few indications of what was afoot – 4,000 bureaucrats from rural districts of the state had been directed to report for duty in Bombay and several hundred buses had been commandeered. The legislature was not in session and so no questions regarding the plans could be raised that would require the government to make their plans subject to public scrutiny and debate. Nor were journalists able to collect enough evidence of the plans to take the matter to court. As demolitions took place across the city, however, the scale and intent of the operations became evident. The city had been

mapped in terms of five or six clusters, manned by bureaucrats, the fire brigade, police and municipality staff, who were systematically demolishing pavement dwellings and herding people on to waiting buses. It was, he said, “a military operation directed at a civilian population” where the urban poor were given fifteen minutes to collect their possessions and families before being ‘deported’ to their ‘places of origin’ by bus and train.

The use of the term ‘deported’ in media reports and in court rulings underscores the resonances between squatters – the illegal occupants of the space of the city - and the illegal immigrants and stateless refugees that squat on spaces of the nation-state²². Indeed in the wake of a demolition, slum dwellers are usually told to *go back to their villages*. This blatant denial of the processes of dispossession that brought people to live on the pavements is very typical; middle class residents of the city will steadfastly hold on to the belief that squatters have a village to go back to, that they have forsaken for the bright lights of the city. It is a belief that allows them to call for the demolition of the houses of the poor without indicting themselves as denying the poor the space for living. In the judgement delivered on the court case that followed these events we are apprised of Antulay’s justification of the demolition drive, and this sentiment is reflected in his statement: “It is a very inhuman existence. These structures are flimsy and open to the elements. During the monsoon there is no way these people can live comfortably” (Olga Tellis & Ors. Vs. BMC & Ors., AIR 1986, p.184 SC).

²² Kathleen Arnold (2004), in discussing homelessness and disenfranchisement in the US, suggests that these resonances between migrant squatter and immigrant ‘alien’ are not surprising because the modern nation-state treats home and homeland as extensions of national identity.

Of course in Antulay's case, the sentiment is articulated in a manner that presents Antulay in a paternal role, acting out of concern for his wayward charges and their deplorable living conditions. The sentiments he is articulating, and the role that he is assuming, while at one level are just crudely delivered acts of mendacity, at another, more fundamental level, are 'get out of jail for free' cards provided by modern sovereignty. The brutal 'civilising' mission of colonialism attests to the fact that the disciplining of 'underdeveloped' subjects, by the state so that they can be moulded into rights-bearing citizens of modern nations lies at the core of modern sovereignty's sordid history. Using a firm hand to advance this mission of constituting citizen-subjects was a task that the independent Indian state took over from the colonial state, recasting the latter's mission of civilising the natives in terms of development. The relationship being articulated between the state and the pavement dwellers in Antulay's statement, of paternalism, emerges out of the uni-linear logic of development where the poverty of subjects and squalor of their dwellings are attributed to their uncivilised ways rather than perceived as consequences of the state's civilising actions.

What the uni-linear trajectory from underdeveloped to developed expresses is an understanding of modern citizenship as a disciplinary project, wherein the discipline exacted by the state from its underdeveloped wards ostensibly enables the latter to become subjects and thus recognizably legitimate bearers of human rights. Certainly that seems to be the only way in which to explain how one can demolish the "inhuman" shelters of the poor without the demolition itself being an inhuman exercise. Thus for Antulay, it is possible

for the destruction of these dwellings to be considered to be an act of humanity. While I am perhaps guilty of reading too much into a statement that was clearly calibrated for the court, what I find significant about this statement is not its content but the conditions of its possibility. For it is the discursive framework of development and its project of sovereignty - that enables Antulay to deplore the inhumanity of the living conditions of the poor while simultaneously casting as humane, his violent act of depriving the poor of the space to reproduce themselves as human beings.

While the decisive actions of the state government to 'clean-up' the city were applauded by several sections of society, activists and sections of the press were outraged by the sheer brutality with which this eviction drive was executed. Unlike the contemporary period where the media is often an active supporter of 'clean Mumbai' efforts - 'cleanliness' being a convenient euphemism for ridding the city of the poor and minorities - in the early 1980s, still smarting from the censorship of the Emergency period, the media was less forgiving of the state's actions against the poor, who too had been a target of some of the era's worst excesses. Civil liberties activists and a few journalists used their eye-witness accounts of the demolitions and 'deportations' to file a petition for a Public Interest Litigation²³ in the Bombay High Court claiming that the state was violating the constitutional right to live and work anywhere in India and were able to get an injunction that required the state to suspend the deportations. Additionally, a stay on the demolitions

²³ The Public Interest Litigation emerged as a legal facility in the late 1970s as courts attempted to make themselves more accessible to the nation's most vulnerable and exploited subjects; they relaxed the rule of standing so as to allow petitions for the court's intervention to be made on the basis of a third party report such as a newspaper article on a particular instance of injustice (Shukla 2006).

was won on humanitarian grounds, the monsoon being perceived to be a particularly inappropriate time to conduct demolitions; nature presumably amplifying the wretchedness of the people upon whom the state was unleashing its demolition squads. Meanwhile another journalist, Olga Tellis, filed a similar petition in the Supreme Court of India.

The Pavement Dwellers' case, as these petitions collectively came to be known, took four years of litigation before judgement was delivered, the Supreme Court electing to club the different petitions together (Olga Tellis & Ors. Vs. BMC & Ors. and Vayyapuri Kuppusami and Ors. Vs. State of Maharashtra & Ors., *AIR 1986 SC 180*). While emerging from different starting points, the petitions eventually converged on the challenge to the Right to Life, a constitutional right, that the evictions posed by denying the urban poor the wherewithal to pursue a livelihood – a place to reproduce themselves as labour. The petitioners were comprised of pavement dwellers, slum dwellers, civil liberties activists and journalists. We learn from the petitions that the former two sets of petitioners earned their livelihood as factory workers, as cobblers, as construction workers, as hotel employees and, in fact, as employees of the Bombay Municipality - "...humble but honourable" occupations as the Court conceded (p.194 SC). We also learn that of the two pavement dwellers who were petitioners, one was a landless labourer who had come to Bombay and found work as a daily-wage labourer in a chemical factory, earning twenty-three rupees a day, and paying Rs.2500 a month to a slum-lord for "a shelter of plastic sheets and canvas on a pavement on the Western Express Highway" that housed his family, a wife and three young daughters (p.184 SC). The other pavement dweller had been a cobbler in a

Sangamner village in rural Maharashtra, earning seven or eight rupees a day. When, “his so-called house in the village fell down,” the judgement informs us, he found work as a casual labourer (*badli kamgar*) earning Rs.350 a month. He paid Rs.300 to a local tough for a spot on the pavement and spent Rs.700 on bamboo poles and plastic sheets in order to fabricate a shelter (p.184 SC). Neither of the petitioners, on the basis of what they earned would have been able to acquire legally acceptable accommodation in the city. Also, neither had any alternative, they did not have a place to go to, or to return to, in the event of expulsion from Mumbai.

The argument made by the advocates of the petitioners was that given the state’s failure to ensure the availability of low-income housing in the city, by denying pavement dwellers the right to live on the pavement, their ability to earn a livelihood was denied, which thus constituted a threat to the right to life. In making their case, the judgement recounts, the petitioners compelled the court to review the relationship between the people and the territory of the nation and the place of property:

Counsel for the petitioners contended that the Court must determine in these petitions the content of the right to life, the function of property in a welfare state, the dimension and true meaning of the constitutional mandate that property must subserve common good, the sweep of the right to reside and settle in any part of the territory of India ... (p.189 SC).

Additionally they challenged the use of a colonial law to penalise citizens of independent India:

One of the grievances of the petitioners against the Bombay Municipal Corporation Act, 1888 is that it is a century old antiquated piece of legislation passed in an era when pavement dwellers and slum dwellers did not exist and the consciousness of the modern notion of a welfare state was not present to the mind of the colonial legislature (p. 189 SC).

While the state archives are brimming with evidence to refute the first part of the petitioners' contention, Chairman of the Bombay Improvement Trust J. P. Orr's 1917 publication on the slum problem in Bombay and Mark Twain's (1897, p.386) travelogue being just two of many sources, the gist of their argument certainly has merit and bears consideration. That is, the sovereignty enshrined in colonial law that justified colonial occupation and expropriation should not govern the relationship between body and territory in independent India. For the identity of 'the public' had ostensibly changed with the establishment of the Indian nation-state. Yet, the eventual decision of the court attested to the systemic continuities that bridge the "colonial divide" (Ludden 1992, p. p.249) despite the exhortations to the contrary. Clearly the law, a critical weapon and idiom of modern sovereignty, was no exception to the institutional and epistemic continuities between the colonial and postcolonial Indian state traced by Ludden (1992) in his useful analysis of the antecedents of the Indian developmentalist state. What we find in the Pavement Dwellers' case is that while the concept of 'the public,' had expanded as colonialism

gave way to nationalism and colonial subjects became citizens, its subjects and spaces continued to be defined through exclusions.

It was an ingeniously argued case, and indeed a study of the ruling handed down by Justice Chandrachud reveals that the court was forced to recognise the validity of the argument made by the petitioners and concede the Right to Life included the right to a livelihood. But in the end the Supreme Court judgement came down in favour of the Municipality. The provisions of colonial India's Bombay Municipality Act of 1888 - for obstacle-free public spaces and thorough-fares - trumped the Right to Life enshrined in independent India's Constitution, and the trespasses of the pavement dwellers were condemned. Clearly, the petitioners' recourse to the Constitutionally guaranteed Right to Life in order to make a claim for the bodily security of the pavement dwellers was an argument for a consideration of a notion of belonging that could not be admitted without threatening, indeed encroaching upon, the entitlements associated with property and pedestrian safety.

Even as the judges strove to treat the urban poor with the equality due to citizens, the Dickensian language employed in the observations that preface the actual ruling on the case provide a sense of the horror of the judges who faced the task of contemplating the homes and more specifically, the rights of these deprived, and depraved bodies to be 'at home' in the city:

Those who have made pavements their homes exist in the midst of filth and squalor, which has to be seen to be believed. Rabid dogs in search of stinking meat and cats in search of hungry rats

keep them company. They cook and sleep where they ease, for no conveniences are available to them. Their daughters, come of age, bathe under the nosy gaze of passers by, unmindful of the feminine sense of bashfulness. The cooking and washing over, women pick lice from each others' hair. The boys beg. Menfolk, without occupation, snatch chains with the connivance of the defenders of law and order; when caught, if at all, they say: "Who doesn't commit crimes in this city?" (p. SC 183).

The discursive power of this description is significant, for it very efficiently constructs the pavement dwellers and their living conditions as the Other against which the bourgeois conception of the site and subject of the public is constructed and must be protected from. As Stallybrass and White (1986) have argued "The grotesque physical body is invoked both defensively and offensively because it is not simply a powerful image but fundamentally constitutive of the categorical sets through which we live and make sense of the world" (p.23). The trespasses of the pavement dwellers were not just that of property, but of propriety – living in public, but clearly not of 'the public'. Where did they belong and in what manner could they be recognised or accommodated in the spaces and subjectivities of the nation-state?

Where these trespassing bodies, that betrayed the proprieties of citizenship, were to go was seen to be outside the remit of the case. The concern and indeed challenge of the court as it related to these less-than-citizen subjects and their squalid subject space, was that justice must be seen to be done by pavement dwellers, even as their infractions were penalised by the court. And

so, on the basis of the *audi alteram partem* rule, i.e. hear the other side, and in recognition that “the performance of a public act must be seen as fair and reasonable...[in order] to recognise the validity of the law” the Supreme Court enjoined the Municipality to give notice of the eviction operation to the squatters:

The proposition that notice need not be given of a proposed action because, there can possibly be no answer to it, is contrary to the well-recognized understanding of the real import of the rule of hearing. That proposition overlooks that justice must not only be done but must manifestly be seen to be done and confuses one for the other. The appearance of injustice is the denial of justice. It is the dialogue with the person likely to be affected by the proposed action which meets the requirement that justice must also be seen to be done (p.199-200 SC).

