INFORMAL SETTLEMENTS AND FORMAL RESETTLEMENTS: URBAN POOR AND THE INSTITUTIONAL PROCESSES IN DELHI

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DECLARATION

I, Aditi Gupta hereby declare that the dissertation entitled, ***Informal Settlements and Formal Resettlements: Urban Poor and the Institutional Processes in Delhi***submitted by me in partial fulfilment of the requirements for the award of the degree of ***Master of Philosophy*** from Jawaharlal Nehru University is my own work. The dissertation has not been submitted for any other degree of this University or any other University.

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CERTIFICATE

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Dedicated

To my parents

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INTRODUCTION

Statement of the Problem

'These people lived in Delhi, but Delhi was too far for them.' That the resident urban poor of Delhi have been deprived of access to the idea of the city, was what the Prime Minister made a note of, as he presented keys to the flats – newly constructed for the people from the economically weaker sections (EWS) near the Bhoomiheen Camp of Delhi – to the eligible beneficiaries of the 'in-situ slum rehabilitation project' (PIB, GOI 2022).

This remark – which explicates a story of aspirations unlived in the inequitable city – performs as a great point of entry for the government to rationalize its interventions in the urban development policy landscape. It assures its receptors that the path of urban renewal would not replicate its former trajectory of excluding those who *'put their blood and sweat in the development of cities'* (ibid.) from the benefits of the rumoured development. And that for the idea of the *'grand city'* to become amenable to those who live in it but away from its everyday grandiosity, the government is working towards connecting them with systems of service provisioning. But for welfare services to become a possibility, they need an authorized address, a bank account, a ration card, a mobile phone, and so on.

At the centre of these assurances are two reciprocally connected attempts at rectification. One, with the acknowledgment of the contribution of the urban poor in the making of the city, an attempt is being made to rectify the misrecognition of the urban poor – as undesirable and problematic editions to the city, to be displaced and disposed of – that has constituted the logic of urban governance. Two, with the emphasis on the provisioning of the markers of authentication of one's existence to the state, such as official documents of identity, an attempt is being made to rectify the unreachability of the urban poor – that often serves as justification for the withholding of state's assistance from them.

The present study is positioned to enquire about the grounds and conditions of these attempts. The problem that this study hopes to grapple with is that the policies projecting improvement in housing conditions for the urban poor have been trying to inculcate a process of affirming their right to shelter, identifying them as beneficiaries, and expanding their access to the city, however, this process continues to be rife with preconditions that are fairly difficult to go through and replicate the marginalization of their claims to adequate housing.

With this in context, how the institutions of the state – their conditionalities and rationales – are navigated by the urban poor residing in informal settlements, and claims-making on formal resettlement, becomes an important matter in question that requires diverse analyses. An understanding of these navigations presents a possibility for locating where the state's processes impinge on people's capacities and dispositions to adhere to them. It presents a possibility for locating where the people's capacities and dispositions to house themselves impinge on the state's processes.

This study, then, extrapolates on what the *recognition* and *reachability* of the state look like for the urban poor residing in otherwise misrecognized and unreachable settlements of the city of Delhi. It is situated in thinking about what the interventions from the institutions of the state, directed towards recognizing and reaching these settlements, have culminated into, and how have they been responded to. It looks at the official statutory documents and urban case law that concern themselves with the settlements inhabited by the urban poor of Delhi as the points of access for understanding the proceduralism surrounding the state-assisted housing and resettlement that has come to heavily rely on legibility-making processes. And if in doing this, what is being rectified is the unreachability and inaccessibility of these settlements, then it also becomes a matter of inquiring how much of what comes with recognition and reachability is desired by the urban poor. This is important in the context of understanding the implication and complications involved in being, or not being, recognized and reached by the state. It is

also important to contextualize the political subjectivity of the urban poor in navigating their claims to a place in the city with the state's propensity to both displace and resettle them. On that account, this study is oriented towards taking up a case study of displacement and resettlement of residents of a *jhuggi jhopri* cluster in the city of Delhi, as a point of reference for understanding how the legibility-making processes are experienced by the informally-dwelling urban poor, how documentary requirements in policies and pronouncements are understood and dealt with on the ground, how prospects of formal housing are calculated by them.

