

Political Leadership and the Urban Poor: Local Histories

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The summary description of the course Foucault gave on “The Birth of Biopolitics” at the College de France in 1979 goes as follows:

“What should be studied now is the way in which the specific problems of life have been posed within a technology of government which has always been haunted, since the end of the 18th century by the question of liberalism.”(Foucault 2004: 329 as cited in Fassin 2009: 37).

One place to locate the technology of government is in the practices followed by bureaucrats or in the way documents circulate within bureaucratic offices as shown in the excellent work of Gupta (2012) and Hull (2012); such technologies, however, also have a life outside the offices of the bureaucrats as they become available for manipulation, resistance, or use within other networks made up of people and objects in other places such as in the low-income neighborhoods we describe in this paper. This shift of perspective we believe is crucial if the poor are not to be seen as passive populations managed by different agents of the State or relegated to a modality of being that assigns them a place outside the realm of politics almost by definition. Shifting the focus from how the poor are regulated to how they themselves navigate these technologies of government does not, however, imply that the neighborhood can be treated as a self-closed entity. Instead, our analytical task demands that we incorporate different scales of social life - those of law, bureaucracy, electoral democracy, forms of patronage as well as the minutiae of

power relations in the networks formed at the level of neighborhoods within our description. We do not conceptualize the larger scale (e.g. the State or the law) as containing the smaller scale – rather, we are interested in seeing how these scales intersect in the life of the neighborhood. Since the question of commensurability is central to making phenomena comparable on a single scale, we privilege the analytics of a *case* through which we can see how these different institutions create a range of possibilities as well as obstacles to the securing of everyday life in the neighborhoods we study. Said otherwise, we are not looking at law, bureaucracy, market and the state as transcendental institutions, which regulate the life of the neighborhood from above but trying to see how these are folded into the life of the neighborhood – as forms of regulation, as patronage as well as a resource for the poor (see Das 2011).

The rest of the paper is organized as follows. We first give a brief account of the legal and bureaucratic structures within which various kinds of “unplanned settlements” such as recognized slums, unrecognized slums, unauthorized colonies and resettlement colonies are placed. We then take up one particular case – that of housing - and offer a comparison between two different low-income settlements – each standing in a tense relation with law and bureaucracy. We then argue that the nature of political leadership that has emerged in these two different areas does not result from the simple extension of traditional forms of authority to the context of the city – rather the local leaders emerge in the process of struggles for securing everyday life. We do not wish to suggest that this makes the leaders altruistic people working for the public good – rather the rough and tumble of politics – its forms of

patronage, corruption, violence, as well as the possibilities of democratic mobilization - become evident as we track the nature of political life through the efforts made for securing housing, electricity or water.

Slums and Other Unplanned Settlements

The 138th Report of the Law Commission of India (GOI: 1990) was given the mandate to take “all such measures that may be necessary to harness law and the legal process in the service of the poor.” The Commission found it important in the context of the broader problem of law and poverty to focus especially on the plight of those pavement and slum dwellers who were facing eviction at the hands of local authorities. After a review of the extent of the problems faced by this segment of the urban poor, the Law Commission reviewed several important legal cases and concluded that though the courts had tried to take a humane approach to the problem, they were limited by the parameters of the extant law. The Commission concluded: “But the law at present does not afford adequate protection to the slum and pavement dwellers beyond making it incumbent on the concerned authorities to afford them an opportunity of a hearing. The need of imposing an obligation to provide slum dwellers with an alternative accommodation or dwelling site is a felt need of the times.” This is not the place to offer an in-depth analysis of the jurisprudence of life as it emerged in the case law except to note that the law does not speak with one voice. There is an increasing tendency for the courts to elaborate at great length on the principles of justice for the poor while being unable

to give actual relief to the litigants. This is even evident in the skewed balance between ratio and obiter dicta in legal judgments pertaining to these issues.ⁱ

Nevertheless, an important aspect in the development of the jurisprudence on the rights of the urban poor over the space that they have occupied illegally hinges on the interpretation of the constitutional right to life. This was most clearly stated in the famous *Olga Tellis* case, 1986, in which a landmark judgment of the Supreme Court formulated the principle that the constitutional right to life included more than the right to due process. The general principle as the court summarized on behalf of the petitioners was that “ The right to life is illusory without a right to the protection of the means by which alone life can be lived.” In this case, the Bombay Municipal Corporation was restricted from exercising its right to immediately evict the pavement dwellers and hawkers, who had encroached on government land, but the court could only instruct the government to provide alternate accommodation – it could not grant rights to the pavement dwellers over the space they had occupied. We hope to take up a detailed analysis of the subsequent legal judgments on this issue elsewhere.

For our present purpose we hope to show that even though the actual provisions provided by the courts were limited to rights of hearing and in some cases to provisions of alternate accommodations, even this slight wedge into the absolute right to property has had very interesting consequences for the struggle to secure housing in the slums. But we need to make one other point before we take up the

comparative case of the two neighborhoods that are part of our larger study on state and citizenship in Delhiⁱⁱ.

The vulnerable segments of the urban poor for the courts, as we saw, were inhabitants of slums and pavement dwellers. The Law Commission Report we alluded to paid some attention to the different ways in which local regulations have impacted upon this population in major cities such as Delhi, Bombay (now Mumbai) and Madras (now Chennai) who have made their dwellings by encroaching on public property. It must be realized though, that there are considerable conflicts even within the same city over the regulation of space – thus , for instance, in Delhi the Delhi Development Authority (DDA) which is responsible for city planning and development of low income and middle income housing is often in conflict with the Ministry of Urban Development. Finally, the city is divided into three different zones for municipal services regulated by Delhi Municipal Corporation, NDMC, and the Cantonment zone respectively.

According to the 2021 Master Plan of Delhi adopted by the DDA, the unplanned settlements in Delhi can be divided into the following types: resettlement sites, designated slums, urban villages, regularized unauthorized settlements, unauthorized settlements, squatter settlements. There are different degrees of security of tenure for these settlements – so, for instance, designated slums have rights against eviction under the Delhi Slum Act of 1956; many of the resettlement sites came up under the government’s own initiative in various periods but most notoriously during the beautification-cum-sterilization drive during the national

Emergency in 1976 (Tarlo 2003) and thus enjoy permanent lease over the land allotted to them; urban villages are those claimed under different government notifications in which land was converted from agricultural land to that used for building; and regularized unauthorized colonies are those which received official recognition from time to time. According to different estimates about 50 to 70% of the population of Delhi lives in these “unplanned settlements”. Among the seven parliamentary constituencies in Delhi five include substantial numbers of voters from slums or unauthorized colonies. One of the neighborhoods in this study, Punjabi Basti, moved from being an undeclared slum to becoming a designated slum. It was later denotified as a slum due to the efforts of the residents. It came to then have the designation of unauthorized colony and as we shall see ahead, it now has the status of a “provisionally” recognized authorized colony. Attending in some detail to such movements provides an interesting lens with which to see the politics of the urban poor as full of dynamism. The question is - does this dynamism qualify as evidence of their engagement with politics or should it be regarded as simply the struggle for survival? Do these two ways of looking at struggles for housing contradict each other? Fassin’s (2009) renewed focus on the politics of life rather than on biopolitics per se, offers the opportunity to engage precisely these sorts of questions.