For, as the judges cautioned:

It is... essential that the procedure prescribed by law for depriving a person of his fundamental right, in this case the right to life, must conform to the norms of justice and fairplay. Procedure, which is unjust or unfair in the circumstances of a case, attracts the vice of unreasonableness, thereby vitiating the law which prescribes that procedure and consequently, the action taken under it (p.181 SC).

Clearly the choreography, but not the delivery, of justice to its audience of pavement dwellers was paramount as the court simultaneously expanded the scope of the right to life to include the right to a livelihood and excluded the right of pavement dwellers to the means, i.e. the space, to lay claim to this right.

By entitling the squatters to receive notice of the demolition of their homes, the court sought to establish the legitimacy of the violence of the state's actions. The outcome of four years of protracted legal battle and seventy-three pages of the judgement thus was that the stay on the eviction of pavement dwellers was lifted – though extended to the end of the monsoon on humanitarian grounds. There was a proviso, that notice be served so that the performance of justice could be witnessed by the pavement dwellers whose homes were to be demolished and who were to be rendered homeless.

While gestures were made in the judgement about re-settlement of evicted pavement dwellers, it was clear that the government could evict them without the promise of re-settlement. Whatever accommodations were made, were made on the basis of mercy and not of justice or entitlement. Pavement dwellers were not criminals, the judgement conceded. But they were superfluous – as the decision to evict them without offering an alternative living space indicated. To recall the concept of *homo sacer* that Agamben (1998) offers us, the law had abandoned pavement dwellers; it had marked them as a people out of place in the social ordering of the body politic, thereby exposing them to violence.

Rites of Justice

As Rehana, one of the pavement dwellers I talked to about the case, told me the only good thing that came out of this protracted legal wrangle was that now the Municipality was required to give notice of its intent to demolish their homes – a requirement that, in her experience, is unevenly enforced, and even when it is, it typically means a piece of paper being stuck on some obscure part of the street without anyone really noticing it. Where pavement dwellers were aware of an impending demolition, they were able to make some arrangement – typically with a sympathetic (or entrepreneurial) shopkeeper or employer – to safeguard their belongings.

By reducing a case advancing a claim to the right to housing to one of hearing, Usha Ramanathan (2004) has pointed out, “the court has determined the most that a city’s poor can expect from judicial processes; the minimum remains undefined.” (p.3). As Partha Chatterjee (1998), employing the classical distinction between political society and civil society, argues in his study of the nature of political engagement in a squatter community living along the railway tracks in Calcutta - the claims-making endeavours of this community are better understood as an engagement between political society and the State, a relation of accommodation, rather than as an engagement between civil society and the state, or a relation of entitlement. At issue in his argument, is the infraction of property laws and regulations that defines their *locus standi* - the space from which the squatters voice their claims and the basis for their organization - and because of which the state cannot and does not relate to the squatters as citizens or their association as constituting civil society. Rather, in order to make claims, he argues, “The settlers, have to pick

their way through a terrain where they have no standing as citizens...” (p. 281). Their bodies are always marked as squatters.

In light of Chatterjee’s argument, it is useful to consider an instance when the claims of pavement dwellers *were* accommodated by the court and investigate why. What I shall show in the account that follows is that the accommodation of the claim was made not because the claim of the petitioners was adjudged to be just but because the flawed procedure followed by the Municipality in their actions against these ‘squatters’ compromised the legitimacy of their actions. Therefore what we find in this case – regarding the confiscation of the personal belongings of pavement dwellers by Municipal authorities in the course of a demolition of their dwellings – is not a contradiction of Chatterjee’s basic argument on the claims-making prospects of the urban poor, but perhaps a complication of it.

This is an event that took place three years after the Supreme Court ruling on the ‘Pavement Dweller’ case, an account of which was related to me by Kamala, a pavement-dweller and community organiser. On 3rd November 1988 Municipality vans and their demolition squads drove up to a street in Nagpada, accompanied by the police who were there to ensure that law and order was maintained during the demolition. Notice of the demolition had not been given. In fact as was noted by the judge of the case that ensued, on the day prior to the demolition, as well as on the morning of the demolition, the Municipality’s workers “deliberately misled the hutment dwellers and lulled them into a false sense of security by assuring them repeatedly first that their huts were not going to be demolished even when the vans were parked

opposite the huts and then telling them that belongings will not be touched” (Nazamunnissa Shaukat Ali and another Vs. Municipal Corporation of Greater Bombay and Others, *1990 Cri. Law Jn.* 619). Consequently many of the pavement dwellers left for work. However, when it became apparent that the demolition was going to take place, the remaining pavement dwellers – mostly women - quickly sent word to neighbouring pavement settlements and attempted to form a human barricade to stall the demolition. Kamala, who lived on the pavement on a parallel street, strong-armed a photographer from a nearby wedding and family portrait stall to come and “Take proof, ” – that is, she instructed him to take pictures of the demolition. Meanwhile the Municipality’s squads had begun to demolish the 60 odd pavement dwellings that lined either side of this street. The squads having wreaked destruction then proceeded to confiscate the belongings of the pavement dwellers. Pots, pans, tools – many of the pavement dwellers are engaged in the recycling industry, so all the goods that they had collected in this regard, and their clothes were dumped into the municipality vans. This was a routine event – and as Kamala and other pavement dwellers in Nagpada have told me. There have been instances where babies that were swaddled in cloth, and perhaps indistinguishable from the other bundles of cloth and possessions in the hutments, have been scooped up and dumped in the trucks. The pavement dwellers would then have to make their way to the municipality warehouse and have to bargain for – that is, buy back – their belongings.

In this instance, armed with ‘proof’ – photographs of the demolition, as well as hand-written itemised accounts of the belongings that were confiscated (see Appendix 1) - several pavement dwellers from Nagpada went to court,

challenging the Mumbai Municipality's confiscation of their private property. Immediately following the demolition the pavement dwellers had been able to obtain a court order that required the Municipality to return the confiscated goods. From the narrative provided in the judgement we learn of the run-around that the Municipality gave the pavement dwellers when the latter attempted to get their belongings back; – the Municipality clearly did not see pavement dwellers as a population to which they had to be accountable, and ignored the court order. Eventually when they had to provide an account of themselves to the court, they denied having confiscated anything aside from materials used to build the dwellings. Clearly they anticipated that their denial, as state officials, would override the testimonies provided by squatters. But, as E. P. Thompson (1976) has pointed out, in order for the choreographies of justice commanded by the court to have any valency, the law must, on occasion, actually *be* just:

If the law is evidently partial and unjust, then it will mask nothing, legitimize nothing, contribute nothing to any class's hegemony. The essential precondition for the effectiveness of law, in its function as ideology, is that it shall display an independence from gross manipulation and shall seem to be just. It cannot be so without upholding its own logic and criteria of equity; indeed, on occasion, by actually *being* just (p.263).

And so it was in the case of the confiscated belongings. Impressed by the testimonies of the pavement dwellers and not persuaded by the statements made by the members of the Municipality's demolition squad Justice Manohar

in her ruling instructed the Municipality to pay the sum of Rs. 10,090 to the pavement dwellers in compensation for the loss of their belongings as well as Rs.15,000 to cover the costs of conducting the litigation.

What turned the tide for the pavement dwellers was their bringing to the notice of the court that the confiscated property was being sold by Municipality workers. What was revealed in the course of the deliberations was that there was no record of confiscated goods, and so the municipality's workers could, and did, dispose of them at will. In her instructions, Justice Manohar therefore asks that in the future "the Corporation ought to lay down proper procedures to ensure that when belongings are taken at the time of any demolition, a proper record of such belongings is maintained.... Without any accountability for the belongings removed at the time of demolition the power can be misused as is apparent..." (Nazamunnissa 1990, pp.638-9). The arbitrary use of power that this practice and event made evident, together with the reluctance of the Municipality to comply with the initial court order to return the confiscated belonging were seen by the judge to be completely out of order, transgressing the systems of accountability that the law lays down for itself in order to be deemed legitimate. As in the Pavement Dwellers' case where an opportunity for a hearing was provided to pavement dwellers (through the provision of a notice of an impending demolition of their dwellings) in order to make the subsequent demolition legitimate, here too the concern was to ensure that the state was perceived as being fair and its actions legitimate. In the judgement Justice Manohar does not indicate whether the confiscation of the pavement dwellers' belongings was just, she leaves that quite vague, but it is clear that she is troubled both by the Municipal Ward

officers' disregard of earlier court orders enjoining them to return the confiscated goods and by the arbitrary and brutal way in which the goods were confiscated.

To read this event in terms of what it reveals about the *locus standi* of pavement dwellers on the terrain of citizenship we must turn to the events that took place after the court ruling. Recognising that the subject position afforded by the court - of inclusion into the formal order of citizenship, property and entitlement - was momentary, the pavement dwelling litigants sought to stage what they termed as a 'public' performance of justice, outside the law courts and on the streets on which they lived. As Kamala pointed out to me, "the public must see" – seemingly resonating the sentiments expressed in the 1985 Supreme Court judgement where in order for justice to occur, an audience was needed for its performance, so that it could be recognised. The contrast, in this instance, with the performative imperatives of the 1985 judgement is instructive as the pavement dwellers choreographed a spectacle of justice, enacting a performance of the judgement outside the court's realm of entitlement and in the street's realm of accommodation, negotiation and informality.

Through Kamala and others I learnt that the pavement dwellers, who fought the case, invited every local government authority that they had occasion to interact with - the Municipality officers of their area, the men who were part of the demolition squad, the local policemen – and got *them* to hand out the compensation to each individual family, in what was a very festive environment. As one of the women recounted to me – "we wanted those

people who broke our homes to give us this money, that the Court had ordered them to give, in a public event.” Pavement dwellers from all over the city came to witness this event to see justice being performed. The choreography of the event mimicked that of state productions, down to the props and cues – there was a tent, a dais on which all the invited officials sat, garlands, and each family, who had lost their belongings in the demolition, was called on stage and personally handed the monetary compensation that the court had ordered the Municipality to make, by the men who demolished their homes.

Hansen (2001b), in his account of post-riot judicial inquiries in Mumbai, underscores the importance of examining the “public and performative dimension of governance and politics” in the production and recovery of the legitimacy of state authority (p.225). What the pavement dwellers of Nagpada staged through their ‘public event’ was an off-key rendition of the choreographed state spectacles of justice, inflected by meanings derived from their experiences and anticipations of eviction and encroachment. It was necessary to have this public spectacle of justice, and indeed of shaming, precisely because of the nebulous subject position of squatters in the differentiated political terrain of the city where they are typically not seen as legitimate members of ‘the public.’ For it is through such spectacles that the claims made and recognized in the courts of law, are consolidated and made real in the personal relations and informal processes that give squatters access to ‘public’ resources, through carefully negotiated, but always tenuous, accommodations.

The tenure of their claims thus is always up for challenge – political society is an always-present interloper in the space of the nation, in the space of civil society. So many of the pavement dwellers I worked with were constituted as such by processes of displacement and dispossession in the wake of ‘national’ development projects and ‘public’ policies such as the Green Revolution or infrastructure development. As was argued in the previous chapter, they are in many ways were perceived to be the detritus of national development, the by-product of the ordering of people and land through which modern sovereignty is realised, that cannot be incorporated into the subjectivity of citizen. The question of their belonging to the body politic is never distant or resolved. Indeed, in a recent case involving squatters, the judge remarked on the impropriety of the suggestion that the State offer some tenurial security to squatters by likening it to rewarding a pick-pocket (*Almitra Patel vs. Union of India*, 200 3SCC 575), underscoring yet again, that the claim for bodily security expressed through practices of squatting cannot belong, or be accommodated in the particular relationship of body and property that is invested in subjectivities and proprieties of citizenship. In the following section I present an instance of the continuing attempts to exclude the urban poor from the conception of ‘the public,’ as the city strives to establish itself as a globally attractive site of investment and as the middle-class consumer citizen becomes the normative political subject of the city.

Mee Mumbaikar: the Subject of the City

In this section I trace the legacy of the 1985 ruling on the Pavement Dweller case that legitimated actions of the state that left the urban poor placeless. I do so by recounting and analysing a television debate that took place as I began

my fieldwork in the summer of 2003. At this debate panellists argued over who had a right to live in the city, a long-standing question in Bombay but that was in this iteration precipitated by the electoral campaign of the Shiv Sena party that sought to rid the city of 'outsiders,' defined as the urban poor who have to house themselves by living in slums and on the pavements.

The debate is indicative of the hardening lines distinguishing citizens from squatters; the groundwork for which had been progressively laid out as the focus of the law moved from concerns of entitlement, grounded in the developmentalist project, to a pre-occupation with regulation, reflecting the emphasis on governance demanded by the globalisation project (cf. Santos 2005). For, in the wake of the 1991 foreign exchange crisis and the liberalisation and privatisation of the Indian economy that it had precipitated, the middle-class consumer citizen has emerged as the normative political subject, and the production of infrastructure and spaces enabling private enterprise and attracting global financial investment have become the primary objects of development.²⁴ Development has increasingly come to mean the enhancement of real-estate value, replacing an earlier public commitment, problematic as it was, to enhancing the welfare of 'underdeveloped' populations. The regulation and 'beautification' of public spaces through private action has been a key site of revanchist intervention by these middle-class consumer citizens and their determined effort to redraw the spatial and social boundaries and content of 'the public' to whom the state must be accountable (Fernandes 2006). As the account of the debate will make clear, far

²⁴ Reflecting the meteoric rise of China's economic power, Shanghai replaced Bangkok (the pretext of the 1981 demolitions of pavement dwellings) as the object of emulation pursued by the city's elite and administration.

from abating the conflicts over the access to public space between the urban poor and the middle-class consumer citizen, the Indian state, like its counterparts elsewhere, has been a willing ally in the latter's efforts to re-make post-industrial Mumbai into an attractive destination for global finance and a fitting home for themselves, i.e the primary agents of the country's ascent as a globally recognized powerhouse, both parties driven by an eagerness to shed the image of India as the world's poorhouse.

" ...Those outsiders who are coming here without any purpose, without any shelter, without any base, and they spread out all over in the city, and mess up the city, those people should be put out right away..." (Navalkar in Sardesai 2003). In this particular instance, at the July 2003 debate on *Mee Mumbaikar* hosted by the television channel NDTV, Shiv Sena politician Pramod Navalkar perhaps did not mean that the urban poor should literally be extinguished when he exhorted that "those people should be put out right away," but that they should be deported from the city. But with the Shiv Sena's long and sordid history of violence against those who they deem 'outsiders' - South Indians, Muslims, Biharis - the limits of the violence that they summon, to merely expel or to fully extinguish the other's life, is left dangerously uncertain. In any case, for the urban poor, the target of the Sena's politics of belonging in the summer of 2003, as the petitioners of the Pavement Dwellers' case had already established, the distinction between expulsion from the city, their source of livelihood, and their ability to live is a fine one.

Whereas previously the Shiv Sena party's parochial and violent politics had asserted itself along the lines of either region or religion (cf. Hansen 2001b),

what was interesting about their 2003 articulation was the summoning of troops along class lines, against the urban poor living in slums and on pavements across the city. Even in the internecine war that was breaking out between the son and nephew of the Shiv Sena leader Bal Thackeray, with the son casting an opportunistic eye to the upcoming parliamentary and assembly elections and wooing non-Maharashtrian populations, and the nephew retaining hold on to the Sena's sons-of-the-soil politics that demanded Mumbai for Maharashtrians, the shared target of their ire was 'the squatter' who defiled 'their' city.²⁵ In the debate hosted by NDTV on defining who could legitimately claim to be 'of Mumbai,' an issue precipitated by the Shiv Sena's latest re-launch of their *Mee Mumbaikar* (trans. I am of Mumbai) campaign, Pramod Navalkar made it explicit that true citizens of Mumbai, a *Mumbaikar*, were those who could house themselves appropriately. Pavement and slum dwellers, by definition, therefore lacked the property that would allow them to be recognised as *Mumbaikars*. Even if they were Maharashtrians, Navalkar asserted, in a significant departure from the regional parochialism that marks the Shiv Sena, if they could not afford to house themselves legally, they should not be permitted to live in the city.

²⁵ Uddhav Thackeray's *Mee Mumbaikar* campaign was an anti-migrant electoral campaign that reached out to the non-Marathi speaking residents of the city, by specifying the 'outsider' to be slum and pavement dwellers, apparently with no regard to whether or not they had migrated from within the state of Maharashtra. The campaign promised to arrest the decline of the city by deporting slum and pavement dwellers who could not prove that they had been residing in the city before January 1, 1995. This cut-off date emerged out of the 'free' housing policy that delivered the Shiv Sena party to power, along with the Bharatiya Janata Party, in March 1995. Despite the seeming contradiction implied in the nephew's Mumbai-for-Maharashtrians campaign, the target of Raj Thackeray's regional chauvinism was also the 'outsider' who lived on the streets and the slums, and not 'migrants' and migration in general. The contradiction between the two campaigns was bypassed by the latter's insistence that all those who lived in slums and pavement dwellings hailed from outside the state. In an interview Raj Thackeray gave in the daily *Mid-Day*, where he identified all those who lived on the pavements as being wither Bangaldeshi Muslims or from the states of Uttar Pradesh and Bihar, he claimed to have no objection to non-poor migrants: "Educated people, decent people have been coming and living here for years. My problem is the way these [i.e. "bhaiyyas from UP and Bihar] come and spread filth" (Thakraney 2003, p.4).

“They,” he fulminated, naming the fear that spurred the campaign, “ have outnumbered us.”

The fear of being outnumbered, of a city and a middle-class being held siege was a powerful one, fanned not just by the xenophobic Shiv Sena party but by as unlikely bedfellows as the city’s so-called cosmopolitan, corporate elite, such as Alyque Padamsee, panellist on the NDTV debate long with Navalkar, and members of the city’s chamber of commerce. The latter perceived themselves to be a beleaguered, hard-working, tax-paying ‘citizenry’ that is ignored by a state whose electoral prospects obtain from appeasing the vote-banks of ‘illegal squatters’. “You have no right to live off people who are paying taxes!” burst out Padamsee at the NDTV debate.

In response to which Kumar Ketkar, the editor of the Marathi newspaper *Loksatta*, pointed out, “Paying taxes would require money to pay taxes... It is the duty of the Indian government to provide jobs to the people, to provide livelihood, that’s the responsibility of the government. The question is not of socialism or capitalism – the question is of providing people with an equal opportunity to live.” Ketkar continued, driving the point about living wages into his fellow panellists’ homes by questioning whether or not the wages that they paid their domestic help allowed their staff to rent ‘legal’ housing, “You want the services, but you don’t want to pay for those services”. But this rather obvious statement that informal housing and informal labour were at the heart of accumulations of wealth and power in the city, one that is widely ignored in the continuously raging debates on the city and its ‘squatter problem,’ did little to dampen the ire of

Ketkar's fellow panellists.²⁶ They were undeterred by Ketkar's argument that the very people who complained about 'squatters,' produced them. They saw the urban poor as freeloaders, and themselves, the employers of these freeloaders (an aspect that is rarely acknowledged), as an ignored and beleaguered population whose quality of life is consequently under threat. What Ketkar neglected to mention in the course of directing attention to the abysmally low wages that the urban poor earn, is that in fact far from being free-loaders, as I have indicated in Chapter Two, the poor pay much more for state-subsidised public utilities than do their detractors (cf. Swaminathan 2003, Sharma 1999).

The perception of the poor as freeloaders that Navalkar and Padamsee articulated in the course of the debate is a significant one. It has precipitated a range of revanchist endeavours, seeking to reclaim the city from the depredations of the poor and their politician allies. Given that half the city lives on just 6 per cent of the city's land (Patel 2003, p.20), it is clear that the revanchism is not just a matter of physical territory but of a re-drawing of political boundaries, of citizenship. What is at stake is the constitution of 'the public,' the political community through which, 'the right to have rights' (cf. Arendt 1951) is recognised. In a city where sixty

²⁶ A recent report of a government appointed commission on the unorganised sector revealed not only that the unorganised sector accounted for 91 percent of total employment (figures include those of agricultural labour) in the Indian economy but that increases attributed to formal sector employment were, on account of being casual or short-term, largely informal (Mazumdar 2008). More specifically, data on informal sector employment in Indian *cities*, while not as current as the previously mentioned figures, indicates that 49.5% of Bombay's population is employed in the informal sector (UNCHS 2001, p.81). Consequently as Hansen (2001) argues, given the magnitude of the informal sector in Mumbai, "There is little doubt that the slum that is cleared today will likely surface somewhere else tomorrow as long as the fundamental problems in the economy and the structure of the labor market continue to produce large numbers of low-paid casual employees and domestic workers." (p.210)

percent of the population lives in slums or on the pavement, the only way for these 'tax-paying citizens' to be counted, they reason, is to not count the poor as part of 'the public' to which the state caters.

Conclusion

Like a series of negative images, the different moments of adjudicating the claims of the poor to a life in the city recounted in this chapter trace the boundaries through which the neoliberal city and citizen of Mumbai come into view. 'Beautifying' and 'cleaning' the city have provided the discursive framework for reconfiguring conceptualisation of 'the public,' and have entailed the eviction of the urban poor from the social and physical spaces of the city. It is a framework employed by public officials and private entrepreneurs alike in order to craft a space and subject that could be a competitive player in the global economy, unsullied by its detritus. If emulating Bangkok provided the pretext for the 1981 demolitions of pavement dwellings, by 2003, emulating Shanghai fuelled middle-class revanchist ire against the urban poor and against any construction of 'the public' that grouped them, the face of 'Shining India,' with the impoverished bodies of the poor found squatting on the pavements and in the slums of the city.

In pursuit of this neoliberal aesthetic, that puts the quality-of-life concerns of a globally successful elite over the poor's need to eke out a living, evictions of the poor from the city, and from the landscape of citizenship, are fiercely advocated. These evictions are conducted with little regard as to where the evicted populations are to go, or how they are to live if there is no place for them to live. Even more disturbingly, these violent acts are widely considered

to be legitimate actions, necessary for the economic growth and political image of the city, and by extension, the nation, in a globally competitive world. Where, under the aegis of the Development Project, public actions were taken to shape a fledgling private sector, the Green Revolution being an exemplar (cf. Kohli 1987), what we find in contemporary Mumbai, is a spurt of private actions to redefine 'the public,' in consonance with the Globalization Project's assertion that the rights of property be recognised as paramount in the exercise of state authority and accountability (cf. Gill 1998, Sassen 1996).²⁷ In the process, the poor's condition for living, the space upon which they could socially reproduce themselves, is increasingly perceived to be out of the state's remit, effectively constructing the urban poor, the 'squatter,' as *homo sacer*, whose 'right to have rights' is questioned. Rendered as such, as redundant to the body politic, their suffering cannot be registered within the prevailing juridical and moral order and consequently cannot delegitimize the social order that produces it.

In present-day Mumbai, the construction of the urban poor as interloper, and the closure of 'the public' to pavement and slum dwellers, is increasingly evident in the surge of middle-class activism and attempts to define who is a *Mumbaikar*. The *Mee Mumbaikar* debate, recounted in this chapter, is located within a broader politics of belonging wherein the middle-class is flexing its new found muscle as consumer citizens in post-liberalization India to demand that the state ensure that public services and spaces are reserved for 'tax-

²⁷ Here I draw on McMichael's (1996) formulation of development and globalization as historical projects, rather than 'natural' progressions, The former project being a national, state-led production of a modern economy and economic beings whose unravelling precipitated the latter project, a globally organised production of market rule that privileges the rights of the private sector over the rights of the public.

payers' and to state their intolerance for any laxity on the state's part in punishing those who trespass upon the public (cf. Fernandes 2006, Harriss 2007). Groups such as Citizens for a Just Society and Citispace are some leading examples of revanchist 'citizen' movements in Mumbai attempting to privately protect 'the public' from the encroachments of the urban poor. In recent years they have spearheaded campaigns demanding that the state remove slum-dwellers living along the railway tracks (perceived to threaten the security of commuters), and clear street vendors off the pavements. Other groups have sought to remove pavement and slum-dwellers from the electoral rolls on the grounds that they are criminals because they steal public property (Writ Petition of Madhav Gadkari & Ors versus Union of India & Ors 2004). When we consider these revanchist efforts to limit and police the site and subject of 'the public,' where property threatens to once again enjoy legitimacy as the qualifying condition of citizenship, the prospect of pavement dwellers exercising a right to the city, while always a matter of contention, seems extremely daunting.²⁸ Having offered, in this chapter, an assessment of the limits of existing rights, and an account of ongoing efforts to limit the rights of the urban poor and render them abject, in the next chapter, I examine the Alliance's efforts to challenge the abjectivity of the urban poor and create the conditions under which the claims of the urban poor can be recognised.

²⁸ Fuelling this redefinition of 'public' is the widespread prescription to governments by international development agencies to pursue partnerships between public infrastructure delivery agencies and the private sector for the delivery of basic services. As a commentator on the private-public partnerships proposed in the Indian Planning Commission's approach paper to the 10th Five-Year Plan astutely notes: "Invariably, this has meant that the government would make available resources (land and water, particularly) to joint ventures at highly subsidised rates. Private industry finds this proposition attractive because not only does it enable the industry to access public resources, but also blunts the possibility of political protest because the government is a partner in the venture" (Sridhar 2006, p.34). That is, the effect of such partnerships is to shift resources and debates over the use of these resources from the public realm (to which the poor, even if only nominally, had access) to private hands (cf. Harvey 2003).

Chapter Five

CRAFTING A POLITICS OF ACCOMMODATION

As Mumbai's elites vie with other urban elites to provide a home for global capital, its poor, as my account of the *Mee Mumbaikar* debate made evident, find it increasingly challenging to negotiate a home in the city, finding themselves cast as 'outsiders' who threaten the neo-liberal re-visioning of the city through their presence and their trespasses. The 'annihilation of space by time' that enables the globalisation project, the geographer Don Mitchell (2003) points out, has precipitated an "annihilation of space by law" as city after city institutes measures to criminalise the homeless, in a bid to provide an attractive, secure home for global capital. These measures, he argues, by denying the homeless the space to reproduce themselves ultimately boil down to their physical annihilation. "We are creating a world," he contends, "in which a whole class of people cannot be – simply because they have no place to be" (p.171). What we find is that, rendered place-less, not only do the urban poor not have a place to *be*, but they are also denied a place to *become*, i.e. to engage the world as historical subjects.

Given these starkly alienating circumstances what prospect do pavement dwellers have of articulating what Lefebvre ([1968] 1996) referred to as a "right to the city"? I explore these prospects in this chapter by focussing on how the Alliance – of *Mahila Milan*, the National Slum Dwellers' Federation and SPARC - has endeavoured to restore historical subjectivity to those denied

it in this revanchist city. The interpretive approach that I take to the Alliance's practice is a prospective one, attempting to discern the critical possibilities that are anticipated in, and animate, tactics forged in the fragile present of pavement dwellers' everyday lives. It is an approach that is informed by what Santos and Rodriguez-Garavito (2005), in their analysis of counter-hegemonic struggles, have termed a "sociology of emergence" where, as "traits of the struggles are amplified so as to render visible and credible the potential that lies implicit or remains embryonic in the experiences under examination," the analytical and political lens is trained beyond the horizons provided by extant epistemic conditions (p.17).

In recent times this alliance has had some success in getting the city to not only recognise pavement dwellers as residents of the city but also secure public housing for them. While political recognition of the urban poor has only been partial – the state willing to admit only those who can prove that they lived in the city before 1 January 1995 into the realm of the claims-making public – the Alliance perceives this opening as a vital beachhead in their effort to challenge the exclusion of the city's poor from the spaces and subjects of the political. In April 2006, the group of pavement dwellers I interacted with in the course of my fieldwork and whose circumstances I have sought to understand in this dissertation, moved into their new homes in Milan Nagar, having lived for over thirty years on the pavements of the city and survived countless demolitions and evictions.

In this chapter however, I do not focus on 'the prize,' i.e., housing for pavement dwellers. Rather, I examine the back-story to Milan Nagar: the

tactics they devised to recover their subjectivity and continue their struggle for recognition in the aftermath of the demolitions and other privations that left them no place to be. A focus on these tactics is useful not because they offer a roadmap to a house, an unlikely prospect given that they are grounded in the particular history of the city. Rather, it is a useful focus because of the critical view that these tactics – forged in contexts of violence, deprivation and alienation - provide of the exclusions through which the contemporary site and subject of the political is constructed and the urban poor are left placeless. That is, how the Alliance has sought to challenge the placelessness and abjectivity of the urban poor in the city, tells us a lot about how they understand the production and reproduction of their violent exclusion from the terrain of citizenship.

Every house secured by pavement dwellers has emerged out of a long and painful history of violence, alienation and deprivation that they have had to negotiate. They have had to withstand countless demolitions of their homes, the destruction of their spaces and means of social and cultural reproduction, before they were able to compel the state to engage them as legitimate claims-making subjects. To have held on to a sense of self, much less secure a house, in the face of this relentless violence is in fact a miracle in the sense that Trouillot (2002) uses the term to speak of the cultural practices of enslaved African American populations, for as he says, “their very existence is a continuing puzzle. For they were born against all odds” (p.193). The odds stacked against the pavement dwellers and their claim to a home in the city, as this dissertation indicates, have not been favourable. The houses that the pavement dwellers of Nagpada moved into in April 2006 were designed by

them in 1987 - when they developed a model on the pavement out of bamboo poles and borrowed saris – but they and their vision of a house had to survive multiple attempts to deny them the social and cultural means of reproducing their lives in the intervening nineteen years. As the head of SPARC observed, “if you design something today then it will bear fruit only in 10 years, and you have to survive those ten intervening years, *that* is the challenge.”

To understand the political practice of the Alliance therefore, it is necessary to appreciate the role of violence in shaping the conditions and possibilities of pavement dwellers in Mumbai. I have endeavoured, in this dissertation, to provide a sense of the violence that tempers the everyday lives of pavement dwellers, and that provides the context in which their political practice takes place. However, it bears highlighting that what is distinctive about the conditions under pavement dwellers have to stake their right to the city is that pavement dwellers actually *live* in public, the space that is conventionally associated as the locus for political engagement between private citizens and the state. By virtue of living in public, however, pavement dwellers are rarely considered to be a part of the public (cf. Mitchell 2003, Feldman 2004), and thus have no place from which they might address the state. The bourgeois notion of ‘the public’ as Don Mitchell reminds us, is predicated on “having access to private space to retreat to” (2003, p.132) and thus a realm, as was established in the previous chapter, in which pavement dwellers will always be interlopers. They are rendered invisible by violence and must remain invisible in order to avoid being subjected to further violence. Consequently they must craft a politics of articulating themselves that does not jeopardise their ever so fragile negotiations of home on public thoroughfares, i.e.

clandestinely. As a SPARC activist observed, the consequence of *living in public* is that public protests about the living condition of the urban poor rather than creating a space where they can register their protest, “produce[s] angst and fear for them as they have to deal with the long term wrath of the state and the police after that. Because soon after the event of the protest is over, the external people leave, life has to go on, and they have to deal with this aftermath by themselves.” That is, the momentary space of protest and confrontation with the state is also the pavement dwellers’ everyday living space, produced out of a welter of negotiations with the local police, municipality ward officers and organised crime. This predicament complicates, in very significant ways, the kinds of challenges pavement dwellers can make to those who destroy their homes and deny their right to the city.

Consequently the politics of recognition and practice of place-making that this alliance of organisations has advanced, offers important insights into the conditions of, and possibility for, the recovery of subjectivity from the debris of demolitions, evictions and the other forms of exclusion through which neo-liberalism remakes the city and designates its rightful citizens. What I find to be of particular significance about their practice is that rather than expressing a nostalgic desire for the liberal subject (or the promise thereof, that fuelled the development project), it is suggestive of an alternate conception of constituting the citizen of a democratic polity. It is a politics of recognition that is advanced through the fluidity of becoming, i.e. historical subjectivity, rather than one that is based in the fixities of belonging to a defined political community, e.g. as is the notion of citizen that is invoked in the term citizen-

ship, which is inevitably exclusive (cf. Gotz and Simone 2003, Young 1990). This alternative political imaginary is forged out of a visceral understanding of exclusion and emerges from the improvisations through which this group of the urban poor build their homes on the pavements and mobilise for change. That is, this politics of recognition based on becoming rather than belonging is one that is grounded in a critical and canny understanding of the epistemic roots of the urban poor's exclusion and homelessness on the political and physical terrain of the city. It is a praxis that consequently endeavours to be one of accommodation, of making place for those who would otherwise be left behind, through the fabrication of plural subjects and spaces in which even pavement dwellers can feel at home. In terms of Santos and Rodriguez-Garavito's (2005) proposal for a "sociology of emergence," it is a creative politics crafted in fragile and compromised circumstances marked by destruction, that not only spurs its constituents but challenges its analysts "to identify emerging qualities and entities at a moment in which they can be easily discarded" and offer "a prospective account of what is possible" (p.17).

Adopting this interpretive approach, in this chapter I investigate how pavement dwellers organised to recover their subjectivity from conditions and experiences that were meant to render them abject. I attend to some of the practices by which the Alliance has challenged the profound alienation and abjectivity of the urban poor, and provided a sense of home, a space where futures can be considered, of becoming. The rituals of savings and of enumeration, and the construction of a federation of the urban poor that I discuss are usefully seen as elements of a process of recovering the space for pavement dwellers to not only "be" but also to "become." For, they chart out

and improvise a space and subject of the political in which they can be at home, a contrast from the space and subject of the public in neoliberal Mumbai in which they will always be trespassers. Given that citizenship, our political framework for claims making – is increasingly and violently determined by property relations, leaving increasing numbers of people in a condition of abjectivity, the political practice of pavement dwellers of Mumbai to recover subjectivity, i.e. a sense of home, and ultimately a house, in the face of devastating material and discursive attrition bears consideration. Not because it provides a blue-print for laying claim to a home in the city, but because of the critical reading that it provides on the production of social exclusion that is inherent in the contemporary discourse of citizenship. In conclusion I suggest that the pavement dwellers' predicament of placelessness and ontology of mobilization not only unsettles categories of rule but also provides an opportunity to unsettle the traditional indices of social change and struggle.

Making Place

This predicament of placelessness faced by pavement dwellers illuminates the deterritorializing effects of neoliberal flows of global capital, specifically its attrition of the historically specific configuration of power and place that we know as the nation-state, in which national sovereignty and national citizenship have operated as axes of governance. As is increasingly evident, the hyphen securing the nation to the state buckles as "Central banks and governments appear now to be increasingly concerned about pleasing the financial markets rather than setting goals for social and economic well-being" (Sassen 1996, p.50). The effect, Sassen (1996) points out, is that national citizens

become nominal participants in the practice of power and legitimacy that comprises 'citizenship,' while political power is aggregated by global corporations who become 'economic citizens,' i.e. who exercise substantive citizenship and wield the ability to demand accountability from the state. Enabling this reconfiguration of governance and of personhood is the redefinition of the meaning and the narrowing of the space and subject of the public, in terms of extending, validating and ensuring global accumulation processes (cf. Gill 1998, Harvey 2003, Maurer and Schwab 2006). The outcome of the increasing determination of the space and subject of the political by property is that the urban poor do not just physically, but also politically, have no place to be.

Analysing how African cities have countered this unbundling of the spatial relations that held the nation-state together and the uncertainty and insecurity that issues as a consequence, Gotz and Simone (2003) provide a useful framework for reading the possibilities that emerge from this condition of placelessness. They identify two emerging trends of place-making: belonging and becoming. The former refers to "increasingly zealous attempts to claim rights to exclusive geographic territories within which to profess highly parochial identities" (*ibid*, p.124). In the case of Mumbai, the Shiv Sena provides an example of a belonging-based attempt to produce the context within which individuals perform as historical subjects. In their violent and revanchist *Mee Mumbaikar* campaign anti-migrant sentiment reigns supreme and identities are increasingly invigilated in order to provide a sense of security, belonging and certainty in a deterritorialized, neoliberal Mumbai. Such projects have little to offer pavement dwellers as is indicated by their

predicament of placelessness and by the violence directed towards them by the state and by parochial movements such as the Shiv Sena. Pavement-dwellers know all too well that they cannot be accommodated in the sodalities of such belonging-based projects of place-making. They are, after all, the *homo sacer* of the nation, the quintessential modern project of place-making, the sacrificial bodies through whose displacement and dispossession the assimilative projects of 'national development' and the autochthonies of ethno-nationalism have been realised.

Becoming, Gotz and Simone (2003) argue, is a more promising approach to "regrounding social relations", where the disenfranchised respond to the unravelling of the place-making endeavour of the nation-state by creatively assembling pluralised, mobile and contingent identities and affiliations that operate in and through the multiple geographies that course through their lives (p.124). While promising, the grassroots cosmopolitanism celebrated in the notion of becoming is hard work, especially for populations whose contingent associations and improvised homes are always under threat of destruction and dispersal and whose sense of self is jeopardised by this relentless violence (cf. Trouillot 2002). That is, their context for social and cultural production of self is constantly under threat of being reduced to rubble (cf. Appadurai 1996). So while survival has spurred the improvisational skills and the creative "quiet encroachments" (Bayat 2002) of pavement dwellers, demolitions and evictions inflect these affiliations with ephemerality rather allow them to form a reliable basis for cultural and social reproduction, i.e. a sense of home, and a context in which to craft subjectivity. It is to this challenge that the Alliance addresses itself in its endeavour to

transform the conditions of abjectivity that pavement dwellers find themselves in: to provide a place, a relatively enduring assemblage of meanings and relationships, for piecing together and reproducing historical subjects.

The Rhetoric of the Daily Savings Round

Critically informing my analysis of the recovery of subjectivity is bell hooks' (1991) notion of 'homeplace.' By "homeplace" hooks is drawing attention to the banal, unrecognised practices of care and of recognition through which black women constructed the home as a place of restoring subjectivity to those denied it outside the confines of the domestic space:

Despite the brutal reality of racial apartheid, of domination, one's homeplace was the one site where one could freely confront the issue of humanization, where one could resist. Black women resisted by making homes where all black people could strive to be subjects, not objects... This task of making homeplace was not simply a matter of black women providing service; it was about the construction of a safe place where black people could affirm one another and by doing so heal many of the wounds inflicted by racist domination (p.42).

What I found as I explored the Alliance's political practice is a similar process of creating a space for the recovery and affirmation of self, from bodies exposed to dehumanising violence and degradation on a daily basis. Tellingly, most of the pavement dwellers I met remarked that they did not

know their neighbours before they began to engage in the mobilizational practices of the Alliance. When pressed to explain what they meant, they would respond by saying that while they might know what their neighbour's name was, they had no basis for, and saw no future in, developing an affective relationship with them; they were all outsiders - even to each other - living from moment to moment and from demolition to demolition. Given that most poor migrants tend to gravitate to locations in the city where they might have some kin, regional or language based associations that they can use to negotiate a stretch of pavement, it is clear that the claim to not 'know' one's neighbour is an expression of a profound sense of alienation, of abjectivity, where one is left bereft of the capacity to create a neighbourhood, a space of certitude (cf. Appadurai 1996), and is condemned to uncertainty. That is, it is a statement that attests to the traumatic toll that evictions and dispossession take on the fabric of social and cultural reproduction (Appadurai 1996, hooks 1991, Kothari 1996, Trouillot 2002).

The daily savings round, an account of which I provide below, lies at the heart of the Alliance's struggle to recover space and subjectivity in the face of this violence. As I accompanied Kamala as she went on her daily savings round, just as she has done every morning for the past 20 years, I began to understand why, for what it does is to create a "homeplace" for those abandoned by the contemporary social order. It is a ritual that quietly redresses the alienation and abjectivity of the urban poor through its quotidian acts of recognition. In doing so, it provides the foundation for challenging their abjectivity and for securing a home. I provide a short account of that walk, followed by an extended discussion of some of the

discursive elements of the subversive politics of articulation in which the ritual of the savings round is located, and which it reproduces everyday through its “quiet encroachments.”

I alight from the bus in front of Nagpada Police Station a little bit bleary-eyed. Kamala had told me not to be late when I arranged to accompany her on her daily ‘savings round.’ She is the Mahila Milan leader of a street in Nagpada, and every day she visits every pavement dwelling on her street and collects the savings that each household deposits into their Mahila Milan savings account. She left at 7:30 a.m. and so here I was at 7:15 looking at the row of dwellings that occupied the pavement opposite the police station, trying to figure out which one was Kamala’s house. All along the opposite pavement were people in various stages of getting ready for the day. Little children with their hair painfully scraped back, dressed in school uniforms and bearing huge satchels were being dispatched to school. Scooping mugs of water from disused chemical barrels, a few women squatted on the road washing clothes, some washing dishes. There is an intimacy to these scenes of ordinariness, of a household gearing up for the day, that belies their public display. Because I am standing on the opposite side of the road, these images are chopped up by the fast-paced vehicular traffic – double-decker buses, cars and vans - racing through this narrow one-way street. There is no pavement on this side of the street and I was in danger of losing my toes as the vehicles passed within a hair’s

breadth. Where was Kamala? Luckily, I spot her son Shekhar who leads me to her house. A bright blue shack, less than 40 square feet, and like the others, it is built against the compound wall of a rather large multi-storeyed residential building. They are all numbered and at the end of the row is an official looking board announcing them as Mahila Milan *zhopadpatties* (shacks), the name of the locality and the number of dwellings. Kamala gestures to me to enter. She had just finished her pooja and was ready go. I take a quick glance at her altar and am rather bemused to find a picture of Jesus alongside those of Hindu deities. Catching my look, she laughs and tells me that a Kenyan federation member had given it to her that last time she was in Nairobi²⁹, and she incorporated it into her worship. As we leave the house on her round, she tells me that before the compound wall was built, there was only an wrought-iron fence and the pavement dwellers would have to erect and dismantle their shelters every day, the shelter itself used to be only 3 or 4 feet high. She hands me the savings bag to carry and we turn left, towards the police station. As we walk from house to house she explains that some households make daily deposits while others weekly. It takes her half an hour, 7:30 to 8 am, to complete her collection round. Often she has to wake people up she tells me, and in the very next house she does exactly that and a woman,

²⁹ Mahila Milan and NSDF are founding members of Shack Dwellers' International, a transnational network of organisations of the urban poor. SDI facilitates peer exchanges of information and expertise across countries, and Kamala is one of many pavement and slum dwellers from Bombay who has visited, organised and hosted federations of the urban poor in countries across Asia and Africa.

half-asleep pulls out Rs.20 from her clothes and soundlessly hands it to her. We double back and visit the shacks on the other side of Kamala's shack. The amount that is deposited varies quite widely, from Rs. 80 to nothing at all – there are also some are loan repayments being made in addition to the savings deposits. There is the occasional conversation. We stop for a while at Nasreen's; she has been very unwell for the past few months. It is almost 8 and we are almost done, the plastic bag is perceptibly heavier than when we set out. On the way back to her house, we run into a woman who rather bashfully gives Kamala a ten-rupee note, apparently she has not been making her deposits regularly. As she moves away, Kamala confides that the woman is a *'bahar rehene vala'* (trans. 'lives outside') – did she mean outsider, I asked a little perplexed? No, she doesn't have a shack, she sleeps where she can, and she makes deposits when she can. Apparently not everyone is thrilled with the prospect of making loans from their collective fund to such itinerant members and she has had to take some flak, but Kamala trusts her, and besides, she points out, who else would loan her the money?

Who indeed. The geography of the savings round, traced out by Kamala's steps and transactions, in its ability to accommodate the worst-off among the urban poor, stands in stark contrast to the violent exclusions that they face as pavement dwellers in a city that is striving to attract global finance. If squatting on the pavement signifies the abjectivity of pavement dwellers, then

the pedestrian activity of the savings round tells quite another story. De Certeau's (1984, p.97) formulation of walking as a "pedestrian speech act", wherein he draws attention to its enunciative property, is a useful way to begin to unpack the story narrated in Kamala's morning walk. He contends that:

The act of walking is to the urban system what the speech act is to language or to the statements uttered. At the most elementary level, it has a triple "enunciative" function: it is a process of *appropriation* of the topographical system on the part of the pedestrian...it is a spatial acting-out of the place... and it implies *relations* among differentiated positions... It thus seems possible to give a preliminary definition of walking as a space of enunciation (pp.97-98).

And so in Nagpada, walking from house to house, relationships were renewed that would otherwise atrophy into a state of alienation as the attrition of countless evictions took their toll. Money, the very medium by which pavement dwellers are devalued and alienated, acquires a different valency as the transactions are informed by and accommodate the exigent circumstances of the households living on the edge of that busy one-way street in Nagpada (cf. Reddy 1987). The pedestrian - in the sense of both ambulatory and quotidian - ritual of the savings round is thus a quiet process of crafting an alternative sociality for pavement dwellers.

What de Certeau's (1984) understanding of walking as a creative appropriation and re-composition of the spatial ordering of the city allows us to appreciate, is how the ritual of the savings round produces a neighbourhood where there was close to none. That is, drawing on Appadurai's (1996) discussion of phenomenological dimensions of locality, I understand neighbourhood as an affective practice of recognition and basis for cultural reproduction. It allows the experience of inhabitation to be apprehended as one of inclusion rather than that of exile. Neighbourhood, whether virtual or physical (the material and symbolic fragility of their constructions of home makes it hard to decide what the neighbourhood of pavement dwellers of Nagpada would qualify as), Appadurai contends, is the context through which subjectivity is realised for it provides the social basis for cultural reproduction. Consequently it is also, I argue, the basis for political mobilisation and action. As hooks' (1991) points out with regard to the subversiveness of "homeplace" is that by providing a refuge from which a sense of self could be recovered from the attritional processes of material and symbolic othering that African-Americans are subjected to in public life, "homeplace" became the basis for building "a community of resistance" (p.42). In the next three sections of the paper I provide a prospective reading of some of the organising practices of the Alliance; I discuss how the neighbourhoods crafted by the Alliance not only allow pavement dwellers to recover their historical subjectivity but also engage it in order to transform their living conditions.

Recovering Subjectivity

The foremost tactic in the Alliance's arsenal to counter the invisibility rendered by the multiple exclusions of the urban poor in Mumbai, is enumeration³⁰. The numbers on the dwellings built on the pavement of Nagpada are the result of this enumerative effort. While enumerative exercises have typically been the prerogative of the state and are taxonomic exercises in subjectivity - seeking to establish the terms by which populations may be recognised - the Alliance has appropriated the practice. They use it as a mobilizational tool, collecting people and information with which to negotiate with the state, in short, to posit *their* terms of recognition.

An example of the use of this tactic is provided in the response of SPARC to the adverse verdict delivered in 1985 on the Pavement Dwellers case. To offset the verdict and to counter the many baseless statements made by the State and others about the nature and magnitude of pavement-dwellings in Bombay, SPARC elected to conduct a census of pavement dwellers rather than stage a rally or a protest decrying the court's decision to allow the state to evict pavement dwellers without offering them a place to live. They produced a report called *We, the Invisible* (1985) that contained the results of a census of pavement dwellers undertaken in E Ward, the ward with the highest density of pavement dwellers in Bombay, as well as those of the city's main arterial roads with a high population of pavement dwellers (Senapati Bapat Marg, Tulsi Pipe Road, P. D'Mello, Reay Road, E. Moses Road and Sewree Road).

³⁰ The Federation itself emerged out of an enumerative process. Facing demolition in the early 1970s, the residents of Janata Colony collected and tabulated information about their settlement in order to fight the displacement. While they were not successful in preventing the demolition, the process resulted in the formation of the Bombay Slum Dwellers' Federation, the precursor to today's National Slum Dwellers' Federation.

The census provided data on 6000 households, i.e. 27000 individuals, data that was critical in their effort to challenge the othering of pavement dwellers by the state and civil society. It revealed, for example, that the work participation rate among pavement dwellers was higher than the national average. 43 per cent of the census population were wage earners, while nationally the proportion of wage earners to the total population was 38 per cent (IOL 1984, p.9, cited in SPARC 1985, p.15). The data also revealed that 74 per cent of these wage earners earned less than the minimum wage, working as unskilled and manual labourers, vendors and domestic servants (p.15). Needless to say these figures flew in the face of well-entrenched beliefs about pavement dwellers.

We, the Invisible provided information on a segment of the city's population on whom no systematic information existed – a vacuum that allowed for the poor to be seen as Other and to be misrepresented. Additionally, this information was owned not by the State or by professionals, but was produced and owned by the poorest populations in the city. Consequently it challenged the epistemic privilege that states and experts requisition for themselves, especially with regard to the poor and 'underdeveloped,' which is to produce and interpret knowledge.

The Alliance's enumerations produced the information that its constituents would require to negotiate for and claim entitlements. As community enumerators fanned out across the city collecting information on pavement and slum settlements, houses were numbered, maps were drawn of each settlement, family sizes were recorded, as were the number of years that families had lived in Mumbai, employment statistics were gathered, migration

histories were recounted, incomes were revealed, and identity cards were issued. They literally wrote themselves into existence, producing papers and representational forms that they were excluded from, countering the erasures effected by the state's demolitions and neglect.

This practice, where pavement dwellers appropriated a tool of governments and went from house to house collecting, tabulating and correcting information about themselves, served to create a shared interpretive framework that allowed previously isolated families to engage with each other by seeing the patterns and threads that drew their personal stories together. This is an outcome quite distinct from the state's enumerative exercises. The Alliance's enumerative practice created a shared subject space, i.e., the neighbourhood that Appadurai (1996) has argued is the affective context of cultural reproduction through which "subjects of history become historical subjects" (p.185). The cartographies and taxonomies produced by these community based enumeration exercises are one the many ritualistic practices of the Alliance that allow their constituents to processually develop a sense of home and gingerly reclaim their subjectivity (de Certeau 1984, Lukes 1975). As communities of the urban poor mobilise information about themselves, and collectively work to define their localities, they begin to construct the epistemic contexts in and through which their subjectivity may be realised. There are no assumptions or requirements of *a priori* sameness, rather the rituals craft a process of becoming by specifying and reproducing the terms of interconnection that link people with each other and produce

locality³¹. An example is provided by the pavement dwellers of 14th Street in Kamathipura, who are in various ways engaged with the sex trade. In the process of enumerating themselves they renamed their locality as Shantinagar (trans. peace town) as a way of constituting themselves and their relationships with each other on a different plane. By doing so they supplanted the identifications provided to them by the trade that makes Kamathipura notorious. When, for instance, I talked to Afsar and Raziya, Mahila Milan members from Shantinagar, they insisted on being identified as residents of 14th Street or Shantinagar, correcting me when I asked if they lived in Kamathipura. For while they acknowledged the *dhandha* (i.e. sex work) that defined the area in which they lived, they refused to frame the stories of their lives within the terms and connotations of Kamathipura. If we consider the process of story-telling to be a creative act of self-making, as Sarah Lamb (2001) does, then Afsar and Raziya's refusal to be identified as living in Kamathipura, and insistence on situating their stories on the pavement of 14th Street is indicative of how the cartographic rituals of the Alliance craft new narrative spaces. According to Lamb, the narrator fabricates a self in the telling of her story, taking a relation to the categories through which her life has had to be lived. "Self-narrating," she points out, "can be experienced as a powerful, narrative act, as a means of reflecting on the circumstances of one's life and of creating realities – particularly conceptual and affective ones" (p.21). As residents of Shantinagar or members of Mahila Milan's 14th Street settlement, Afsar and Raziya were able to bring together aspects of their lives differently, imbue them with different meanings and aspirations, and make

³¹ The particular meaning of locality I deploy is a phenomenological one, drawing on Raymond Williams' assessment of it as a "structure of feeling" (Williams 1977, cited in Appadurai 1996).

sense of their lives differently than they would have if they were narrating their lives from the overdetermined space of Kamathipura.

Building and maintaining these emergent relationships and subjectivities is no mean feat given that these populations are subjected to periodic evictions and demolitions that threaten to annihilate these precarious constructions of locality and scatter its subjects. There are also other violent political geographies of belonging that they have to contend with, such as those traced out by the Shiv Sena, a right-wing Hindu nationalist party. Hansen's (2001a) account of the Shiv Sena details the way in which the *shakhas* or neighbourhood branches of the party become the geographical and political grid in and through which identities take shape, the politics of belonging is negotiated, and the work of ethnic cleansing is carried out. The public celebration of festivals organised by *shakha* members, as Hansen points out, work to reproduce and provide interpretive frames for its political geography. Members of NSDF and *Mahila Milan*, some of whom may well have participated in the Shiv Sena's cartographic rituals, however offer another geography of the city, an inclusive one - that is traced by daily savings collection routes, held in place by enumeration exercises, and fuelled by the dreams of a secure home. Their rituals have been crucial to developing the endurance of these precipitously located subjects to withstand these assaults and maintain their ground, politically and physically, by crafting a rhythm and a space that is informed by urban visions that are distinct from those expressed through demolitions and genocidal violence.

Given the neoliberal valorisation of micro-credit, it is difficult to immediately discern how the Alliance's particular performance of this practice advances a politics of accommodation. It is only close inspection of the form of savings and credit in circulation that reveals that the Alliance does not make a virtue of disciplining defaulters or increasing the corpus through raising interest rates, practices of exclusion that arguably increase rather than decrease the vulnerability of the poor. Rather, the focus is on social inclusion, i.e. on the collection of daily savings of small, even miniscule amounts of money that represent very little in material terms (even to the urban poor) but convey much symbolic and organisational value that is communicated and replenished daily as community leaders like Kamala visit each pavement or slum dwelling on their street. As Gibson-Graham (2006) indicates "To join such a group is to engage in new practice of the self – setting aside savings from what is already too little to live on... In the process, new senses of self are instituted – through self-development as citizens, house designers, investors, or entrepreneurs, through self-recognition of their survival capacities as poor women and migrants, through daily recommitment to the cultivation of solidarity" (p.xxv). For what is exchanged in these visits is not just small change, but information, people, and trust, the sinews of the pavement dwellers' political formation. This practice thus enables the reproduction of what Elyachar (2006) in her study of exchanges in the informal economy of Cairo terms "relational value," which is "the positive value attached to the creation, reproduction and extension of relationships in communities" (p.7).

The value exchanges that these daily collection rounds enable, like the enumerative exercises of the Alliance, produce an interpretive framework that provides the bedrock to the organisational efforts of the Alliance. Deploying Appadurai's (1996) dialectically conceived notion of locality what we find is that the daily savings (and the promise of a future that these investments renew daily) interject into the unpredictable rhythm of locality-destroying demolitions a locality-reproducing regularity that is essential to the resilience of these interpretive frameworks and the subjects they constitute.

Making Claims

The numbers and statistics generated by the Alliance's enumeration exercises proved useful not only in the aftermath of demolitions as affected communities sought to get compensation for damages incurred to person and personal property, but also to create the basis for laying claim to welfare entitlements that had previously been denied to them either because they were presumed to be transients or the state felt no compulsion to deliver the entitlements due to those considered to be less-than citizens. Over time, as the Alliance persisted in presenting the information that their enumeration was providing – information that the State did not have - local government officials were invited to accompany these community enumerators and later, to conduct joint surveys. Quietly and gradually the relationship between the urban poor and the state was recalibrated as these unofficial enumeration practices and previously ignored numbers were normativised and entered into the city's calculus of governance. The degree to which the Alliance had been able to encroach upon the enumerative privilege of the state was brought home to me ever so often as I sat in the federation's office in Byculla. The

office is located in a garage at the rear of the local municipal dispensary, and it was not uncommon to encounter somewhat bewildered Junior Engineers from the state's Public Works Department enquiring if this was the 'Survey Office,' as they surveyed the motley crew of people sitting on the rattan mat covered floor, clearly busy at work. There was little hesitation though, in the response, "Yes, this is the survey office. What data do you need?"

What is clear from the use of enumeration as a tactic of encroachment on the space and subject of the political is a movement away from a politics of confrontation, which the pavement dwellers' imperilled circumstances of living cannot permit, to one of engagement with the very institutions and individuals who make their present homes perilous (cf. Bayat 2000). For many observers the asymmetry of these emergent relationships is unsettling, the spectre of cooptation looming large in their interpretation of the potential of such relationships to advance the cause of social justice. Certainly the reluctance of the Alliance to issue explicit disavowals of the state's many acts of violence and duplicity against the urban poor that punctuate the process of forging a relationship with the state prompts many analysts to read these emergent asymmetrical relationships between the state and pavement dwellers as cooptation. For the constituents of this praxis however, who are acutely aware of the power asymmetries between themselves and the state, opportunities to cultivate such relationships are nevertheless painstakingly nurtured and quickly seized upon as tactical openings to broaden and institutionalise the transformations that they have stealthily crafted (cf. de Certeau 1984). Encroachments on the discursive terrain of neoliberal policy – advanced through the unlikely tactics of a daily savings round or an

enumeration - provide an opportunity to subvert the fixities, and distend the boundaries, of the categories of contemporary political authority. In so doing, they transform the epistemic conditions that inform the relationship between pavement dwellers and the state and open up possibilities and set precedents for change.

For, having been abandoned by the state, these openings provide opportunities for the urban poor to make the state accountable to the urban poor as well as to introduce norms of engagement where the poor are not infantilised (as is the case with most government development programs) but are seen as capable of participating in the solutions to the problems that they face. Government subsidies earmarked for the poor – for the construction of public toilets or housing for *beedi* workers for example - that are lying unutilised are being identified and resurrected by the Alliance. The resurrection, effected through persistent lobbying and developing pilots, however occurs on new terms, where the beneficiaries, instead of the state and construction companies, design and produce the assets intended by these subsidies. Consequently instead of staging demonstrations, which as I have already argued is a risky proposition for those who live on the street, they would rather demonstrate new forms of engagement between the urban poor and the state. These are forms that do not incarcerate the poor into the subject-space of the under-developed primitive historically provided in projects of modernization, but provide them opportunities to cast themselves as constituents of a democratic polity. So from the Alliance's perspective such opportunities offer the urban poor to exercise what Lefebvre (1996[1968]; cf. Merrifield 2006) famously referred to as 'a right to the city,' which he

maintained was not just the right of habitation but of *inhabitation*, i.e. of participation in the urban as a space of vibrant, creative, life-enhancing possibilities.

What their tactics indicate is what Gibson-Graham (2006) calls an “ontological reframing” (p.xxx) of power that allows for a “politics of possibility” (p.xxxvii), i.e., a refusal to “see co-optation as a necessary condition of consorting with power” (p.xxvi). Such a reframing, she indicates, which hones in on the contingent foundations of power, “can create the fertile ontological ground from which the unexpected can emerge, while increasing our space of decision and room to move as political subjects” (p.xxx). For pavement dwellers such engagements provide recognition that they have thus far been denied – on terms that they themselves have created – and offer opportunities to infiltrate the categories and actions of power and inflect them with meanings that will accommodate these previously excluded populations. For them, cooptation only occurs when you stop encroaching, i.e., when you start policing boundaries instead of transgressing them. An overly punctilious attention to the rules imposed by the state and others, when seen to work to the detriment of the Alliance’s constituents, usually invites a fierce reprimand, “Are we working for the World Bank? Municipality? Or are we working for the people?”

The enumeration exercises produce the knowledge, and the epistemic communities that enable the Alliance to seize any opportunities that open up. SPARC’s *We, the Invisible* (1985) census of pavement dwellers was able to set the stage for negotiating for land on which pavement dwellers could be

relocated, an achievement that the legal representations made in the course of the Supreme Court case concerning the demolition of pavement dwellings were not able to accomplish. Through 1986, Alliance activists pounded the corridors of Mantralaya (offices of the State government) and the Municipal Corporation armed with copies of *We, the Invisible*, holding discussions with the various housing agencies in the government of Maharashtra about resettling pavement dwellers. By the end of the year the idea of resettling pavement dwellers seemed to find some support in official quarters. However at that time there was no policy framework governing the resettlement of pavement dwellers. Resettlement, if it occurred at all, occurred as a result of site-specific infrastructural development projects. What the Alliance was seeking was not a one-time accommodation but institutional change that all pavement dwellers could access. However they would have to wait till 1995 for such an opening to appear – that would provide them the opportunity to realize the Milan Nagar and other housing projects for pavement dwellers. In the interim, teams of pavement and slum dwellers scoured the city for land that they could negotiate for, closely examining the city's Development Plan maps for land that had been earmarked for low-income housing but rendered invisible by real estate interests working in collusion with state planning authorities.

In 1995 a new government came into power in the state, riding on the pre-election promise of free housing to slum-dwellers who could establish that they arrived in the city prior to 1995.³² Once in power, a committee was set up

³² The Shiv Sena – BJP coalition government proposed a slum rehabilitation program where part of the plot of land occupied by a slum settlement would be used to re-house slum dwellers while the rest would be used to construct houses for sale in the open market. It was

to devise a policy framework that could realize this election promise. While the committee was certainly a product of its times in that membership to it was by invitation only, the Alliance was able to find a place on it. Its ability to operate on a city-wide scale, its history of engaging the state on a deliberative rather than confrontational basis, and the growing pool of support that it had painstakingly nurtured and cultivated in the state bureaucracy no doubt stood it in good stead and allowed them to take a seat at the policy-making table. Through the active lobbying of the Alliance this policy included pavement-dwellers as well as slum dwellers, an inclusion that was completely unprecedented. The new policy finally provided an opportunity for the Alliance to make their case for the Milan Nagar housing project, which they were able to make as a result of all the preparatory work that had been completed in the preceding decade. And in preparation for the move, in 1995 another enumeration of pavement dwellings was conducted, this time as a joint exercise of the Municipality and the Alliance, to identify all those who would be able to get a house under the policy. It would still take another ten years before the pavement dwellers of Nagpada and adjoining areas in Byculla would get the keys to their apartments in Milan Nagar, but the political foundation had been laid for pavement dwellers to lay claim to these houses.

anticipated that the sale of the latter would subsidise the cost of constructing apartment blocks for the former, making them in effect 'free' houses for the poor. Despite the attempt to project this program as evidence of the two parties' commitment to the city's poor and more generally, their populist agenda, the program was widely perceived to be a land grab, favouring not the poor but the city's real-estate developers who were eager to capitalise on the real-estate bubble of the early 1990s. The use of 1.1.1995 as a cut-off date for eligibility for the program was a blatant statement of the election-driven relationship between the poor and public policies and programs, a legacy of the populist politics pioneered by Indira Gandhi in the 1970s.

A Politics of Accommodation

The Alliance's politics of engagement, whereby they seek to transform the relationship between the state and the urban poor from one of abandonment to one of accountability, is advanced through a political formation they call federation. The federation is as much an organisational form as it is a political imaginary. As an organisational form it allows the urban poor to leverage the advantages of scale to address the state and advance their claims to *a home*. As a political imaginary it attempts to build a political space in which each of its constituents can feel *at home*.

There are several federations, including a pavement dwellers' federation, that constitute the National Slum Dwellers' Federation. Each federation brings together people based on the ownership of land upon which they have squatted, to collectively negotiate with the landowner for facilities (like toilets or water taps), tenurial possibilities or resettlement. The scale that the federation provides plays a particularly important role in its ability to engage the state. For while it is grounded in the particular, i.e. in the place-making struggles and experiences of the urban poor, by articulating these efforts the federation expands the circuit of knowledge available to the urban poor. In doing so it challenges the discursive paradigm of development, i.e. of the 'globally' informed professional and the 'locally' situated poor. Additionally, the scalar reach of these federations allows for breakthroughs in negotiations and successful examples forged in one area to be adapted, reproduced and refined across cities, states, and even countries³³. For example, the successful

³³ The federations are constantly engaged in peer learning exchanges where people from various informal settlements regularly visit each other within Mumbai, across the approximately eighty cities in India in which the National Slum Dwellers' Federation and

resettlement of slums along the railway lines in Mumbai offered strategies and examples that were quickly adapted by federations of the urban poor in Nairobi. Further, the scale provided by the federations strengthens the Alliance's effort to negotiate for a transformation of existing institutional arrangements instead of being placated by tokenist dispensations from the state.

While the scalar reach that is afforded by federation certainly plays an important role in its negotiations with the state what I found to be of greater political significance is the *kind* of political space that it provides the urban poor. Resonating the practice of social inclusion expressed in the Alliance's off-beat interpretation of credit exchanges, the federation model practiced by the Alliance allows its constituents to determine when and how they want to participate, creating a pluralistic polity rather than a membership cadre defined by strictly disciplined rituals of belonging. As the description of the daily savings round with Kamala illustrates, *Mahila Milan's* practice of savings and credit is quite distinctive, betraying little of the disciplinary intent that has made the micro-credit such a popular development practice among policy-makers. Here, much to the consternation of visiting bankers and other representatives of financial institutions, loan defaulters are not penalised or 'exiled.' Their inability to repay a loan in time is not seen as a symptom of moral bankruptcy or profligacy, but of attenuated circumstances. It is a practice that recognises the fluctuating circumstances of the majority of the urban poor. Its practitioners know all too well what would happen if one of

Mahila Milan operate, and across the fifteen countries represented in the Shack Dwellers' International (of which the Alliance is a founding member).

their neighbours were deprived of the opportunity to borrow money that they needed, for each of their bodies bear the memory of such deprivation. The federation, likewise is a political formation that reflects the contingent circumstances of its constituents' everyday lives.

While far from perfect, for like all political formations it is replete with tussles for leadership, betrayals and hubris, the federation attempts to create a political space in which each constituent can feel at home. Unlike the singular subject space of populist politics, where the claim to unity is derived from a projection of a uniform community (cf. Gupta 1996), the federation is grounded in the particular, the *paada* (neighbourhood), and offers a way of imagining a political constituency pluralistically. To fully appreciate the distinctiveness of the kind of space produced in the federation it is useful to recall Young' (1991) and Harvey's (1997) critiques of community. While they both recognise the progressive intent posited in notions of community leveraged by social justice activists, they argue that community based political formations ultimately founder as a vehicle for social justice, for they like the imagined communities they oppose, are sodalities that are constituted by exclusions.

The pluralistic political space that the federation creates, on the other hand, is one that recognizes people's multiple affiliations and differences, and does not require that these be renounced or suppressed in order to be a federation member. Rather, it accommodates them. Nor does it perceive these differences as anything other than contingent locations salvaged from the scrap heap of historical circumstance. Eschewing the relatively mono-tonal

shared subject space offered by populist politics, the federation is a multi-hued political formation whose constituency is linked together by contingent "chains of equivalence" (Laclau and Mouffe 1985, pp.127-9). Like the coalitional feminist politics and subject outlined by Caraway (1991), the federation is a contingent and open-ended "articulation of locations, identities, and experience" (p.174) that crafts a political subject as a work-in-progress, rather than one defined by essentialism or homogeneity. That is, it crafts a political space for the cultural reproduction of subjects that is oriented towards becoming rather than belonging. It helps that the federation itself is often referenced in terms of a process – as in the pavement dwellers are 'federating' – rather than as a product. The nebulous, permeable margins of different standpoints (between and within individuals) are the source of crossovers, of coalitions. Recognizing the different claims to the category "federation member" necessitates moving beyond experience/standpoint (though not renouncing it) in the process of making a political "self".

In this alternative political imaginary it is not surprising therefore to find people affiliated to violently opposed political parties working together as members of the federation. When I enquired how such ideologically distinct and opposed politics were able to find a common ground I was met with rather puzzled looks, as if to ask why I thought there would be a problem. Given the ironies that structure the lives of the urban poor – where municipality demolition workers are often slum-dwellers themselves, or water connections for a predominantly Muslim settlement of pavement dwellers in Nagpada are provided by the Shiv Sena councillor and not by the middle-class Muslim legislator also standing for election from the area – my questions

about their transgressions across party lines probably sounded incredibly naïve. Transgression and improvisation was their condition of living in the city. For, the associational life of the urban poor is one of *jugaad*, the creative and opportunistic piecing together of deals, exemplified by the practice of squatting (cf. Gotz and Simone 2003, Simone 2001). Their survival depended on such improvisations, and their politics reflected and affirmed this experience of negotiating battle-lines and making deals through the creation of coalitional subjects and politics.

What we find is that, while seeking recognition as political subjects, the Alliance's praxis advances a politics of accommodation that is distinct from the abstract equalities and universalities of private citizens and public spaces, the very properties that have rendered the urban poor placeless. Through crafting a plural and permeable, i.e. transformative, political space and subject that is defined by becoming, they have appropriated as a critical location their displacement from the normative space of politics, one that is defined by belonging. It is a location from which to challenge the private determination of the space and subject of the public, to demand accountability from the state that has thus far abetted rather than "abated" (Marshall 1964) this determination, and to call forth a vision of an inclusive, improvisational political subject.

Conclusion: Transgressions

Given the prevalence of increasingly exclusionary conceptions of citizenship that are produced as cities violently reconfigure the urban landscape to provide attractive nodes for global capital, the attempts of the Alliance to

create a place for the urban poor that challenges this “politics of closure” (as Hall and Held [1990] characterise the contemporary conjuncture) become quite important to understand. As I have indicated at the outset the significance of their practice is not that it provides a set of steps that, if dutifully followed, will lead previously homeless populations to homes. Rather, the significance lies in the critical reading that they provide on the epistemic conditions of their placelessness, and what it would take to challenge the abjectivity to which they have been condemned. They have sought to resolve their predicament of placelessness not by pursuing inclusion into extant spaces and subjectivities of citizenship and laying claim to the rights therein, but by forging an alternative politics of recognition – one that is based on accommodation and becoming rather than on exclusion and belonging. They have advanced this politics not by confrontation but by embracing the encroachment of the urban poor on the physical space of the city as a critical location (cf. Bayat 2000), and making of this abject condition a politics of transgression that enables them to reclaim the historical subjectivity that is denied to them.

However the Alliance’s particular ontology of mobilization and espousal of a politics of engagement has often puzzled analysts, leading them to ask if it constitutes a social movement.³⁴ Jockin, the President of the NSDF, typically lobs the question back, saying something along the lines of “Well, do *you* think we fit the definition? If we do, then I guess we are, but...,” clearly indicating that he and the federation members are quite used to not being at home in the

³⁴ Inviting this question is a rather significant achievement I think, given that political formations as opposed as the right-wing Rashtriya Swayamsevak Sangh and the Chipko Andolan are quite unquestioningly considered to fall under the rubric of ‘social movements’!

categories by which others engage the world. That is, in fact, what their politics of accommodation is about. It is a steadfast commitment to create spaces and subjectivities that those who have been expelled from the realm of the political can be *at home* in, for that constitutes their best chance of securing *a home*. If they paid heed to boundaries – physical or conceptual – their lives would be in jeopardy; their very survival depended on working the boundaries, quietly.

Their struggle is borne out of a profound sense of homelessness. By building their recoveries of subjectivity and space as *jugaad*, the creative piecing together of social relations, they reveal a canny understanding of the epistemic conditions underpinning their predicament of placeless-ness. It is an understanding that their lack of a home, i.e. a location from which to engage the world as historical subjects, is a relational outcome of the construction of contemporary categories of rule and terms of belonging. To pursue inclusion into this spatial order within extant terms of belonging would only serve to discipline the urban poor, not provide them a home. To secure a home they must therefore “unsettle” (Ilcan 1998) these categories, and the practices through which they derive their meaning and authority. It is thus a praxis that challenges its analysts, to make of its un-placeability in contemporary formulations of social struggle, a critical location, just as they have, from which to query representations of politics and their terms of recognition.

Chapter Six

CONCLUSION

To exercise sovereignty is to exercise control over mortality and to define life as the deployment and manifestation of power (Mbembe 2003, p.12).

In this dissertation I have examined the inhuman living conditions of the poorest people in Mumbai in order to understand the legitimation of the violence to which their dwellings and bodies attested. By exploring the social relations through which the pavement dwellers of Byculla came to occupy the edge of the road in order to live, I have made the argument that they are the product of the violent ordering of land and life through which postcolonial India sought to establish its sovereignty. The pavement dwellers of Mumbai, consequently, do not just live on the margins of the city's public thoroughfares, but teeter on the boundaries that define the normative political subject of postcolonial India.

As I investigated how the urban poor of Mumbai came to occupy such a tenuous location in relation to the body politic, where they were perceived by the middle class to literally *be waste* or *kachhra*, and were treated as such, I was lead by the life-stories that pavement dwellers shared with me to an examination of the role played by the Development project in the exercise of boundary mapping – of territory and humanity – through which the space and subject of sovereignty was defined, and the poor became Other. It is

through this historical process of structuring citizenship that violence against the pavement dwellers of Byculla was legitimised. Proceeding from an assessment of the degrading and dangerous conditions in which the urban poor are compelled to live in contemporary Mumbai, I moved progressively outwards incorporating into the category of 'squatter' the historical relations through which they were untethered from the land and constructed as Other. In doing so, I advanced the argument that the suppression of the historical relationships that have produced populations as pavement dwellers, as Other, has been a crucial element in legitimising the violence to which they are subject. For this is how the history of capitalist modernity represents itself, by othering destitution. This dissertation challenges such representations by formulating the squatter as a processual, violently realised, outcome of the relations by citizenship and sovereignty are constructed in postcolonial India.

In the two decades immediately following independence from colonial rule, the Indian state's claim to be a sovereign nation was compromised by severe food shortages that left the life of its population at the mercy of the international community. Singed by the experience the state embarked on a project of rapid, technology-intensive agricultural modernization, that came to be known as the Green Revolution, that promised to never allow the Indian state to fall into such a compromising situation by ensuring rapid increases in agricultural productivity. The social consequence of this project was to sever the ties of large swathes of the rural population to the land and compel them to migrate to the cities and 'squat' on the pavements and slums of the city in order to live. The political transformations that occurred in the wake of the Green Revolution sought to contain emerging agrarian unrest and manage

this massive demographic transformation through populist politics, wherein the promise to improve the welfare of the poor became central to the calculation of electoral prospects. However, by de-linking growth from redistribution, Indira Gandhi's brand of populism had the effect of constituting the poor as the other against which the interests of the middle-class were to be secured. Consequently what we find is that the food security of the nation and the securing of its territorial integrity was gained at the cost of great material and political insecurity of a large segment of its population, who had literally run out of place to live.

For while these peasant bodies were able to find work in the growing informal sector of the city, they earned paltry sums that forced them to encroach on private and public property in order to carve out a space on which they could live. Additionally, as 'squatters' on the land, not only were the urban poor's conditions of social reproduction in jeopardy, but their ability to be recognised as legitimate members of the body politic was severely compromised.

Attempts to disenfranchise the poor as well as the difficulties the urban poor faced in laying claim to public goods as a matter of entitlement indicate the nebulous locus standi of the urban poor. As my discussion of the Pavement Dwellers' case indicates, in weighing the lives of the poor, and their moral right to live, the judges, while deeply sympathetic to their plight, found it to be perfectly just and reasonable to order evictions of the poor without making any provision for a place for them to live. What this judgement indicated was that the lives of the poor and their right to live could not be recognised by the juridical order within which the right to life was lodged, and that

consequently, the pavement dwellers' were condemned to live under the shadow of violence.

Denied a firm foothold on the terrain of rights, the Alliance have sought to challenge the abjectivity of the poor and lay claim to a home in the city by advancing stealthily on and infiltrating the categories by which the urban poor are made Other and relegated to the margins of citizenship. The Alliance's practice emerges from a critical reading of their condition of placelessness, as a relational outcome of the processes by which normative political subject of the contemporary social order is specified. It is a reading that leads them to forge, through encroachment and improvisation, a political imaginary that seeks a transformation of the terms by which political subjectivity is constituted. For what their lives and circumstances of living have made clear is that the existing terms of membership into the spaces and subjects of the political cannot accommodate the bodies of the poor and secure them from violence. What we can glean from their practice is that they see their prospect of recovering historical subjectivity from the rubble of demolitions not by pursuing entry into liberal subject-spaces, nor from rejecting citizenship (cf. Agamben 2003), but from pluralizing the category of the citizen (cf. Feldman 2004) to whom the state must be accountable in its rendering of justice.

The argument that I have presented in this dissertation is that the living conditions of the poor need to be understood as more than the physical sites of residence but as a relational category that allows us to apprehend biopolitics of citizenship, i.e. the social and political terms under which humanity is

recognised and human survival is secured. The inhumanity that marks the circumstances of their living provides an opportunity to investigate the terms and practices by which their lives of pavement dwellers are rejected by the political community, and violence against them is normalised. In my deployment of 'living conditions' as a relational category through which to understand how violence against the urban poor in Bombay is legitimated I have not only traced the historical processes through which the pavement dwellers of Byculla have come to live in ragged encampments on the side of the road, but have also made the argument that the suppression of these historical relations, that tie the lives of the poor to the history of the land, have been a critical aspect of constructing their bodies as the predatory Other against whose encroachments the citizen must be secured.

My analysis of the precarious living conditions of pavement dwellers and the challenge they face in obtaining political recognition of their right to live clearly owes much to Arendt's (1951) analysis of the limits placed on the recognition of life by the particular political configuration of populations and territories that are constitutive of modern sovereignty. Her analysis has precipitated a growing and insightful body of inquiry into the constructions and diminutions of contemporary political subjectivity and the exercise of sovereign power. However, contemporary scholarship on sovereignty has tended to focus on the 'internal' theatre of securing the nation; while providing rich insights into the politics by which particular bodies cease to be able register their lives within the juridical order and are thus exposed to violence and death, it has had less to say about what is perceived to be sovereignty's 'external' aspect. The latter concerns the exercise of sovereign

power in the securing of territorial integrity of individual states within the inter-state system and has generally been relegated to the realm of international relations. What we find through an investigation of the living conditions of the urban poor in Bombay is a narrative of sovereignty in which we can apprehend the everyday ways in which both the external and internal aspects of sovereign power are implicated in constituting the bodies of the pavement dwellers on, and as, the boundaries of citizenship.

APPENDIX

The following document was appended to the judgement handed down by the Bombay High Court on the matter of Nazamunnissa Shaukat Ali and another Vs. Municipal Corporation of Greater Bombay and others (1990 *Cri. Law Jn.* 619). While the judgement was subsequently published in the *Criminal Law Journal*, this annexure was not. It was made available to me by SPARC, who supported the petitioners in making this legal intervention. I reproduce it here because in listing the nature and value of materials confiscated during the demolition of pavement dwellings in Nagpada on 3rd November 1988, we are provided with a brief glimpse into the fragile material base of pavement dwellers.

Annexure A from the Notice of Motion No. 3098 of 1988 in Writ petition No. 3381 of 1988.

Nazamunnissa Shaukat Ali and Kamrunissa Mohd. Hasin versus
The Municipal Corporation of Greater Bombay, Mr. G. R. Khairnar and C. K. Ghoney.

Names of hutment dwellers (including petitioners) & details of goods lost and their value:

Sr. No.	P.W. No.	Name	Goods lost		Value - Rs.
1	1	Kamrunissa Mohd. Hasin	230 Watch chains / straps;		1,000

			Machinery for cleaning watches, dials, watch cases; gas lighter; clothes tied in a lungi		
2	3	Mohamed Soheb Mohamed Amin	1 2-band radio transistor Cash 1 chadder & 4 sarees	Rs. 270 Rs.600 Rs.500	1,370
3	4	Laxmi Satyanarayan Naidu	Table top slab, Rolling pins, Spices		250
4	9	Saira Banoo	3 Mats 1 umbrella 1 water drum	Rs. 150 Rs.50 Rs. 100	300
5	10	Banoo Bi Mohammed Hanif	1 Pick Axe & Rs. 20 1 water drum & 1 jerry can 1 tin cooking oil 1 rolling stone for spices		250
6	11	Jamila Khatoon	1 tin of 2 kgs. Cooking oil 1 tin of 5 kgs. Rice 1 cot and 3 mats		500
7	12	Mohammed Tahir	1 water bucket 1 large aluminium		160

			handa		
8	13	Ayesha Khatoon	1 pair of clothes (hers) 1 pair of daughter's clothes 1 carpet & 1 cupboard		500
9	14	Mariam Begum	1 Iron Bench		200
10	15	Zohra Khatoon	8 Raddi paper bundles; 4 mats, vegetable cutter, new clothes of Rs.600/-		1500
11	16	Sameena Bashir	Rs. 250, 1 jerry can & 1 cot		380
12	17	Gulab Babu Shaikh	Utensils, 1 big degchi, 1 stove		250
13	18	Mohammed Jaleel Mohd. Jan	1 cot		70
14	19	Saira Bashir	2 big Degchi, 2 Thalass, other utensils, clothes own and children, 4 wooden planks used for sleeping		1200
15	20	Jamila Khatoon	1 cot, 1 sheet, 1 tin box with 10 kg. rice, 1 earthen pot (broken)		380
16	21	Shakeela Khan	Earthen pots (broken), 1 cot wooden with		300

			ropes, 1 bag of new clothes for children		
17	22	Mohammed Aziz Mohammed	Box with 5 kg. wheat, 2 kgs of rice, 1 radio		230
18	23	Jamila Khatoon	1 Jerry can of water, 1 vessel, 1 bedding & bed sheet, 1 cotton blanket and 2 sarees		250
19	24	Sohra Khatoon Mohd. Rashid	1 large earthen pot, 1 cot, Carpentry tools of her husband		750
20	25	Shakela Khatoon	1 drum of water, 1 small wooden cradle, 1 cupboard		250
			TOTAL		10,090

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