This study proposes, therefore, to observe and analyse the legal and formal procedures for housing the urban poor in post-liberalization Delhi, and the extra-legal methods and extra-formal arrangements involved in carrying them out. These observations and analyses become instrumental in thinking about the ways in which the spatialization of a place in the city operates in the blurred background of what is otherwise differentiated as legal and illegal, or formal and informal.

General Overview of Research Area and Literature

The description of settlements, and the urban spaces they come to occupy and produce, in terms of differentiations – of legal and illegal, or formal and informal – has been a component of both the state-articulated nomenclature and academic theorizations.

These differentiations have persisted and can be evidenced, in the annual Economic Surveys, even when the types of settlements in Delhi have gone through slightly revised tabulations over the years. For the first decade of the millennium, at least eight types of 'settlements' were identified, out of which seven sub-types – housing more than three-quarters of the percentage

of the city's estimated population – were termed as 'unplanned'[1]. And though the concern in the surveys of the early 2010s was reformulated towards housing conditions, and households were classified based on the type of structure and ownership; they have also resumed the 'planned' and 'unplanned' distinction that was characteristic of the survey reports of the 2000s[2]. With the extent of overlap and fluidity that these habitations witness, however, these attempts at uncovering a taxonomy of settlement type reveal the implausibility of a methodical categorization (Centre for Policy Research 2015). The dissociation from and the re-association with certain phrases[3], illustrated in a stir in both the vocabulary and numbers used to characterize and codify how people come to inhabit a city, represents an unhindered interest in attributing qualifications to adhering to government-stipulated plans. And whereas the categories get revised, very little changes in the definition of the many variations of 'unplanned' settlements over the years, and across various legislative or statistical processes.

While this exercise of defining and describing various types of settlements in Delhi-specific calculative and legislative practices has been an exercise in preoccupation with planning. The scholarly exercise of studying and researching them has been an exercise in uncovering their precariousness in relation to *legality* and *formality*. Despite being in transgression of the planning processes mandated by the state, not all categories of the 'unplanned' settlements are to be considered informal *and* illegal (Datta 2012). So, for instance, the illegal occupation of

[1] The types of settlements as they appear in the annual economic survey from 2001-02 to 2008-09 are: JJ Clusters, Slum designated areas, Unauthorised Colonies, JJ Resettlement Colonies, Rural villages, Regularised-Unauthorised Colonies, Urban villages, and Planned Colonies. This typification was documented as part of the Delhi Urban Environment and Infrastructure Improvement Project (DUEIIP)-2021, a collaboration between the Planning Department of the Government of National Capital Territory of Delhi (GNCTD) and the Indian Ministry of Environment and Forest.

[2] The Economic Survey of Delhi 2019-20 and 2021-22 source their six-way classification of 'unplanned dwelling units' – into Jhuggi Basti, Resettlement colonies, Unauthorised Colonies, Notified Slum Areas (Katras), Urban villages, Homeless and pavement dwellers – from the Delhi Urban Shelter Improvement Board (DUSIB).

[3] The term 'settlement' itself has undergone continuous revisions. Terms such as 'dwelling units' and 'households' or 'residential houses' instead of 'settlements' were utilised to tabulate the distribution of population in the later annual Economic Surveys of the 2010s.

land and violation of the masterplan characterizes the 'unauthorized colonies', but the affluence of some of those gated colonies disallows their identification as informal settlements. And the 'slum designated areas' and 'notified slum areas', which have been statutorily-recognized under the Slum Areas (Improvement and Clearance) Act of 1956[4] and have been made eligible for formal intervention in their housing conditions, defined in terms of their un-inhabitability, are more than susceptible to being typified as informal and illegal settlements. *'Jhuggi-jhopri (JJ) bastis'* or clusters, as squatter settlements in the context of Delhi, are variably considered slums and/or encroachments. They get characterized in terms of their incongruity and disruption due to their 'unauthorized occupation of Government land or public land'[5], and in terms of their slum-like conditions – making them mostly unavailable for an unregulated relationship with the land but also prone to being marginalized in urban development processes.

JJ clusters, as subjects of academic study, then, are located on a certain intersection not only of illegality and informality but also of vulnerability and variability. A set of 'initial clarifications' in these studies usually go on to remark on the amalgamations of levels of precariousness – physical, in terms of structural as well as socio-economic vulnerability, legal in terms of 'occupation of land', formal in terms of 'layout'– involved in squatter settlements (Dupont 2008; Dupont and Ramanathan 2008). These studies have often argued that the urban poor living in squatters are unjustly illegalized for finding themselves on the very margins of the spectrum of ownership because of a lack of state-provisioned affordable low-income housing that reeks of the inadequacy of institutional city-planning authorities. And they criticize

[4] The official categorization of slums has been in terms of the degrees of recognition itemized to them by the state. While at least three decades of Census of India have preserved the classification of slums into 'notified', 'recognized', and 'identified', the National Sample Survey Organization (NSSO) catalogues slums into 'declared' and 'undeclared' in the 1967-77 survey, and as 'non-notified' and 'notified' in the 1993 and 2002 surveys.

[5] Sub-section (c) of section 2 in The National Capital Territory of Delhi Laws (Special Provisions) Act, 2011. This definition of "encroachments" also applies to 'unauthorized colonies' or even 'regularized-unauthorized colonies' (classified in order of their eligibility for regularization versus in terms of the severity of their violations).

policies and statutes for being sharply invested in differentiating between the category of slum dwellers as 'unscrupulous elements' and the legal model 'honest citizen (who) has to pay for a piece of land or flat' (Ramanathan 2006), or the aspirational middle-class consumer citizen housed and regulated by residents' welfare associations (RWAs) as geographically and morally contested by the 'economically unviable, environmentally harmful, criminal urban poor' of the adjacent ghettos (Bhan 2009).

The problem with these formulations – of how the urban poor come to inhabit the city foregrounded in a long-standing relationship their inhabitations come to share with the institutions of law and form – is that the relationship is conceptualized heavily in terms of demarcation. A demarcation between the domains of what is considered legal and formal, and illegal and informal. Even in their unrelenting criticism of the differentiations in legislations, plans, and judicial pronouncements, they utilize the familiar framework of dualistic opposition between legal and illegal, formal and informal, when they do not dissect apart the hierarchies that constitute those oppositions. The hierarchization of the legal and the formal over the illegal and the informal. Even those who demonstrate that institutions otherwise considered legal and formal are embroiled either in practices that are categorically 'informal' (Roy 2009) or in effectuating consequences that are 'illegal' (Bhan 2013), become part of this line of argumentation[6]. This is because legality and formality remain attributes to aspire to. And the sources of undesirability and problematization of illegality and informality remain uncontested.

Moreover, the problem is accentuated when an account of the ways in which the *legal* and the *formal* relate with the *illegal* and the *informal* is designed around studying one aspect of it to

[6] Roy explicates how 'informality' as a phenomenon, that usually finds association with poverty, is much more prevalent but unacknowledged in the urban planning process. She writes: 'the state itself is a deeply informalized entity, one that actively utilizes informality as an instrument of both accumulation and authority' (2009, 81). And Bhan (2013) demonstrates how 'informality' and 'illegality' itself is an outcome of planning and planned development in Delhi – further muddling the conceptual binary of the informal-illegal urban poor versus the formal-legal-planned city and the State.

think about the other. So, over the years, in an array of writings that have come to analyse the statutory-social role in the process of problematization of squatter settlements, the tendency has been to demonstrate the marginalization of claims of the *illegal* and the *informal* in the narrativization of the force instituted by law and form. Demolitions, forced evictions, homelessness more often than not, and resettlement that is more displacement than it is rehabilitation become the consequences of this problematization, based on their institutionally established illegality and academically articulated informality. For instance, the cruciality of judicial intervention in this problematization has been extensively demonstrated and discussed in broadly two interconnected veins. One, that demonstrates the judiciary's prejudicial stance against the poor[7] (Ramanathan 2006; Dupont and Ramanathan 2008; Bhan 2009), or in favour of a neoliberal city[8] (Banerjee-Guha 2009; Benjamin 2010; Batra and Mehra 2008). And two, that presents a picture of interpretive proceduralism in law that allows for slum demolitions (Ghertner 2008). These two lines of argumentation implicate each other more than they set themselves apart when they try to study the legal predispositions and mechanisms involved in the delegitimization and problematization of squatter settlements without taking into account how the inhabitants of these squatter settlements engage with the law and form. In talking about the *illegality* and *informality* of squatter settlements, while thinking through the judicial pretexts and procedures that delegitimize and problematize them, these analyses replicate the demarcations they hope to expose.

[7] A certain attitude of the courts towards urban squatter settlements and their dwellers that gets accented in these studies in that of hostility. Dupont, in an explicit instance of this argument, mentions a variously presented point of duplicitousness in the Delhi High Court's orders on which the Yamuna Pushta slum clusters were demolished for the supposed stress they were causing to the riverbed of the Yamuna, but which did not affect the unauthorized constructions of 'the secretariat of the GNCTD, the metro depot by the Delhi Metro Rail Corporation (DMRC), the metro police station, an IT park at Shastri Park by DMRC-GNCTD, the Akshardham temple, and the Commonwealth Games Village' in the very *non-urbanisable zone* (2008, 85).

[8] The period following 1990s has been argued as marked by the institution of judiciary becoming explicitly engaged within the logic of neoliberalism, in the writings of lawyers (Bhushan 2004), and scholars (B. Rajagopal 2007; Suresh and Narrain 2014).

However, when the squatter settlements are analysed in terms of the ways in which they relate to the considerations of legality and formality, the demarcations acquire a sense of complexity – in that, they cannot be used without attaching proper qualifications to them. Studies have, then, come up to analyse the ways in which the legal and the formal, the illegal and the informal, all become realized in the extra-legal and extra-formal practices of squatter (V. Das 2011; Sriraman 2018; Carswell, Chambers and De Neve 2018; Routray 2022), as they do in the production of urban spaces that are not squatters. They become realized in their functional character for the materialization of claims to housing in an unrelenting city.

It is in this context that the present study also situates itself. At the center of its lexicon appears to be a holding on to a sense of the *legal* and the *formal* as differentiated from the *illegal* and the *informal*, despite the projected line of argumentation trying to complicate the very differentiation. However, it is directed towards looking at how the ways of urban poor claiming inhabitation and rehabilitation within the city cut through the legal/illegal and formal/informal framework. This looking at residential conducts in and out of accordance with law and form takes its cue from an approach of *transversality* conceptualized by Caldeira (2017), according to which the logic of engagements in the production of the urban is constituted of intersections and correspondences, as much as inconsistencies and divergences.

Research Design

Rather than identifying the nature of informality and illegality involved in squatter settlements, or the nature of formality and legality of institutions of the state, in purely definitional terms – wary of the conceptual boundaries preserved in such an endeavor – the corresponding attempt at operationalization would rather specify whom and what it is concerned with.

The study concerns itself with a very specific category within the 'urban poor' – of those who reside in the *jhuggi-jhopri bastis,* the urban squatter settlements of Delhi. Because these squatter settlements are ascribed with illegality in terms of their occupation of land without legal rights, and informality in terms of their non-adherence to regulations and norms of planning, they are considered both illegal and informal. However, since their illegality and informality are relational, but not interchangeable (Datta 2012, 7), wherever this study refers to squatter settlements as informal, it means to refer to them in a hyphenated sense, as both informal *and* illegal and not in an oblique sense, as one *or* the other.

This study also finds itself tracing the movement made, or not made, by residents of these squatter settlements from the *bastis* to *jhuggi jhopri* (JJ) resettlement colonies.

It concerns itself with the faces and interfaces of the state, society, and political economy that perform as petitioners or respondents in the judgments of the courts related to squatter settlements in Delhi. And as various are precariously housed, the structures beyond the state, that uphold law and form, are as various. The study concerns itself with the ones that the poor engage with, on the ground and in their own narrativization.

When the linguistic framework of this study dwells on the use of the terms such as "structures of law and form", it intends, here, to refer to institutions and non-institutional systems that construct our understanding of permitted, acceptable, and conventional conduct in terms of inhabiting a city, and to which one is engendered to conform to. So, for instance, aesthetics and ethics (Das and Randeria 2015) would constitute non-institutional structures of form that have been analyzed as affecting the ways urban spaces are increasingly finding conformity. And developmentalism and environmentalism have become institutionalized into the structures of law with the Master Plans and the orders of the National Green Tribunal ordering the urbanity of Delhi.

Outline of Chapters

Chapter One begins with outlining the story of the settling and unsettling of squatters in Delhi. It traces the socio-spatial and statutory-juridical background that becomes the pretext for the introduction of institutional initiatives directed towards the legalization and formalization of the urban landscape of Delhi. In an analytical study of the policies and plans on the one hand and judgments of the court on the other, it uncovers the proliferation in the legal proceduralism involved in the process of legalization and formalization of squatter settlements in Delhi.

Chapter Two deals with the implications and complications, that flow from the state's quest for legalization and formalization, for the urban poor residing in squatter settlements. 'Legibility' – as a consequence of this quest – gets introduced that, as a concept, assists in making sense of what *recognition* and *reachability* of the state imply for those recognized and reached. The survey as a seminal procedure – mandated by legislation, undertaken by administrative officials, and upheld as a requirement by the judiciary – for the estimation of an evicted dweller's eligibility for rehabilitation and resettlement is discussed as a legibility-making practice of the state. An account of how this imposition of legibility is negotiated with, variously, by the poor becomes a point of entry to think about the ways in which the process of legalization and formalization is bound to remain a project in abeyance.

Chapter Three brings into perspective the questions posed by the negotiation politics of the poor – both in terms of the disruption it brings into the fray of the *legal* and *formal*, and the diversification into the *illegal* and the *informal*. Except that the differentiations among these terms get all the more complicated with the demonstration of how legibility-making practices hold as much the possibility for the poor to recognize and reach the state, as was the other way around. The two cases get discussed and analyzed in the context of the continuing complications. A calculated sort of functional use of illegality and informality, in navigating

their claims to legal-formal rehabilitation and resettlement in the city, gets recorded in these accounts.

Research Questions

This study finds itself situated within the larger inquiry of how the *formal* and the *legal* relate with the *informal* and the *illegal*, which was halfway through inversed to think about how the *informal* and the *illegal* relate with the *formal* and the *legal.*

The more detailed research questions of this study can be arranged according to the chapters and the specific concerns that follow them.

Chapter One is posited to think about how, why, and when do the squatter settlements of Delhi become an entity of socio-spatial concern. What characterizes the statutory-social engagement of the state interested in extending recognition and reachability to the squatter settlements with the urban poor of Delhi?

Chapter Two considers what the consequences of the widely-declared need to access and acknowledge the urban poor could be for their illegal-informal dwelling situations. How are accessibility and acknowledgment engaged with, by them, if it comes to mean an over-exposure and intervention?

Chapter Three is analytically concerned with how context-specific case studies could assist in thinking about the engagements of the precariously-housed urban poor residents of Delhi with the institutions of law and form.

Hypothesis

The proliferation of procedures to curb the illegality and informality, and thereby the illegibility, of squatter settlements through recognition and reachability, lead to a mediated and negotiated form of legibility. This legibility, however, is not only negotiated but mutual, and does not take away the illegality and informality of squatter settlements in its process. A more calculated form of illegalities and informalities remain, as a consequence.

Research Methods

A textual and discourse analysis of the texts that are considered to set down and uphold legality – statutes, court judgments, administrative orders, plans, and policies – is undertaken. The texts of concern constitute judicial and jurisprudential texts and official government documentation in relation to the squatter settlements of Delhi. The acts and laws were accessed from the Legislative Department's online repository. Government publications like operational guidelines, policy regulations, reports of expert committees, draft protocols, and plans were retrieved from the official websites of various authorities of concern. Press releases and gazette notifications were extracted from the search engines of the Press Information Bureau and The Gazette of India, respectively. The urban case law on evictions and demolitions, resettlement, and rehabilitation, in the context of settlements in Delhi, was also under purview. The judgments and orders of the High Court of Delhi were mostly accessed from a search engine – Indiankanoon.org.

As has been discussed in overviewing the subject research area, any study that surrounds itself with questions regarding the lives and living of the urban poor that situates itself in looking for answers wholly in texts of legality and formality is more than likely to gloss over the political subjectivities of the urban poor involved. Therefore, a case study method is also inculcated into

this research, which limitedly but thoroughly discusses the experiences of eviction and resettlement of residents of the *jhuggi jhopri basti* in Tagore Garden that was demolished in 2006. The narratives that emerged from the long-form in-depth interviews with two of the former residents, conducted over a span of a couple of days, are presented in the final chapter. Before the interviews, the respondents were expressly asked for their consent to be interviewed. And even though the residents were generous with permitting me to make their narratives part of this study, and quote them, wherever necessary, they were hesitant with either their audio or video being recorded. They were rather amenable to waiting for me to make notes of any details of interest, and repeating in case I prompted for cross-checking. Their narratives would not have become part of this research if I had insisted on recording them. And this research would have been deprived of the questions it has come to ask and hypothesize about, in its present direction, if I had insisted on the conventionality of recording for their narratives to be considered as satisfactorily obtained. Keeping in mind the subject matter of our conversations and their understandable hesitancy when it came to sharing anything remotely implicating them, I have opted to change their names to protect them from any untoward ramifications.

Exploratory interviews were also conducted with government officials like the Director of Planning at Delhi Development Authority, Associate Town and Country Planner at a division of the Town & Country Planning Organization; and former elected councillors of the Municipal Corporation of Delhi. They were contacted for a scheduled interview through the mail, the details of which were obtained from the government websites published and managed by their respective organizations. The letter of request for the interview is contained in Appendix 1.

Scope of the Study

There are two sets of literature that this study makes references to, and hopes to mark some divergence from. One, the Delhi-specific urban studies that have, in the process of evidencing the limited access and understanding of squatter settlements found within statutory and statistical discourses, resulted in the justification of the state's legibility-making practices and more intrusive neoliberal policies. Two, the theorization of the politics of the urban poor as differentiated from the governmentality of the state and the civility of the society, have resulted in the preservation of distinction between legal and illegal, or formal and informal – distinctions that have come to be variously argued as more blurred and negotiable.

The framework of binary thinking – of the legal versus the illegal, the formal versus the informal – that is critically analyzed in the general overview of the research area and literature, has all likely possibility of implicating this study as well. Even though the discernible safeguards against one-dimensionality have been part of thinking and writing about the subject matter, it bears full disclosure that all studies around questions of relation to the poor are more than likely to fall short of grasping the fact of it. And it is for this reason that this dissertation hopes to consider itself a part of the larger conversation that it finds critically engaging with.

What also bears acknowledging is that whatever was understood, or not, by me has been a function of the perspective, from where I find myself positioned to read, discuss, interview, and interpret in a language that becomes possible for me. The research is presented with the understanding of how much of a sliver of the universe it has probed.

Nevertheless, the hope is that the difficulty in finding something plausibly novel to say about a thoroughly engaged-with subject matter without duplication of efforts, propelled this study to present the arguments in newer light and perspective.

1. LEGALIZATION AND FORMALIZATION OF SETTLEMENTS

1.1. Situating in Space and Time

The history of Delhi is as much a story of granting refuge as it is a story of displacing them.

As part of an archival project[9] that takes a look at how changes in demography introduced changes to the spatiality of various parts of the capital city of Delhi, it was recorded in the form of maps how densely Delhi came to be populated in the time between 1942 and 1956. The pockets of the city that today function as centre points in themselves can be found to have been remote sites for the setting up of refugee camps along the city limits after partition. However, these camps not only gave way to 'residential suburbs, commercial markets, and industrial zones' (Alluri and Bhatia 2016), but also to an increased population living in the squatter settlements in the city (Dupont 2008). Those who came to construct the infrastructural premises central to making life possible in the capital city were relegated to living in the labour camps – which transformed from being hutments along the sites of construction to *jhuggi jhopris* neighbouring the clusters of residences or industries.

With every spate of in-migration to the centres of the capital came successions of governmental initiatives towards decongesting it. Schemes were formulated and departments within civic bodies were mandated to clear away the urban squatter settlements which were increasingly becoming entities of socio-spatial concern in the context of Delhi. Removal of these informal constructions, and eviction from them, often meant either relocating to another, sometimes after long periods of living on the streets or resettling in areas right outside the city for those

[9] Titled 'Partition', that is a result of a collaboration between Hindustan Times, Dawn.com, and the 1947 Partition Archive, it tries to build some sort of comprehension around the turbulence that partition ensued in the lives of peoples and places.

eligible. Displacement of these reservoirs of labour from the centres of the city meant the moving outwards of the city itself. The enlargement of Delhi, in the imagination of people and planners, from the National Capital Territory (NCT) to National Capital Region (NCR) is as much an aftermath of these cycles of resettlement as the urbanization of the bordering suburbs of Delhi.

The violence and injustice of evictions and demolitions, that is part of the policy programs for clearance and improvement of government-defined slum settlements, culminated in the role of judicial institutions in presiding over the legality – of the inhabitations, and the severity of state actions against them. The problematization of these settlements in statutory-social terms – which illegalizes them through misrecognition of their form and what is to be done about it – flowed into what has increasingly become the logic of the court. The definitions and descriptions, locational violations and land-use parameters, statistical numbers, scarcity-of-land postulations, cut-off dates, and criteria for clearance laid down in the policies and Plans – all became points of reference in the major court judgments.

However, the undesirability of squatter settlements is not only a function of the distorted representations of what slums are but also of the peculiar concerns and imaginations associated with what the city is supposed to be. The desirability of the *global-city* model becomes the pretext for the undesirability of the squatters (Chatterjee 2004; Baviskar 2007; Kundu 2013), which is then judicially endorsed as an 'illegality' (Dupont 2011)[10]. The imagination of a rescaled city of Delhi has been a construction of neoliberal desires of owning a discounted-

[10] Even though Dupont and Ramanathan (2008) attempt to link the specific hostility of juridical attitude towards squatter settlements leading to orders of slum clearance with the context of globalization which heralded a certain socio-spatial order to many cities, they do so ambiguously and that too more in reference to policy statements and official documentation that bear influence of international thinking. In fact, they argue for an incompatibility between court orders and international proposals regarding shelter for all (ibid., 18). Their analysis, in some ways, lacks a concern with how the internationally-systematized objectives and frameworks regarding urban restructuring became features of juridical concern at the time – something that is taken up later by Dupont (2011).

home-that-looks-undiscounted made possible by an iniquitous informal labour and dysfunctional housing market; of forging affective relations with fellow inhabitants based on their property ownership and claims to place; of earning a place in an already bustling city that is somewhat near and somewhat far from, but never, home.

However, the antipathy towards squatter settlements cannot be credited only to the effects of neoliberal mechanisms, especially when Delhi accounts for a specific 'history of urban cleansing' – exemplified in the massive slum-clearance operations during the 1975-1977 state of emergency (Tarlo 2003), and the beautification drive preceding both the 1982 Asian Games and 2010 Commonwealth Games (Dupont and Ramanathan 2008, 550). The advocacy, on record, by the new middle class for the demolitions in the last two decades, then, becomes the point of inflection in this history. Class interests and ideology get petitioned by resident welfare associations (RWAs) or industrialists, or more generally the upper- and middle-income groups – either in the form of neighbourhood feuds (Bhan 2016, 117) or public interest concerns for the environment or sanitation in the city (Dupont 2008; Baviskar 2012; Kumar 2012; Chandola 2013; Truelove and Mawdsley 2011). Their petitions are to be considered as assertions, in conjunction with the neoliberal ordering of the urban economic space which manufactures developmental aspirations accompanied by precarity of the urban poor, as they get structurally upheld by the judicial authorities.

The imaginations and aspirations around what Delhi as a capital city was supposed to be – clean, beautiful, safe, slum-free – hinged around an understanding of codes of aesthetics. This acquisitioned understanding hid an education in recognizing, and normalizing, a very specific *form* of what is acceptable. