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Tolerated Encroachment
Resettlement policies and the negotiation of the licit/illicit divide in an Indian metropolis

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Summary: Inclusive growth is the new popular slogan animating development initiatives across the globe. Embracing the common rhetoric of rights discourses, the Indian government is investing heavily in novel welfare schemes for empowering poor people on the assumption that granting them access to the official market will put them on track for upward mobility and economic progress. In this article I use a case study of a massive slum relocation scheme in the Indian capital of Delhi to challenge this presumption. Resettlement is promoted as a way to accommodate the poor in the legal city. While it makes available desired commodities, its implementation is a complex process of re-negotiating the divide between licit/illicit forms of urban habitation. Importantly, the bureaucratic procedures that create legal entitlements depend on the illicit, informal and illegal domain that they aim to supplant. Thus, the new official suburbs emerge through the activity of people who flout the rules to meet the government target. Rather than a categorical shift from illegal to legal inhabitants of the city, resettlement recreates urban citizenship as a form of tolerated encroachment.

Keywords: urban governance, developmentalism, India, informal economy, state-citizen relation, urban citizenship, slum rehabilitation

“We have come from the village to the city for work. Now see what they have done. They have thrown us out into the village again.” This is how Sangita summed up her experience of watching her home being bulldozed by state authorities. I met her during my study of home-making practices of people relocated during a massive slum clearance undertaken to clear

Delhi for the Commonwealth Games in 2010 (Dupont 2008). Slum demolition left thousands¹ of people searching for new homes. 60% of the displaced families were eligible for a resettlement plot and yet less than half of these had the resources to take advantage of the offer to relocate. Those 30% who did move were of specific interest to me because they represent, as social workers were never tired to point out, the resilient and successful among the poor; those who had the education, the discipline or simply the resources to brave life at the urban fringes away from the hubs of the labor market. Just like the government they hoped that investment in private property would turn them into legal citizens of the city. My article contests this optimistic prediction. Analyzing resettlement practices, I demonstrate that legality at the margins is an unstable category that is unsettled not only by the survival strategies of people in crisis but also by the countless slippages in bureaucratic processes. Instead of being new legal suburbs these resettlements are spaces for vigorous and ongoing renegotiations of what can count as permitted ways of living in the city.

This finding is important considering the new planning optimism budding in India. Fuelled by the confidence that economic growth can turn India into a post-poverty nation, India is investing heavily in targeted schemes for “inclusive growth”. The new anti-poverty drives defy the stereotype of neoliberal governance as a unilateral process of simply scaling back welfare. India today spends more on social security than before economic liberalization (Gupta & Sivaramakrishnan 2011) on schemes such as the National Rural Employment Scheme; a new health insurance scheme; as well as urban upgrading (Jawaharlal National Urban Renewal Mission). Academic discussion of these new schemes is scant. Chatterjee (2008) explains that the continuous investment in welfare payment is an effect of the persistent political mobilization of the organized poor, whose capacity to act as political pressure group has steadily increased since the 1980s. Gupta and Sivaramakrishnan (2011) warn us that such increased spending does not necessarily advance inclusive growth. The redistribution of funds earned from the economic boom does little to change the power hierarchies or the life trajectories of people in low income groups. Neither of these views reflect the changing premises that underscore current approaches to poverty and thus fail to theorize the emerging relation between novel planning initiatives and real life impacts.

My article fills a gap in the literature with an ethnography of urban ‘improvement’ that is adduced as a specific case of neoliberal developmentalism. I begin my discussion with

¹ Gautam Bhan (2009) details that 96,461 households have been demolished between 1990 and 2007, almost half of these in the three years between 2004 and 2007. In early 2007 another three large settlements received eviction notices. The estimated total number of affected people is 1 million.

a short summary of urban planning in postcolonial India and spell out the aims and ideologies informing Delhi's current massive slum cleaning drives. Next I present case studies of resettlement practices collected during fieldwork in the resettlement colony of Ghevra-Savda located in outer West Delhi during the years 2008 to 2010. My discussion examines the negotiations that shape a new suburb. I focus specifically on the many unplanned effects of resettlement and process of bureaucratic interventions. My study draws attention to the degree of initiative and the improvisation skills that are required to take advantage of resettlement schemes that claim to create significant economic opportunities with minimal state investment in a society marked by crass economic and social inequalities. The official actions of urban restructuring that seek to discipline the poor, accommodate them in the official market and entice them to plan ahead also creates for them thickets of new challenges. Slippages and disjunctions between the formal and informal create new imbrications between the legal and the illegal perpetuating insecurities in marginal economies.

The fissures of planning

Progress and advancement through rational planning is a crucial ingredient of post-colonial nation making. Nehruvian developmentalism conceived of heavy investment in technology, infrastructure and education as a means to achieve the collective goal of catching up with the West. Urban planning was to be secured through a master plan forged with the help of foreign experts, who were to impart modernity and build egalitarian communities through technologies of rational planning (Hull 2011; Sundaram 2010). Yet, the plan did not generate the anticipated results. Rather than producing the desired ordered cities, it forged a gap between the official map and the lived space and in so doing rendered illegal a majority of dwellings. This position has been reiterated by academics (Budhya and Benjamin 2000; Nair 2005; Sundaram 2010) and resurfaces in countless government reports. A recent example is the Tejendra Khanna Committee of Experts report that evaluated the situation in Delhi and concluded that 80% of houses are illegal. They were built without permission or violate existing building bylaws. Furthermore, 75% to 80% of usage of space infringes zoning laws, with prohibited activities of trade, industry or service (Tajendra Khanna Committee of Experts 2006: 22-25, see also Mathur Committee Report 2006).

Yet, the dream of order prevails and celebrates its renaissance in a period of rapid economic growth. Cities have been identified as the hubs of a new, dynamic, globally competitive India. Their sustainable growth has become a major objective of policy. The Jawaharlal Nehru National Urban Renewal Mission (JNNURM) in particular channels

substantial resources towards improving urban infrastructure and promoting public services and legal housing. The plans include a sub-mission that aims to deliver to the poor “security of tenure at affordable prices, improved housing, water supply, sanitation and ensuring delivery through convergence of other already existing universal service of the Government for education, health and social security” (Government of India 2009: 2). Expectations are high. India will be slum free in five years, announced the President of India Pratibha Devsingh Patil in her speech to the nation on 4 June 2009². The Chief Minister of Delhi Sheila Dikshit strongly supported this policy and stated that Delhi is indeed determined to meet the deadline (*Indian Express*, 16 August 2009). Three years later India seems nowhere close to achieving this aim and yet the phrase of “slum free India” is kept afloat and was again recently reiterated by the Union Housing Minister Kumai Selja (*Time of India* 5.4.2011) and the Prime Minister Manmohan Singh (*The Hindu*, 15.8.2011).

In contrast to the official propaganda that praises the government’s effort to provide low cost housing, academic investigations encounter aggressive and aggravated violence against the poor. Sociologists (Baviskar 2009, Ramanathan 2005, 2006), urban geographers (Bhan 2009; Ghertner 2010) and anthropologists (Rajagopal 2001; Rao 2010) have analyzed in much detail the anti-poor bias of current urban planning and convincingly articulated the link between the desire of the salaried classes for a sanitized urban environment emulating ideal Western cities and excessive intolerance towards the disenfranchised. Both the old and new middle classes wish to be spared from displeasing exposure to poverty that is often presented as a danger to the moral order and a safety risk to the population (Anjaria 2009; Fernandes 2004). Discourses celebrating gentrification effectively repositioned squatters, turning them into illegal land grabbers (Ramanathan 2006), public nuisance (Ghertner 2010: 201), or even human waste (Menon 2009). The dream of an ordered city is accompanied by unrestrained fantasies of segregation. Those unable to produce the signs of ordered life are ostracized: “Delhi is [...] cleaning up. Only the best people will live in Delhi. Soon, there will be no slums here. All the deserving people will stay, but everyone else will have to go” (officer of the Delhi government, cf. Ghertner 2010: 203).

These studies of urban restructuring provide many crucial understandings of the social consequences of the exclusivist impulses acted out in the global city. However they rarely engage with the voices of those effected (exceptions are Appadurai 2002; Menon 2009; Menon-Sen & Bhan 2008). My article departs from prior accounts of slum clearance in three

² Address by the hon’ble president of India, Shrimati Pratibha Devisingh Patil, To Parliament, New Delhi, 4th June, 2009. Available from <http://presidentofindia.nic.in/sp040609.html>, accessed on 27 October 2010.

ways. Firstly, it moves beyond the analysis of the event of demolition to examine actions intended to secure futures. So far, we know little about what happens in the sequel to these episodes of excessive violence? How do people survive the onslaught, how do they adjust and recalibrate their lives in the new environment? Secondly, by focusing on practices of resettlement, I move on from the analysis of state rhetoric and middle class discourse about the need to combat the illegal city to instead examine the encounter between poor people and state agents during these legalization drives. This also means, thirdly, taking seriously official claims that India is trying to improve the position of its poor. From the beneficiaries of resettlement policies I learned that while slum demolition is a traumatic experience, resettlement signifies also hope for a better future. My analysis of home making practices at the margins demonstrates that plot papers are productive of new relations and generate valued commodities, yet they rarely lead to legal home ownership.

My study engages with Emma Tarlo's (2003) well known analysis of the first phase of slum demolition³ in Delhi executed during the 1970s. Tarlo gives a vivid account of the frantic negotiations that shape struggles for resettlement plots and demonstrates how the hope for a piece of land forced people into compliance with Indira Gandhi's draconian family planning programs. In Tarlo's account the acquisition of a land title is the endpoint of a range of manipulations that often included sterilization or an action that would lead someone else to undergo sterilization. My analysis reaches beyond these phenomena. As I mean to show, negotiations have a longer life and continue with plot papers as new documents, which are copied, circulated, bought, amended and forged in order to secure survival and access to land and capital in high risk marginal economies. My material was collected after the second phase of slum demolition that peaked early in the new millennium. There are remarkable similarities between the two phases of urban cleansing. Both preceded the hosting of an international sport event in Delhi (Asian Games in 1982 and the Commonwealth Games in 2010). The restructuring of urban space served the interests of capital, were fueled by the dream for government directed rational planning and infused with anti-poor sentiments. Yet, each historical event also has a unique context. In the most recent case we see the concerted efforts of policy makers to expand the formal economy⁴ and grow the middle class (Bhatt et al. 2010). The leading concern today is no longer prosperity and the modernization of the

³ The reference here is to postcolonial India. For a discussion of slum demolition in Delhi before independence refer to Legg (2007).

⁴ Prof. Kaushik Basu (Advisor to the Finance Minister of India), interview 15.6.2011

nation as such but rather the integration of large populations left behind by the economic boom.

India's position on resettlement is informed by global development discourses that establish a link between securing urban housing and improving living standards. The lack of security of tenure is deemed responsible for the poor conditions in the slums and the economic struggles of their inhabitants (Assies 2009; Payne 2001). In turn, land titling is considered an appropriate measure that will prompt poor citizens to invest in their properties and improve their environment. Hernando De Soto (2000) famously promoted large scale titling schemes as a magic bullet to combat the poor performance of developing economies. Transferring land rights to poor people would allow them to use their property as capital assets for borrowings and other formal economic exchanges; this would generate a new capital base for profitable businesses.⁵ Honoring this thesis the Indian Minister of Housing & Urban Poverty Alleviation states at the opening of a conference on inclusive growth in 2010: "A critical issue is: how to bring the urban poor engaged in the informal sector into the formal system so that they can benefit from the growing urban economies to both, create and share in the wealth of the nation." And then after a tribute to De Soto she continues: "In order to enable the poor to participate in the process of wealth generation and livelihood creation, they need to have access to security of tenure, affordable housing and basic services. Only when a consolidated package of these is made available to the urban poor in a participatory process can we hope to make a dent on urban poverty".⁶

In line with neoliberal doctrines, India celebrates the official market as a location that promises to revolutionize anti-poverty programs. Attention is shifted away from securing the survival of citizens through welfare payments, towards programs that educate poor people, discipline and entice them, to self activate and become entrepreneurs who take advantage of opportunities provided by the official market. In a development context this shift is marketed also by the growing hegemony of the empowerment paradigm. Aradhana Sharma (2008) highlights that empowerment here means persuading marginal people to embrace the values and work ethics of economically successful classes. It is mimicry for the sake of progress as

⁵ Empirical analysis across the world demonstrates that land titling did not lead to the desired wealth generation and reduction of poverty, but that in a majority of cases titling of extra-legally held land disadvantages the poorest, favors speculators and leads to an overall increase in class cleavage (Bromley 2005, Kingwill et al 2006; Mitchell 2007).

⁶ "Inclusive Paradigms for Inclusive Growth", Address by Kumari Selja, Minister of Housing & Urban Poverty, Alleviation & Tourism, at the during the conference, "A Paradigm for Inclusive Growth with Hernando De Soto", organised by the Federation of Indian Chambers of Commercial and Industry (FICCI), 15.2.2010, Delhi. The speech is available at http://www.ficci.com/events/20323/ISP/kumari_Selja.pdf, accessed on 22.2.2012.

defined by a particular economic model (see also, Li 2007). The state invests in the empowerment of the deserving poor who are believed to possess the will to improve but lack the skills required to take advantage of what now appears like an abundance of new opportunities. The Chairman of the India Development Foundation Vijay Kelkar uses a metaphor to express this idea.

“To work up the ladder of income and achievement, it is necessary to first get on it, but the poor, the 'left behind', often find it difficult to get their hands on the bottom rung. Our approach must focus on giving the poor the tools to get on the ladder, and access the resources they need to move up and out of poverty.” (*Times of India*, 27.11.2010)

This notion of development as class mobility is squarely situated within the framework of liberal doctrines of the responsible individual as a rationally choosing, autonomous, economic actor shaping his or her plight through determination and will power. While poor people in India are described as needing support, they are also conceived as active agents who must prove themselves worthy of investment through efficient use of resources for personal advancement (Rose 2006). Such approaches to poverty have been vigorously critiqued for reducing citizenship to economic action (Pusey 1991). They depoliticize poverty, ignore the power hierarchies that perpetuate unequal access to economic, political and social resources, blame poor for their own plight and once again treat poverty as merely a technological problem requiring an intelligent solution (Ferguson 2006). My article intervenes in this debate not by critiquing the ideological underpinnings or underlying power relations that shape contemporary development discourses, but through an analysis of the practical complications that promote fissures, slippages and disjunctions between the plan and its practice that in turn have a profoundly illegitimizing effect. While inconclusive negotiations about rights are not new to India, such arrangements are re-contextualized at a time when informal arrangements are under heavy attack. On one hand poor people in India have access to a range of new targeted welfare schemes. On the other their trajectories are rendered uncertain through the growing demand for the representation of their lives within the categories of top-down governance promoted by these schemes.

Compromising legality

The following case studies were collected in Ghevra-Savda a resettlement colony 40 km away from the inner city of Delhi and 10 km from the next urban suburb. The colony grew

rapidly between 2007 and 2010 bringing in families with proven residence in a demolished slum before the cutoff date of 1998. They were handed ten-year leases for 12 or 18 m² plots in return for the payment of 7,000 Rupees⁷. Plots are non-tradable and their formal leases can be renewed only by the original recipients and only if they have built structures within the first three months since receipt of the allocation, and additionally, if they live in them personally or give them to their immediate families. These leasing rules are of course important instruments of the new development strategies that aim to persuade poor people to embrace a particular economic strategy while also wishing to protect them from a profit-hungry land mafia. It cuts off what were seen as loophole problems in the earlier scheme by preventing people from selling their new possessions for a profit and returning as squatters to the inner city, where they would have easy access to employment.

My first trip to Ghevra-Savda took place in 2008 and since then I have returned to the colony every year for several months. My initial link was through Ankur,⁸ a local NGO providing alternative education that moved, with the poor people, from the inner city slums to the new urban margins. The lack of empathy and regret with which slums were destroyed demonstrated to Ankur staff that, in popular consciousness, slums are not perceived as ‘real’ neighborhoods with a recognized history that could provide its inhabitants with an identity.⁹ In workshops Ankur and its partners encouraged young people to speak out in writing against this trend through blogs (<http://nangla.freeflux.net>) and essays from the “belly of the city” (Tabassum et al. 2010). The NGO also established an archive in Ghevra-Savda that would document the making of a new labor class neighborhood and thus produce a history of the new place. My research began here with an extensive scanning of documents and artifacts donated by local inhabitants. I quickly learned that those illegalized through slum clearance had a significant legal presence in the city through entertaining troubled relations with documents. My exploration of these “paper truths” (Tarlo 2003: 10) made me curious about the life histories of families and I began interviews with Ankur’s clients, offering to listen, trying to understand and then make inquiries from offices, collect application forms or help in other ways to process claims. My ability to move back and forth between state offices and the resettlement colony gave me a privileged position of knowledge and it earned me the reputation as ‘a person who understands documents’. I received access to papers as member of the literate elite who could provide valuable information that is so often denied to the poor

⁷ Rs 7,000 equals a two months’ salary of an unskilled labourer.

⁸ I thank the staff in the head office of Ankur and the Ghevra-Savda team for their extensive support. Ankur always made me feel welcome, helping me to gain information, understand and conceptualise data.

⁹ What Marc Augé (1992) called an “anthropological place”.

people in state offices. It was in these discussions that I learned how problematic the distinction between legal and illegal could prove to be for both clients and officials. The following two case studies illustrate typical complications arising from plot papers.

Sabrina is a widow living with her daughter-in-law and grandchildren and supported by her son Raju. Raju lost his job after relocation causing the family to suffer in extreme poverty. When I met Sabrina in 2008 she inhabited a provisional (*kachcha*) house with which she was extremely dissatisfied. It was small, cramped and prone to leaks. Heavy weather conditions would flip over the bamboo mat walls or bring down the plastic roof and leave the family unprotected. Circumstances had changed dramatically when I returned a year later. I found Sabrina seated in the ground floor of a two storied brick house. Her daughter-in-law now lived upstairs and a tenant in a third room provided income for daily needs. For a family with no regular earnings this looked like a startling success and I was keen to learn how they did it. Sabrina explained that Raju sold a second plot the family had been allotted in another resettlement colony and took a private loan. As security for the latter he handed over the original allotment papers for the Ghevra-Savda plot. They invested the money and now had a house worthy of the new colony. Digesting these details I wondered who owned the property. Officially the family has been allotted two plots, but no longer held any documentary evidence to substantiate the claims. Cash transactions established the claims of two other potential owners who have a share in the property but no legal rights. This example demonstrates resilience amidst hardship. The family compensated for lost earnings through crafty deals that secured their immediate survival while undermining the legal status of their property putting them deeply in debt and thus preparing the ground for future uncertainty.

Surely, I thought, there must be other more successful examples that could be held up as shining examples of resettlement. I was happy when I met Mohan who lived in a beautifully decorated three storied house, one of the fanciest in the colony. Things must be going well for him I gathered. Yet, like everyone he had lots of complaints about the government. We began a discussion about delay in issuing ration cards¹⁰, during the course of which I asked him to show me his plot papers to assess his legal status. Mohan had no objections, scanned through his files and handed me an allotment slip for a plot three houses down the lane issued to Ali Mohammad. I was confused and I realized that understanding his story required substantially more context. At the time of resettlement Mohan was short of cash and ask his neighbor Ali to help him with the Rs 7,000 due to be paid for the allocation

¹⁰ Ration cards are official documents given out by the Ministry of Food and Supply that entitle people living below the poverty line to buy a fixed quantity of subsidized food from local governmental fair trade shops.

of a plot. As security for the loan Ali kept Mohan's allotment slip. Ali had his own plot in Ghevra Savda, however and was not keen to move to the outskirts. Instead, he bought a house in the established suburb of Nangloi. To generate funds for the new property he wanted to sell his resettlement plot quickly, even before a real trading infrastructure had developed in the new place. Mohan was an ideal buyer. As a businessman he was likely to generate enough cash to regularly service a mortgage and since he was in-debt to Ali, easily pressured to buy from his loyal neighbor. Mohan agreed to the deal and received in exchange for the payment of the first installment Ali's allotment papers. The mortgage is heavy. The common market rate for resettlement plots is between Rs 70,000 and 150,000. Only after completing payment for Ali's plot would Mohan be able to repay the original Rs 7,000 and retrieve his own allotment papers. From him I learned that timing is crucial. "You need the right kind of cash on the right day" he would say.

Both cases show how marginalized populations struggle to overcome the crisis of resettlement. In order to take advantage of the re-housing scheme poor people infringe the rules laid out for the process. The economy of recovery does not provide the luxury of an assured legal title and produces a new sets of uncertainties based on un-authorized trading and unofficial lending. Poor people grab their one time chance for a legal title through improvisations that endanger the status they are hoping to protect. Yet, the reproduction of the illicit is not merely an effect of the shortsighted financial decisions of desperately poor people but rather the outcome of inconclusive struggles over rights and resources between citizens and state institutions. Let me recount a third case study.

Before the relocation Amit lived in a slum near the Yamuna River and worked as regular casual laborer in the sewage system near the river. He discontinued this activity after resettlement. Six hours travel back and forth into the city to work for a rate of Rs 120 a day, with no guarantee of work on any given day was untenable. Locally manual labor was in low demand so Amit began a new career as a broker. During the resettlement process many people failed to secure a plot in spite of possessing the necessary documentation. Amit was among them. He mobilized 1200 affected families – the so called P 98 group – became their representative and took the case to court. His leadership produced a small amount of irregular income. He was overjoyed when they won the case in 2007. Yet the judgment was never implemented. To consolidate his position as leader and improve his economic situation, Amit opened a roadside stall selling building materials, an ideal business in an emerging colony. It succeeded and lasted for two years before it was destroyed during a police raid that cleared all 'illegal' constructions. Amit did not give up. The shop had made some profit and since the

court case was going no-where he decided it was time to buy a plot and build a house. The house of course was illegal since the buying and selling of plots is strictly prohibited. Yet, Amit felt justified since he had documents of purchase, papers that proved his eligibility for resettlement and a copy of the court order. After construction work was completed Amit gave the shop a second try. He opened a stall for household goods 50 meters up the road from the old location. He continues to battle for those who are demanding their legal right to a plot and has taken on the ration office as well which intermittently fails to provide access to subsidized food to citizens living below the poverty line. Amit's life is saturated with illegalities produced at the conjuncture between needy citizens and fractured state interventions. He experienced the inability of eligible slum dwellers to secure a resettlement plot, the reluctance of the Delhi Urban Shelter Improvement Board (DUSIB) to implement court orders and the incapacity of the Department of Food and Supplies to reliably provide subsidized food to entitled populations. He secures his life by setting up an illegal shop, buying a non-tradable plot and acting as a fee-taking broker (whose finances are not transparent) in the daily course of his work representing people who have even less than him. In his life the border between legal and illegal is conspicuously ill-defined.

All three case studies narrated here elaborate the circumstances by which resettlement led to the making of illegal houses that owners defend in terms of a rights discourse. The struggle for a house exemplifies a particular dimensions of what Julia Eckert (2006) calls the battle of "citizens against the state". Poor people claim their rights not only in courts and through political manipulation (Chatterjee 2004; Roy 2003), but by acting on them and creating indisputable facts. Yet, resettlement practices are not so much an act of resistance but rather pragmatic engagements with an impossible plan. This conclusion destabilizes the notion that effective top-down planning is the prime cause for structured urban development. Breaking the law is a function of actually creating new planned labor class settlement. Here it is worth citing Nielson's (2010) example of 'inverse governance' in Maputo, Mozambique. As a relief measure the Maputo city council decided to resettle thousands of flood victims in a newly created model town on the city's outskirts. Yet, due to a lack of administrative capacity and state investment the program was never launched. It proceeded informally with refugees taking the initiative by bribing low level officers and local chiefs to hand out plots unofficially. The neighbourhood had no legal status, yet simulated official order and with it legitimacy through a locally coordinated building activity that mimicked state norms of planned urbanity. "In a peculiarly inverse way", Nielsen writes, "the realisation of alleged state-derived norms potentially becomes the covert medium of opposition that forces state

and municipal agencies to acknowledge the continuing occupancy of otherwise illegal squatters” (Nielson 2010: 166). Nielson’s case demonstrates effectively how illicit, yet ordered initiatives help create the desired outcome. Resettlement in Ghevra-Savda is achieved, not through state action or citizens’ initiative alone, but through the uneasy cooperation between state agents and citizens who created urban facts through various negotiations of the legal/illegal divide.

New traces of legality

In recent years, several studies deconstructed the Weberian notion of the state as rational homogenous agent that acts with direction and purpose (Das & Phoole 20003; Hansen & Stepputat 2001 ref). Ethnography is a powerful tool for tracing “state effects” (Mitchell 2006), that often unravel at variable removes from the planning ideals (Ferguson 2006; Scott 1998). Above I have elaborated the incongruence between Delhi’s built-up space and the Master Plan, as well as the uncertain legal status of houses in newly founded resettlement colonies. These inconclusive legalities do not throw the urban domain into chaos. The illegality of most buildings indicates neither a general disengagement of citizens from official procedures nor state toleration of disorder. The case studies from Ghevra-Savda demonstrate that investment in the illicit is a function of the formalizing and stabilizing processes. These imbrications between the licit and the illicit demonstrate that which Comaroff and Comaroff (2006) described as the paradoxical relation between law and dis/order in the postcolony. Nations in the global south “seem to make a fetish of the rule of law, of its language and its practises”, while at the same time suspending it, “mocking and mimicking” it in ways that breed violence, excess and disorderliness (Comaroff and Comaroff 2006: VII). Comaroffs discuss the crooked economies that result from arbitrary suspension of the rule of law that allowed for primitive accumulation that bears the marks of a “counterfeit modernity” (2006: 13) and, in an ironic twist, mimics the rule of law. I do not explore the creation of a parallel universe of illicit trading that uses the mechanisms, insignia and power of the state to control social and economic networks (Rotiman 1990). Instead my study aims to open a new window on the intricate relation between the licit and illicit as part of daily governance in a development setting. I show how the implementation of the plan depends on the making of unlawful buildings and illicit artifacts.

Documents as the *lingua franca* of the state are of central significance in this process. Negotiating with the state, Tarlo (2003:10) formulates, people not only learn the language of documents, but re-produce it through their practices of accumulating, collecting, showing and

interpreting. Papers have a dual nature. They are “malleable and constructed on the one hand, yet take on an aura of irrefutability on the other” (Tarlo 2003: 9). The materiality and facticity (*Faktizität*) of the document gives it authority (Hull 2003, 2008). People in Ghevra-Savda embraced the promise of documents, even if holding on to them proved difficult. The legal void produced by absent plot papers was mitigated by alternative documentation. Thus acts of illegal buying were documented through legally attested affidavits stating the transfer of ownership. More importantly, follow up documents supported claims to a plot. After relocation a flurry of applications was required. People had to re-enroll children for school, apply for electricity connections, renew pensions or reestablish claims for subsidized food. These applications were often granted – and attested with documents – despite the absence of plot papers as mandatory proof of residence. It was impractical or simply undesirable to stop the new population from putting down its roots by disallowing their children to study locally or denying electricity connections and thus encouraging electricity theft. The negotiated production of a significant number of follow-up documents confirms a family’s sustained presence in the colony and underscores future claims for a right of place. Documentation acquired, renewed and negotiated through persuasion, forgery and bribery fill the gap between people’s lives, their desires, entitlements and the rules. It simultaneously involves state agents in the production of illicit documents. Their existence is not merely a product of an inefficient or corrupt bureaucracy, but the result of welfare imperatives that continuously run up against a range of social contradictions. The case of the P 98 group gives insights into the ways in which claims to land are tied to the circulation of papers.

Above I mentioned Amit’s mobilization of a group of 1200¹¹ excluded families (P 98 group), who in 2007 and with the support of a high court judgment, gained the right to have their cases reexamined. While the DUSIB was compelled to act, it found the demand for *post hoc* allocation of plots unpractical, dangerous and potentially expensive, because it would encourage many more victims of slum demolition to stage similar claims. The officers handled the case by slowing it down. They accepted the claimants submitted proofs of residence. The need for such evidence brought the list of applicants down to 900. Their documents were sent to various departments for authentication. Additionally the DUSIB decided to make use of its right to inquire about the citizenship status of each of the claimants. This time intensive procedure would involve the issuing of affidavits by village heads about applicants’ birth in the village, since poor people rarely have birth certificates or passports.

¹¹ For reasons of clarity, I am using rounded figures.

The process dragged on without resolution. Two years later, as the tenacious lobbying of Amit's group continued, the DUSIB was ready to make some concessions. By that time the government had changed the resettlement rules accepting only applications by people in possession of a valid ration card. The DUSIB insisted this new rule would also apply to the P98 group, thereby rendering 600 of the 900 families ineligible. As a sign of good will the department then supported the issuing of provisional ration cards to the 300 remaining families. This would allow them to purchase subsidized food at the state owned fair trade shop in Ghevra-Savda. This was a far cry from the actual demand for land; yet, it did give immediate relief since the lack of access to cheap food in the new colonies constituted a significant grievance. Importantly, the decision also acknowledged the presence of these illegal dwellers in Ghevra-Savda. A provisional ration card constituted a solid proof of official toleration in the colony that could be used to defend illegal shacks during police raids or serve for further negotiations of their right to a plot or for compensation.

Veena Das (2011) calls such compromises that produce illicit documents practical legalities that emerge at the intersection between law and life. In an article about the remarkable resilience of an illegal slum in Delhi's satellite city NOIDA, she analyses the quotidian tactics of political mobilization and the production of documents and surveys through which people claim a right to their place and with it a right to the city (Das 2011: 330). The cooperation between assertive poor people and compromising state agents is possible through recognition of their right to survival, a right that allows a temporary suspension of a specific law, e.g. the law to demolish illegal settlements. Such acts are the outcome of an interpretive process that attends not just to the substance of the law but also to the meaning and consequence of compliance; an interpretative process that may even include the suspension and substitution of a specific law with another. By refocusing the problem in this way, Veena Das opens up two important avenues for discussing the legal complexities of urban governance. Firstly, her framing of the problem departs from the simple dyads of state/citizens and power/resistance and focuses on the legal complexities that penetrate all acts of decision-making. Secondly, the conceptual pair of law and life recognizes that urban management is governed by two different impulses that may pull decision making in opposite directions. The case of resettlement makes this utterly clear. On one hand it is governed by the right to survival, including the right to a home, on the other it answers to the desire for structuring and controlling urban growth. Officers take note of both these imperatives while being constrained by a tight budget. Their pragmatic solutions honor the human right while curtailing demand.

The P 98 is such a case. The DUSIB abode by the rule of giving everyone a chance to prove their case and then made minimal concessions to a group of people – selected with definite and transparent criteria – who received not the demanded land but an indirect acknowledgment of the right to land. The beneficiaries received a legal document as an exception from the rule, the rule that ration cards cannot be issued to people without valid proof of address. The exception was made to avoid the impossibility of implementing the law requiring that every affected slum dweller with a valid proof of residence dated 1998 or earlier must be provided with a plot. Deeper examination of the internal decision-making processes in the DUSIB demonstrates that such creative solutions are both reactive to poor people's demands and at the same time built into a welfare policy that is torn between the rights discourse and economic pragmatism. On 16 December 2010 the officers in charge of resettlement were locked into an intensive debate. The chief minister had objected to the results of a recent survey undertaken by the department, which stated that only 20% of poor people in those slums targeted for demolition in 2011-2012 had ration cards which would entitle them to resettlement plots. The Chief Minister Sheila Dikshit gave strict orders to find an officially acceptable way to lift the quota of eligible families. To effectively reduce the problem of squatting people had to be provided with alternative accommodation. In order to satisfy the political directive for a generous approach to resettlement officers considered dropping the ration card requirement but quickly realized that if they abandoned the demand for a solid proof of identity they would be extending an invitation to the land mafia to grab the plots with fake identities. The only logical solution was to provide more people with ration cards. Yet, the Department for Food and Supply was reluctant to issue cards to slum dwellers because, in the wake of strenuous declarations about the priority of a slum free Delhi, this department had become even less inclined to support squatters. How else to dissuade people from building new illegal habitation in the city which would then have to be cleaned up with effort and cost? The discussion went in circles for two hours and ended without result.

The dilemma here is expressive of the conflict between the goals of urban upgrading and inclusive growth. The master plan demands extensive investment in low cost housing. An internal policy document articulates the difficulties posed by this plan.

“In order to make slum free Delhi, Board [DUSIB] has to play a vital role in the construction of affordable housing particularly for the Slum dwellers. Once a comprehensive action plan [...] is prepared, DUSIB has to implement the action plan on the ground in a time bound manner. Since this Department is not having adequate

resources to implement the action plan in a time bound manner and achieve the set targets for slum free Delhi, an alternative approach is required to be evolved.” (DUSIB, internal policy paper, p. 4)

The document then argues that the city must motivate private investors and proceed in the manner of a Public-Private-Partnership (PPP)-Model tested also in other cities like Mumbai or Chennai. Where resources are scarce the government is keen to maximize the benefits also of minimal investments. The efficiency rhetoric is turned against the poor, who must be enticed and disciplined to provide the investment that will complete the scheme. Ten-year leases and a ban on sales give the state the right to punish those people who disregarded the plan. The dream of surveillance reached a new height in 2010 when the DUSIB considered becoming the first institution in Delhi to make biometric registration mandatory, thus enabling the board to produce a fool proof record of people who have been considered for allotments, thus rendering them ineligible for any future scheme (Rao 2011). Such fantasies of control replicate in a welfare context the discriminatory impulse for gentrification. Only deserving citizens will stay!

Conclusion

Investigating contemporary social life in a resettlement colony built 35 years ago Cressida Jarvis-Read (2010) found that residents would warily admit that they live in an “unauthorized colony”, referring to the fact that most buildings breached existing building bylaws. “The government can pick us up and move us any time” (Jarvis-Read 2010: 96). Resettlement colonies are on the side of “order” and “planning”, since they have been earth-marked by the state and assigned for residential purposes. Yet ownership remains precarious and tenure security cannot be taken for granted. Going by the strict letter of the law most houses in Ghevra-Savda are illegal, yet confident building activity together with persistent investment in procedural documents justifies and legitimizes people’s presence. “The more this looks like a real colony”, people would say, “the more they will respect it!” The new official suburb emerges through the activity of people who flout the rules to meet the government target. They are supported by the erratic decision making of officers who balance the right for survival against the duty to respect the laws. Rather than a categorical shift from illegal to legal inhabitants of the city, resettlement is a struggle that realizes at best what Veena Das (2011) calls “incremental citizenship” or Gayatri Menon (2010: 153) “fluid becoming”. The right to the city (Holston & Appadurai 1996) is not an entitlement or a fact but the outcome

of perpetual instance and resourceful improvisation. It is citizenship as tolerated encroachment.

This analysis of survival strategies argues against the neoliberal position that entering the official market is a curial and sufficient condition for upward mobility at the margins. The Delhi government hands out subsidized land to stimulate poor people to invest in secure legal futures as precondition for economic successes. In this paper I have shown that the poorly financed and narrowly targeted titling initiatives do not create and follow linear trajectories of 'advancement' towards urban membership, let alone economic prosperity. While poor people turn out to be innovative entrepreneurs, their entrepreneurialism handles the innumerable contingencies of life at the margins as well as of the unpredictability and illegibility (Das 2004) of the state. While the new semi-legal colonies are invested with hope for a better future, the tenuous character of toleration continuous to reproduce uncertainty and vulnerability.

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