Punjabi Basti: What Does it Mean to Have as Address?

Punjabi Basti, located in West Delhi, lies over an area covering 34 acres with a built up area of 21.59 acres. In its immediate vicinity lie unauthorized colonies and

official slums but situated at a little distance is the affluent area of West Patel Nagar with its bustling markets and middle and upper class housing. Punjabi Basti has 2318 plots (combined houses and shops) though multiple households may live within the same house. Let us take a deceptively simple question – from where do these figures come? How did a house or a shop acquire something as simple and taken-for-granted as an address?ⁱⁱⁱ Note that while figures are available for election constituencies or for census wards, Punjabi Basti did not figure as a separate colony in official records till 1995. Earlier, it was assimilated in the larger area of Baljit Nagar. Even now many documents such as ration cards or voter ID cards record the locality as “Punjabi Basti, Baljt Nagar. Till a few years back streets did not have numbers or names. Certain landmarks were used to divide different parts of the neighborhood – thus cross-roads were named after small temples that had come up through local effort (e.g. Gayatri Chowk named after the goddess Gayatri); certain sites were marked after important events such as the hosting of the national flag on independence day (Jhanda Chowk – literally Flagstaff Crossing). Boundaries between neighborhoods were fluid. The geography of the area thus reflects an order that emerged from an evolving collective life rather than from official planning or control.

We will not go into the detailed history of the area except to indicate two features essential for understanding the story that follows. The first is that the families of the earliest settlers that we could locate, all indicated that they had moved from different parts of Delhi soon after 1976 when a National Emergency was declared and the infamous forced sterilization and beautification drive in Delhi was

implemented (Tarlo 2003). However, Punjabi Basti was not a resettlement colony – a term that designates areas to which the poor were forcibly relocated during the beautification drive – rather, many of these families voluntarily moved here because they saw in this time the opportunity to claim empty land.. The local term for this process is *jagah gherna*, which literally means “enclosure of a place” and can be used in a neutral way when people are making a reference to the amount of labor that went to enclose a piece of unoccupied land and convert it into a house. Alternately, the term has the connotation of illegality when one voices the perspective of law, seeing the world through the eyes of government officials (see also Khan 2012 for *kabza* of mosques in Pakistan).

People could take both perspectives claiming simultaneously that it was their labor that had made the area inhabitable and at the same time conceding that the land had been taken without going through the legal mechanisms that bestows ownership within the formal regime of property relations. Second, Punjabi Basti is spread over a hilly terrain, with makes different streets stretch over different levels. Each small segment of this locality can be said to have a slightly different history – part landfill, part rocky terrain from which large slabs were extracted, part forest – the process of settling the area has required different kinds of labor such as clearing of the forested part, filling out craters created by extraction of large slabs by builders, and leveling the ground to make roads negotiable. We note in parenthesis that the kind of labor that had to be put to make this area inhabitable was very different from that required in the case of shanty settlements such as the one we describe ahead for NOIDA where such settlements came up right in the middle of affluent colonies as

construction workers who had been given permission for temporary shelters converted these into permanent habitation. There was a strong sense of the legitimacy that residents claimed for their actions. As one woman said to one of us (Veena), “Sister, everyone lives on occupied land – all these rich owners of bungalows (*kothiwale*) – did they come to this earth with records of land ownership (patta)? Did they have to put in the kind of labor that we did to make this uninhabitable place into a dwelling?”

Three of the older residents who were interviewed, Dhanno Devi, B.D. Joshi, and Hargovind Ramgarhia, were among the first settlers who moved to this area in the early seventies^{iv}. All three migrated from other areas of Delhi where they were engaged as unskilled laborers hired in construction work. The initial settlement was of about forty households who had enclosed (encroached upon) and demarcated certain areas and then worked this land to make it inhabitable. These early settlers in time sold off parts of the land they had occupied to others – Joshi claims and others agree that at one time the whole street on which Joshi lives was an enclosure created by him through the act of “*jagah gherna*” and that he “settled” that part of Punjabi Basti^v. Such transactions of land and shanties or houses have a very ambiguous place in law as we saw earlier. However, within the local world in which such settlements are made, there are well worked out procedures by which selling, buying and renting of houses takes place. While documents are not registered in the Municipal Corporation they are nevertheless recognized through mutual witnessing (see Das 2011).

According to Joshi, it was in some time in the 1980s that a major setback occurred. Ramjas Foundation, a large charitable foundation, claimed that it was the legal owner of land that these families had occupied and started to levy a “license fee” on that land. Ramjas Foundation also began to assign addresses to houses, which they used in licensee agreements with the residents and in receipts issued to them. The license charge was Rs. 152 per month for the use of that space. These addresses were assigned haphazardly – P124 could well be nestling against D28 – and sometimes the same address was found on several different houses in different parts of the colony. Since there were no street names, addresses were indicated by “landmarks” – e.g. “1-128 near the Gayatri temple.”

Ramjas Foundation enforced its license fee by threats of legal action and by the use of physical force. Many people were resentful that Ramjas foundation was trying to rob them of their rights over land that they felt was rightly theirs since it was their labor that had made the area inhabitable. As an act of defiance some residents, including B.D. Joshi, started using different self-assigned addresses. They also began to organize themselves by forming a Registered Society, entitled Punjabi Basti Sudhar Samiti (literally, Society for the Improvement of Punjabi Basti) in the same period. Thus the initial impetus to form themselves into a formal organization came from the friction created by the threat posed by Ramjas Society – according to Joshi, the office-bearers as well as other members who were registered were local members of the Congress Party. Ahead we shall see what relevance this fact has for our understanding of how law and forms of governmentality become entangled in the life of the neighborhood. For now we turn to the legal battle.

The Legal Battle

We give a brief account of the legal issues that emerged in this battle. The following summary is from Ramjas Foundation vs. Union of India, Civil appeal No., 6662 filed in 2004 and settled in 2010. Earlier cases by the Ramjas Foundation pertaining to the same land go back to 1959, 1968, 1971, and 1992. We focus the points at which the Punjabi Basti residents' claim over housing came to rub against the claims of Ramjas Foundation's battle with the Government of India over ownership of this land. The facts of the case as they emerged in the process of adjudication were as follows.

Rai Sahib Kedar Nath^{vi}, who retired as district judge from the Punjab Judicial Service, started three schools in parts of old Delhi between 1912 and 1916 to honor the memory of his father, Lala Ramjas Mal. Kedar Nath had bought 1800 bighas of land from his own resources as well as through donations in what were then the villages of Chowkri Mubarikabad and Sadhra Khurd but are now part of the National Capital Territory. In a public function held on 25th December, 1916, Kedar Nath had announced that he had formed a Waqf and donated all his movable and immovable properties for charitable purposes – viz., to provide aid for the education of the poor^{vii}. In 1917 he formed the Ramjas College Society and had it duly registered under the Societies Registration Act, 1860. Later, he transferred all his property to this society, which was renamed as Ramjas Foundation in 1967.

The legal conflict with the Government of India has its genesis in a notification issued in 1959, under the Land Acquisition Act (Section 4), by the Chief

Commissioner of Delhi (the highest administrative officer in the state of Delhi) which proposed the acquisition of 34,070 acres of land for planned development of Delhi, of which a portion of the land (870 bighas and 17 biswas)^{viii} belonged to the appellant. However, exemption from acquisition was granted to several categories of property including Waqf property. Ramjas Foundation claimed that since Kedar Nath had declared that he was converting his property into Waqf property, this land was exempt from acquisition from the Government. DDA contended that only Muslims were entitled to create waqf property whereas the lawyer for defense had argued, that such a restriction would be discriminatory under the Constitution. Without going into the detailed reasoning provided by the court, we simply point to the final judgment according to which a Hindu could create Waqf property, but it could only be used for furthering the cause of Muslims or Islamic institutions. It is clear that while in 1916 words like Waqf were used in the general sense of institution for charitable purposes, in independent India Waqf had become an exclusively "Islamic" category.

While this battle on the larger issues was being waged in the courts, Ramjas Foundation probably hit on another strategy to claim ownership. They filed cases in lower courts against several residents of Punjabi Basti and of adjoining unauthorized colonies for non-recovery of license fee. We have documents that detail one such case but I understand that several residents faced police and legal action as well as harassment for what are described in local narratives as hired goons. The case we describe pertains to a law suit for recovery of possession and damages that was filed in the Tis Hazari Court in Delhi by Ramjas Foundation

against one Daya Ram Yadav of Jhuggi Number D-204, Punjabi Basti, Baljit Nagar. It was claimed by the plaintiff that the defendant was the licensee of the plaintiff in respect of land under Jhuggi Number D-204 (though now the locality becomes Punjabi Basti, *Anand Parbat*) which in the revenue records appears as Khasra Number (i.e. plot number) 367 of the original village, Chowkri Mubarakabad and the license deed executed in 1986 was attached. The plaintiff further demanded possession of this plot as well as damages of Rs. 5472 (little more than \$100 in 1990) for nonpayment of license fee.

The defendant (the jhuggi dweller) claimed that the plaintiff was neither owner nor in possession of said property and that the land in dispute was owned and possessed by the Government of India. The defendant also claimed that the land in dispute did not even fall under the khasra (plot) number given by the plaintiff but was registered under another number and that the plaintiff had got some blank paper signed from the defendant.

In her judgment the presiding judge noted that the Ramjas Foundation had known all along that its claims over the land were in dispute. Having gone into the subtleties of lease versus license, the judgment finally stated that "The notification (of land acquisition) was issued on 13.11.1959 and license was granted on 21.06.1986. Thus the plaintiff was "very well assured" that the acquisition proceedings in respect of the land of which the suit property forms a part had been initiated. Thus the plaintiff had no authority to create any licenses qua the land in question."

People living in the area were not entirely clear about legal and constitutional issues involved in the characterization of waqf property: there was nevertheless, a clear understanding that Ramjas Foundation had not fought a legal battle with the jhuggi dwellers for the recovery of Rs. 5000! Rather the aim was to establish ownership through another route – they see this strategy as a continuation of the intimidation and coercion exercised by the Foundation for getting license agreements signed by them. It is worth emphasizing here that this particular conflict was not fought with the help of any activist organizations or legal help cells outside the locality – rather, it was the Punjabi Basti Sudhar Samiti which gathered the necessary expertise from various sources to fight for the residents because they understood that the rights over housing for all residents were under threat if Ramjas foundation won the case.

It is astonishing to see how much the conflict with Ramjas Foundation looms over the discussions with local leaders and other residents. Joshi claimed that they had sought the help of various officials from the lower level Patwari to the keeper of revenue records in the Delhi Administration using various networks of lower level workers in these offices to get access to higher level officials. It is with the help of the sympathetic officials that his organization had extracted the khasra numbers (plot numbers) that covered the area that the Ramjas foundation was claiming as its own.^{ix} They had found major discrepancies, which were presented to the court. They had also gathered information from students studying in the schools run by Ramjas Foundation and gathered proof that huge donations were being charged from students, thus contesting in court the claim of Ramjas Foundation to be

running charitable schools. In the process of these legal battles the residents had come to acknowledge that, although they had won the battle against the powerful Foundation, ownership of their land vested not with them but with the Government of India. Here we want to point out that there is an implicit acknowledgment of the fact that rights over their dwellings are split between the Government and themselves in the contractual languages that have evolved for transactions of buying and selling of houses in the area.

A typical “agreement” of sale mentions the buyer and the seller as well as the location of the property. It, however, concludes with the statement that “the money that is being charged for the house is for *malba* and *mehnat*”. *Malba* literally means debris and, in the normal course of a construction, it is the material that must be removed after the construction is complete. In the slums and JJ colonies however, the word *malba* is used to refer to building materials - an acknowledgement of the provisional nature of the house that is built. The word *mehnat* refers to labor or effort. It is then, fascinating to see that what is being sold is the cost of materials and effort – it is implicitly assumed that the land is not theirs to sell. Yet there is a general sense of agreement in the locality that first, there are some rights over their dwellings that have already accrued to the residents, and second, that even if the particular plots of land on which they built their houses after encroachments, the locality as a whole must engage with state agencies in order to improve their conditions of living.

The Law Commission Report that we discussed earlier had commented on civic provisions in slum areas in the following terms:

“The slum dwellers in occupation of their units situated within the municipal limits are so often refused essential facilities such as civic amenities, sanitary services, water supply, street lighting, electricity supply, approach road etc. Two grounds are mentioned for supporting such upholding or denying, viz. (1) that they are unauthorized occupation of land and/or (2) that they do not make any contribution by way of municipal taxes etc. “

Elsewhere, one of us has analyzed in some detail how the locality managed to get electricity primarily through the efforts of Sanjeev Gupta, a local leader who is both a prominent Party worker of the Congress Party and another office-bearer of the Punjabi Basti Sudhar Samiti (see Das forthcoming). Gupta had formed another registered society with different office-bearers as he felt that different civic issues require different organizations to be at the forefront of “the struggle”. Here we briefly recapitulate some of the important points through which the project for getting electricity legally was waged.

The story of the electrification of this neighborhood begins with the privatization of electricity in Delhi in the years between 2000 and 2002. When power reforms began in 2002 in Delhi in light of the heavy losses incurred by the state-owned, Delhi Vidyut Board, the latter was unbundled into three privately owned companies. Sanjeev Gupta and many others told us about the terrible harassments that residents faced when electricity officials of the private company lodged complaints

with the police about theft of electricity. As in most such neighborhoods, people had earlier drawn electricity illegally from street poles to draw lines to their homes, shops, or *karkhanas* (workshops) to power domestic or commercial appliances. The networks of private contractors and low-level officials of the Municipal Corporation who were routinely bribed had assured that the residents did not face criminal charges for theft of electricity. Now with privatization they were finding that the game plans had completely changed. Sanjeev Gupta used his position as the President of the Zonal Congress committee to arrange a meeting (sometime in 2005) between the representatives of the locality and the officer-in-charge from the zonal division of the Company (BSES), to discuss the issue of electricity theft and harassment. Here is the description of what transpired – we juxtapose fragments of the account given by Sanjeev Gupta (in Hindi) to Veena over several informal discussions with an account of the issues involved in electrification as given by one of the officers (Vidyut Sir)^x of the private Company who granted an interview to Veena, (mostly in English.) The fragments come from different moments – it is also the case that Sanjeev was often relating the story in the presence of objects such as transformers or high intensity wires that the were like material embodiments of the story while Vidyut Sir was sitting in a small conference room of a posh private Bank, which he had since joined.

Sanjeev Gupta: After electricity was privatized, there was this big move to install meters – now as you know in colonies like these there were no regular meters – there were local contractors who used to supply electricity for payment by drawing lines from the high tension wires – or else, many people drew the lines themselves

and there were regular payments extracted by the local linesmen and the policemen. We said to Vidyut Sir^{xi} “Sir, we have been demanding regular supply of electricity but you do not sanction meters for us. On top of it you file complaints and the police treat us like criminals. They come and catch hold of the person by the neck as if he has committed a major crime, as if he is a murderer. What kind of justice is this?” Vidyut Sir replied that their records showed how much electricity had been consumed in this locality and what was the recovery of money against it. He said vehemently “I say on that basis, I say that I have proof, I say, that people are stealing – they are thieves.” We said, “Sir ji, how can you call us thieves? If you don’t give us electricity on the grounds that we are not an authorized colony – and people naturally need electricity – a man wants to run a fan, his little children are burning in the heat – he will get electricity with whatever means – then why call him a thief?”

Vidyut (the Officer, speaking in English): “My boss and I were both very struck by Sanjeev Gupta’s argument. We thought ethically how could we accuse them of theft when we have not responded to their needs? There was a lot of discussion within the management – from the business angle, there was a market here but could we manage it? There were huge problems of how to identify houses correctly. The addresses were all haphazard; there were no numbers or names of streets. It was a maze.”

Sanjeev: “I was truly stung by the accusation of theft (lit. *ye baat mujhe bahut lag gayi* – this utterance struck me.). We said, Sir ji, we will remove this stigma that we are a colony of thieves. Vidyut sir, guided us –so did another officer. The big issue

was that houses did not have addresses in sequential order, streets did not have names or numbers – sometimes if a linesman was expected to deliver a bill, the client would simply rip apart his meter and say, my house is not C4 - that house is in another street.”

Vidyut (Officer): “We advised them that they had to get a proper map of the area with house numbers in order – they had to submit a list of names of household with proper addresses. Without such a list we could not install regular meters.”

Sanjeev Gupta and some other leaders then organized meetings in the area and persuaded most households to contribute Rs. 200 per household for a map of the area. After many difficulties, because of the topography of the area and because houses were not on one level, a private firm of architects finally made a map. After an exchange of many letters, petitions, and pressure from the chief minister’s office, the Town Planner of the Municipal Corporation finally approved the map. This enabled the BSES to prepare a list of consumers and to install meters in the houses after augmenting electricity supply by installing seven transformers in the area. In the process each house was assigned a new number but Sanjeev Gupta managed to get the electricity company to agree to write both the old numbers and the new number on the bills – so that now in all official correspondence the address appears to be composite of the two numbers so that electricity bills can be used for purposes of establishing residence for any new scheme, but they do not have to apply again for change of address for such purposes as bank accounts.

We do not want to give the impression that all this – the map-making, the assigning of new numbers, the installation of the transformers – was achieved by agreements arrived through rational deliberative discourse. Accusations have been made in the locality that all the money that was collected was not properly accounted for. There were fights over the exact location of the transformers – for instance, the leader of the local Dalits complained that the attempts to place transformers in the park that adjoins the streets, named after Ambedkar, where most dalits in the area live, amounted to an insult to Ambedkar’s memory. The gravest threats to Sanjeev Gupta came, not openly, but in many covert ways from the network of “entrepreneurs” who were earlier supplying electricity illegally and whose business was adversely affected^{xii}. One day when Sanjeev Gupta was relating the efforts they had to make to complete the project, he suddenly choked, and his eyes were tearing. He said, “I was even attacked one night when I was coming home.” “What happened? How? Did you get hurt?” “No but they showed me a revolver and told me to stop these activities” “Who were they?” ““Oh, the ones who do this *dukandari* (literally, market transactions but carrying a tone of illicit transactions here) – whose *dhandha* (illicit work) would have stopped.” “Did you report to the police?” “No, the local police is always on their side.” “So what did you do? How do you know you are safe?” “I told you I was not a die-hard Congress man. I am in the Party because I cannot do without it. So those above were informed and they must have talked to them – after all the ones who were intimidating me are also part of the same set up.”

It was characteristic of Sanjeev Gupta’s mode of relating a story that he refused to name those who had intimidated or threatened him. Clearly, he lived and worked in

a context in which people led lives steeped in what he thought of as corruption, theft, and extortion. For instance, when describing an ongoing case of demolition of shanties in an adjoining neighborhood in which many poor people lost their abodes, he predicted that they would be back and would reoccupy the land but that they would have to pay again to the very people who had first encouraged them to occupy the vacant land. "It is the same people who had first allowed them to occupy this land by giving an extortion fee to them, and then had the demolition squads out, and will now again extract money from them." He would only name the "people" as the local *bhu mafia* (land mafia) – "you think that land mafias all come from outside with the big building lobbies but there is a local *bhu mafia* too which operates right from within". Once during a discussion of a house that was being renovated close by with expensive materials, I tentatively suggested the name of a prominent local leader as probably benefitting from the activities of building by extorting some kind of "protection money". "You have named him, not I" said Sanjeev and then went on to add "Perhaps I would say he is sixty percent good and forty percent bad." The general sense was that relations of proximity required that one saw in everyone some good and some bad.

We reserve the commentary on these struggles for housing and electricity for the conclusion, but we do wish to underscore that an authorized map became a major resource for an application that was moved on behalf of the locality to DDA to convert the neighborhood into an authorized colony, which was given provisional approval. We now move on to the second neighborhood, the shanty settlements in Sector V and Sector VII of NOIDA.

NOIDA: The Politics of Surveys

NOIDA is an abbreviated form of Naveen (New) Okhla Industrial Development Authority and refers to a sprawling new township that traces its official birth to 17th April 1976 when it was set up as part of the National Capital Region during the National Emergency (1975-1976) to absorb increasing migration to the city. The administration was later taken over by the Uttar Pradesh government as migration increased. According to the 2011 census the current population of NOIDA is 642,381 and it is primarily composed of migrants from other cities as well as rural migrants. The official descriptions of the township boast of a high literacy rate (89%), as well as major educational institutions and a hospital in every residential sector. Yet nestling in between these affluent zones are the clusters of shanty settlements, some of whose residents have been living here for more than 40 years. What started as settlements of mud and straw shanties have now become crowded settlements with most houses made of bricks and cement, though they are still tiny, often windowless, and with no proper drainage. The narrow spidery mud lanes are dotted with garbage dumps, open drains, stagnant water pools and very few houses have proper toilet facilities.

An interesting feature of the political landscape among the poor of both Punjabi Basti and NOIDA is the proliferation of local leaders, but whereas in Punjabi Basti a leader will speak of himself in terms of specific achievements – this one for getting electricity meters, that one for arranging water tankers or for getting a tube well –

in NOIDA the picture has become much more confusing with considerable rancor on who has achieved what. It was rare to find any local leader who did not trade accusations of siphoning off benefits for one's own relatives or party member. In much of the literature on urban slums in Delhi it is assumed that the term Pradhan refers to those who wield traditional authority on the basis of caste. However, we found that the authority claimed by Pradhans (a term used much more frequently in NOIDA than in Punjabi Basti) is based on their associations with particular political parties or with politicians at the district or state level, rather than on the basis of caste. Only in the specific issues relating to religion (such as claims over a graveyard by the Muslim inhabitants of Sector VIII) did we find that the Muslim leaders exercised exclusive leadership.

The Struggle over Housing

People attribute some of the changes in the structure of leadership, which they say has descended to a state of anarchy, to the fact that NOIDA has a dual administrative structure since it is part of the National Capital Region and is also a part of the District of Buddhanagar in Uttar Pradesh. They also see the shift in the nature of leadership as part of generational shift that has taken place in the structure of sensibilities as new migrants have come into the neighborhood– “ab har ghar mein Pradhan hain – har koi apne ko Pradhan manta hai” (now every house has a Pradhan – everyone thinks of himself as Pradhan.) However, in 1998, when one of us (Veena) initiated a project on health-seeking behavior in Sector V, there was only one recognized Pradhan in the area, Nathu Ram, who Veena was lucky to have interviewed a number of times in 1998.

Nathu Ram rose to a position of power in the locality some time in the mid seventies due to his ability, he said, to deal with outsiders, especially the agents of the State such as policemen. In this aspect he was somewhat like the big men first made famous by Godelier and Strathern (1991) since he did not represent traditional authority. Another person who had claimed authority as a Pradhan had been ousted since he was not able to deal with outside authorities. Though not the traditional caste Pradhan, Nathu Ram did use his dense kinship connections in the area to build support. He counted eight families of close relatives who lived within the same cluster of *jhuggis* while other more distant relatives had been encouraged by him to come and settle in an adjacent park on *kabza* land as his power grew . We should note that there were no formal mechanisms for the selection of Pradhans (as is the case in rural areas) but people sought Nathu Ram's mediation in personal disputes or to deal with the police. His authority was evident in different projects he initiated for the settlement (see Das 2011).

Let us fast forward to the nineteen eighties when the residents of the area were embroiled in a conflict with the neighboring Gujjar community, the original residents of the area before it was claimed for industrial development^{xiii}. For the Gujjars, whose fortunes over the years had changed radically as they too had taken advantage of the growth of industry in this area, the presence of a lower caste cluster of *jhuggis* in the neighborhood was seen as threatening to their economic dominance and would, they feared, "corrupt" their young people. Nathu Ram

explained to me that most men in the jhuggis were performing the tasks of sweepers or working as load carriers for the local factories that were coming up since the late seventies. These were not jobs that the Gujjars were willing to take on because of their higher status, but as long-time settlers in the villages in this area they did not want new settlements to come up. The Gujjars had clout with the police so the police were all set to demolish their jhuggis. In Nathu Ram's words, "the bulldozers were literally on our threshold."

"Someone" advised Nathu Ram that he should try to get a court order to stall the demolitions. The lack of specificity in Nathu Ram's account of who that someone was, or how he came to know him, was a common feature of narratives among the urban poor I (Veena) encountered in the early years of my research. This particular feature indexed the diffused forms of knowledge over which no one ever had full control but which one could follow and, like a gambler's move, it could pay dividends. (A new generation of leaders, though still unclear about how to make the legal or bureaucratic system work, are much more savvy about the nature of party politics at the state level.) Having gathered this bit of advice, Nathu Ram decided to go to the High Court in the city of Allahabad, though he did not seem to know anyone there. From his own account, it appeared that he would go to the High Court with a bag of chick peas and sit on the stairs hoping that someone would take notice of him. We should note that such a strategy for getting attention of State officials, of doctors, of teachers, though not routine, is not uncommon. As luck would have it, an activist lawyer saw him sitting there everyday and asked him what he wanted.

Nathu Ram explained his predicament and the lawyer agreed to file a petition for a stay order on the ground that the residents belonged to the scheduled caste category, were economically downtrodden, and hence should not be deprived of their homes and their means of livelihood. The lawyer, however, insisted that the jhuggi dwellers legally register themselves as a Society under the Uttar Pradesh Registration of Societies Act, 1860. The jhuggi residents thus acquired the legal status of a Registered Society under the title of Harijan Workers Society for Social Struggle (Harijan Mazdur Sangharsh Sabha)^{xiv}. They were successful in obtaining a stay order from the court and used it in bargaining with the police. Simultaneously they tried to pursue the demand for alternative accommodations with various political parties, especially during elections, organizing public meetings, holding demonstrations, and submitting petitions to various political leaders. Despite promises made every five years during elections, nothing concrete has resulted from these endeavors.

The registered society formed by Nathu Singh (Harijan Workers Society for Social Struggle) had become defunct in 2001 having failed to meet certain procedural requirements. Nathu Ram's nephew (the one who was to abscond later) had helped in registering it under another name – Jhuggi Jhopdi Welfare Association in 2001 and in 2006 its membership was renewed by the nephew's son (Vinod) who had now risen to position of some power. Under the auspices of this society, there was a writ petition filed in court submitting the names of 1140 jhuggi households as eligible for allotment of alternate housing. The High Court found merit in the

petition and ordered the NOIDA administration to provide alternate accommodations to these households on the payment of Rs. 62,000, to be paid on monthly installments of Rs. 120 per household. The lawyers of the Society contested this decision on the grounds that as a Welfare State India could not charge such exorbitant sums from the poor. There were other petitions filed on behalf of other registered Societies claiming that their members had been left out of the list of those entitled to receive alternate housing. Thus the agreement among the recipients necessary to proceed on the court's orders has eluded the locality as bitter fights have broken out on who is to be included or excluded from the list of recipients.

Thus, for example two new Registered societies filed writ petitions in the Allahabad High Court against the attempts to evict them from their hutments even as late as 2010. The Allahabad High Court in 2010, in a case filed by a coalition of NGOs (Jhuggi Jhopri Nagrik Kalyan Mahasabha) versus the NOIDA Authority, gave specific instructions regarding rehabilitation of the jhuggi dwellers and passed a new interim order based on the existing order of 1998. There were other writ petitions filed accusing the NOIDA authority on contempt of court for not acting expeditiously on the orders of the court. In response, NOIDA Authority officials assured the court that a new scheme for rehabilitation of jhuggi dwellers had now been finalized and that a fresh survey would be conducted in 2010 to identify all legitimate jhuggi dwellers. The result of this survey are now posted on the NOIDA Authority website but the number of jhuggis identified are far fewer than the actual existing jhuggis. For instance, the website mentions 525 jhuggis in sector V whereas our census

shows 830 jhuggis in one cluster alone in Sector V. Thus individual petitions as well as collective appeals to political parties continue against the NOIDA authority.

It would be evident from the above description that the matter of securing rights over their residence did not end for the jhuggi dwellers with obtaining the various interim orders against eviction. It is true that this protected them from demolition of their homes but it did not ensure that they were provided alternative plots of land or apartments with permanent rights, which is their goal. Rather, the jhuggi dwellers have continued to find a variety of ways in which they can deepen their claims over housing. At the individual level the strategy for deepening the claims over the jhuggis built on occupied land is to gather as many documents as would establish long-term residency. The most important of these documents are ration cards and voter identity cards. The new impetus by the government to cover the entire population of India through unique identity cards has not yet had an impact on household strategies of building incremental rights over their dwellings. The strategies used by leaders for security of tenure has since come to focus on two alternative goals – either to secure alternate accommodations or to get permanent rights over the land that they have occupied. At the collective level, different political leaders at the local level who are affiliated with different political parties, continue to petition powerful politicians, to form new registered societies, and to use the media especially during elections. Yet the bureaucratic plans for rehabilitation are following their own logic. One can witness an area of Sector 125 earmarked for multi-storied buildings for rehabilitating all jhuggi dwellers; there are tenders floated by NOIDA authority to invite builders to submit building plans;

but it is equally clear to the inhabitants that the issue is not going to be resolved in any hurry. A report in the Hindi newspaper, Amar Ujjala, reported on 13 March 2011 that the 2010 survey yielded a total of 11,500 jhuggi dwellers in five sectors of NOIDA and that a tender for 3472 flats was floated. Though application forms for allotment of flats were made available and advertised, there were few takers as considerable controversy broke out over the authenticity of names included in the survey in the localities as well as the conditions of allotment.

Thus a stalemate continues on the plans for alternative accommodations (cf. Chatterji 2005 for similar conflicts in Mumbai). Meanwhile with parliamentary elections scheduled for 2014, in both Sector V and sector VIII many local inhabitants who are politically connected have started converting their jhuggis into two-storied *pucca* houses since they are convinced that no demolitions will be risked in an election year.

Do the poor have politics?

Some political philosophers argue that because the poor are driven by the immediacy of need, they are not capable of the kind of collective action that constitutes the realm of politics.. Hannah Arendt (1963), for instance, argued that the *raison d'être* of politics is freedom and its field of expression is action. Action, however is distinguished from both labor and work – the first related to necessity, wants and urges and the second to self-expression, as in the work produced by the artisan. And neither labor, nor work could be regarded as actions in the public realm. Arendt is credited with having brought the biological into the realm of politics. The contrast she made between the failure of the French Revolution and

the success of the American Revolution makes it clear that she regards the participation of the poor in the former to have driven the revolution to its failure, displacing the quest for freedom by the political virtue of “compassion”. In the case of America, in contrast, she argues, the problem the poor posed was not social but political, since they were “poor but not miserable.” A deeper analysis of Arendt’s complex relation to the poor versus poverty would take another paper, since she shifts from the idea of the poor as driven by biological needs of survival to the idea of “poverty” as an abstract concept which elicits moral indignation or not, and hence becomes the moral compass with which to evaluate those who relate to poverty appropriately or inappropriately (Duttman 2008).

From our perspective we simply want to suggest that the gaze shifts imperceptibly in Arendt and in many others to the poor as either objects of regulation (Foucault 2004) or as those whose condition elicits moral indignation (Arendt 1998). However, the analysis bypasses the question of what is it that the poor actually do? While subaltern studies in India did much to analyze the subaltern groups as political actors, their exclusive emphasis on resistance, partly necessitated by the tracks their modes of action left on the official archives, does not help in analyzing the way in which the poor participate in political activities as part of their everyday life. Chatterjee’s (2004) concept of political society though more sensitive to everyday life creates a teleological story in which the efforts of the poor are seen as converting a “population” into a “moral community” by engaging politicians over

such issues as housing and electricity but the notion of moral community manages not to erase any signs of the power struggles within the community.

In the case of both neighborhoods discussed here, the trigger to organize themselves for collective action came in the form of a crisis over housing. The turn to the courts of law in both cases was initiated to avert a crisis – though the nature of this crisis was somewhat different. In the case of Punjabi Basti it was the fight with a powerful private foundation, which was trying to claim the land on which residents had established occupation, which led to the formation of the Punjabi Basti Sudhar Samiti. Though the cases the Foundation had filed were against *individuals*, it is very important to underscore that residents were able to see this as a collective threat that required action on behalf of the whole community. In the case of NOIDA it was the fight between migrants and the local settled population that led to recourse to law, which was intended in the first place to ward off police action against them. The trajectories that these fights took became quite different: in the case of Punjabi Basti the local leaders were able to forge sufficient unity amongst themselves to establish an authorized map of the colony. They took the initiative to organize their own surveys and, despite conflicts of various kinds in the locality, they were able to get a final agreement on the list of homeowners as well as establish a boundary of the locality^{xv}. In the case of NOIDA, the conduct of surveys was left to the administrative authority. While each time a number was produced, an agreement on a final list of homeowners eluded them. Instead, the number itself

led to further escalation of conflicts within the neighborhood along lines of party politics or along different spheres of influence.

We also saw that in both cases local leaders were connected with political leaders from outside the locality. They were also able to petition bureaucrats or officials who helped them to negotiate the complex terrain of rules and regulations. Recall that Joshi was able to get help from a DDA official and Sanjeev Gupta sought guidance from the officials in the electricity company. In interviews conducted with both of them, they stressed the importance of learning about the “system”, inserting the English word, though neither Joshi nor Gupta is an English speaker. In the case of NOIDA the connections with politicians were used most often to increase one’s own sphere of influence – the leaders in this locality saw these as personal ties. For instance, they emphasized the importance of having such connections for negotiating with the police in cases where someone was accused of petty crimes or got caught in local disputes. Thus elements of patronage were present in both cases, but in one case the local leaders were able to establish a measure of autonomy while in the second case the local leaders saw themselves primarily as mediators who delivered “goods” such as votes or “people” for political rallies in exchange for the influence yielded by the politician-patrons in negotiations with police or with local government officials.

Finally we want to underscore that interesting shifts are taking place in the way in which politicians are engaged with by local leaders in order to influence government officials in securing documents or establishing the right to such public goods as water or electricity. The poor participate actively in electoral politics. For

instance, in a random sample of 1200 households drawn from four localities (including these two clusters in NOIDA), it was found that 86% respondents had voting cards and 75% reported voting in elections^{xvi}. However, when in detailed ethnographic interviews with forty households chosen from the sample we asked the reasons why people voted it turned out that one prominent reason was that they thought that their names would be struck off the voter's list if they did not vote and that in the absence of a voter card they would not be able to have proof of residence. They feared that this would lead to their being excluded from different government schemes including rights to alternate accommodations. Thus far from wishing to evade the eyes of the State, in these matters at least, they are demanding to be counted as citizens, with entitlements that they can access without being seen as recipients of charity..

It is not that other considerations for voting for one another candidate were not offered. In Punjabi Basti people often spoke of MLAs (Members of Legislative Assembly – for the State of Delhi) or MPs (Members of the national Parliament) in terms of who had done what for the constituency. In NOIDA too, the Uttar Pradesh State-level politics was watched closely for any shift in policy regarding the right to alternate accommodations. What was striking though was the sense that they were entitled to live in the city. In some cases people said “the courts have spoken in our favor – the administrators have to recognize us.” In other cases they pointed to pragmatic reasons why they could not be evicted when politicians depended on their votes. Sanjeev Gupta explained to Veena that since residents of unauthorized colonies made up the bulk of voters in the Delhi State elections, the politicians at the

State level were as dependant on them as they were on the politicians. These kinds of considerations and calculations might not constitute politics in the purest form as Arendt envisaged it, but we claim that it is in the process of engaging the legal, administrative and democratic resources that are available to them – in courts, in offices of the bureaucrats, and in the party offices, that the poor learn to become political actors and not simply recipients of the state’s benefits.

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ⁱ We owe this point to Sruti Chaganti

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ⁱⁱⁱ A more detailed analysis of the address interviews in this locality was presented y Veena Das in the second M.Sn.Srinivas Memorial Lecture at the King's India Institute, London, in March 2012. Veena

would like to express her gratitude to Sunil Khilnani and Kapila Kriti for their kind invitation and to members of the audience for their perceptive comments.

^{iv} In all there were forty interviews with residents from different parts of the neighborhood on the address history of the house and the history of street names.

^v The whole expression “jagah gherna” – enclosing a place from the local perspective and encroaching on the land from the strict legal perspective – refers to the act of taking a piece of land and making it one’s own through one’s labor. In other areas residents use the term “kabza” – that is widely used in both India and Pakistan to refer to land or houses or even mosques that are “occupied” and for which there are no legal entitlements (patta). The difference between patta and kabza occurs in various bureaucratic records and sale deeds.

^{vi} Rai Sahib is a title bestowed by the British.

^{vii} Waqf refers to an inalienable religious endowment in Islamic law typically denoting a piece of land or a building to be used for charitable or Islamic religious purposes. However, since Persian words were used freely in the Punjab by both Hindus and Muslims in this period, it is possible that the word denoted dedication of property for charitable purposes.

^{viii} Bighas and Biswas are local measures. A biswa is 125 sq. meters and twenty biswas make a bigha.

^{ix} These are not vague references. Joshi named at least two officials of the DDA who had been singularly helpful in teaching their organization on how to petition their department and the department of Revenue to get access to records. He also showed me several letters that he had written to various officials on behalf of his organization in connection with the harassment faced from Ramjas Foundation.

^x All personal names in the paper except that of Sanjeev Gupta are pseudonyms – the suffix Sir simply follows local practice to denote respect.

^{xi} The juxtaposition of personal name with the honorific “Sir” is a common mode of showing respect to officials – in contrast, politicians are sometimes honored by the addition of the Hindi particle ji which is also used in contexts of kinship,

^{xii} it was not possible to locate who were the persons who constituted this network but some employees of the earlier Delhi Vidyut Board were implicated.

^{xiii} Though classified as a “backward” community now belonging to the administrative category of “Other Backward Castes”, historians identify several past kingdoms as Gujjar or Gurjara in origin.

^{xiv} The name of the Society bears trace of the intervention of the upper caste lawyer who might have suggested the name. Harijan was the term Gandhi used for untouchables but later dalit leaders rejected this appellation. Of the twenty-three or so registered Societies that are now active in the local politics of the area, none uses caste terms – preferring such titles as Jhuggi-Jhopdi Welfare Association, Society for Worker’s Struggle etc.

^{xv} We do not wish to suggest that people regularly participate in the activities of the NGOs and of Registered Societies or even regard themselves as members of these organizations in any formal sense. In the case of Punjabi Basti, the agreement to be represented by the relevant NGO for taking the claims of the locality to the officials for getting it regularized was an important step. In the case of NOIDA, the proliferation of registered societies, each with its own claim of representing the residents accounted for an escalation of conflict.

^{xvi} The source of these figures is a CPR-ISERDD survey of 1200 households in four localities – two in Delhi and two in NOIDA funded by the ESRC-funded study referred to in footnote i.

Appendix

We provide some general indicators of the quality of housing as well as the quality of the public services in areas in which the research is located. This should help see how the slums are internally differentiated though the differentiation in terms of the quality of the house is much more evident than the quality of the neighborhood.

We constructed a wealth index based on the quality of the house , whether rented or owned, assets as well as income, and divided the sample households into five categories. The differences provided here are relative to the overall sample. N=1200

Table 1: All Localities

Variable	Wealth Quintiles					Total
	Poorest	Poor	Moderate	Rich	Richest	
House Ownership						
house rent/own	Poorest	Poor	Moderate	Rich	Richest	Total
Rent	42.90%	16.80%	7.60%	3.40%	2.50%	14.60%
Own	53.40%	82.40%	91.20%	95.80%	96.60%	83.90%
Don't pay rent, owned by relative	3.80%	0.80%	1.30%	0.40%	0.80%	1.40%
Employer provided	0.00%	0.00%	0.00%	0.40%	0.00%	0.10%
Total	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Improved House						
change/improvement	Poorest	Poor	Moderate	Rich	Richest	Total
NO	55.50%	29.40%	24.40%	16.80%	15.10%	28.20%
YES	44.50%	70.60%	75.60%	83.20%	84.90%	71.80%
Total	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Wealth quintiles						
Own_tv	Poorest	Poor	Moderate	Rich	Richest	Total
NO	58.40%	25.60%	9.70%	4.20%	1.30%	19.80%
YES	41.60%	74.40%	90.30%	95.80%	98.70%	80.20%
Total	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

Have Mobile in HH

mobile sets	Poorest	Poor	Moderate	Rich	Richest	Total
NO	42.90%	17.20%	6.30%	4.60%	1.70%	14.50%
YES	57.10%	82.80%	93.70%	95.40%	98.30%	85.50%
Total	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

Have Electricity in HH

ele_at home	Poorest	Poor	Moderate	Rich	Richest	Total
YES	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Total	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

Pvt Water in/outside
HH

Private HH water	Poorest	Poor	Moderate	Rich	Richest	Total
NO	65.50%	53.40%	43.30%	44.10%	50.40%	51.30%
YES	34.50%	46.60%	56.70%	55.90%	49.60%	48.70%
Total	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

Wealth quintiles

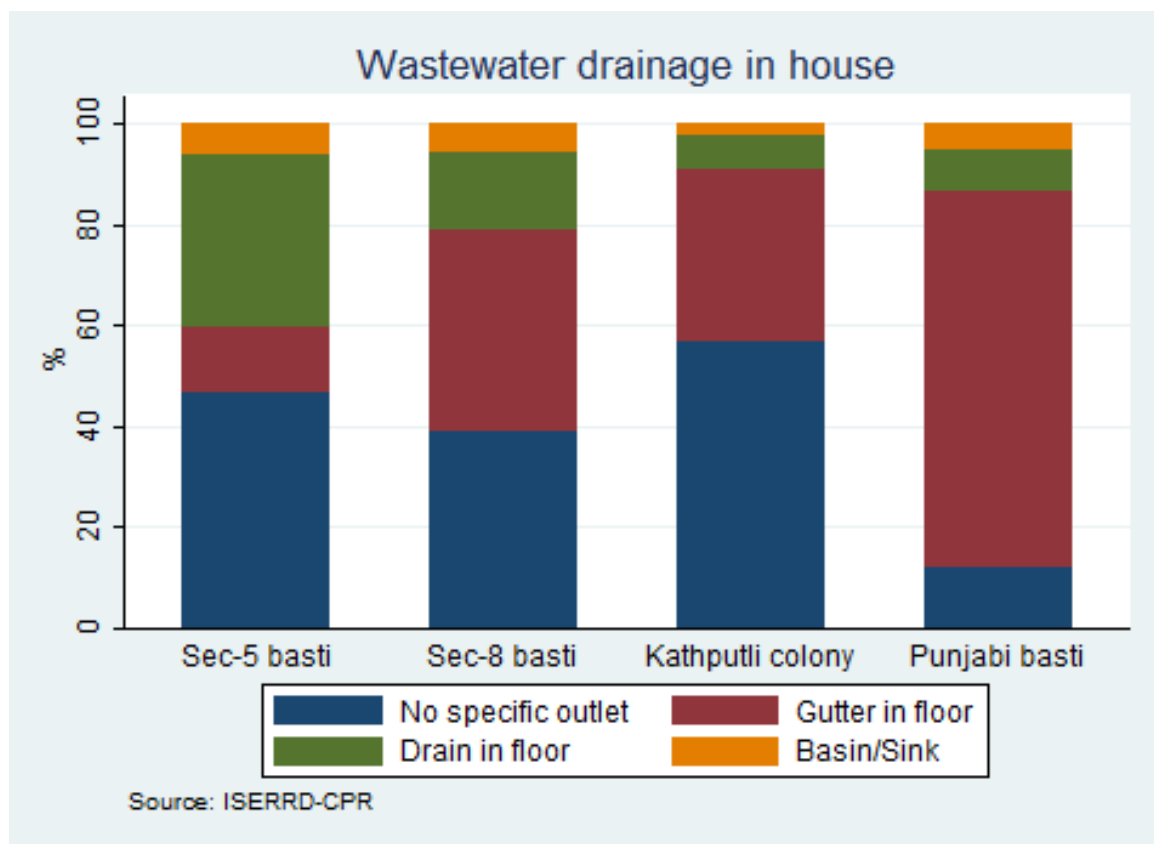
open drain near hh	Poorest	Poor	Moderate	Rich	Richest	Total
NO	29.80%	31.10%	37.00%	48.30%	59.70%	41.20%
YES	70.20%	68.90%	63.00%	51.70%	40.30%	58.80%
Total	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

Wealth quintiles

Water enters HH	Poorest	Poor	Moderate	Rich	Richest	Total
NO	57.60%	54.60%	59.20%	68.90%	87.00%	65.50%
YES	42.40%	45.40%	40.80%	31.10%	13.00%	34.50%

Total 100.00% 100.00% 100.00% 100.00% 100.00% 100.00%

Graph 1



Solid waste disposal

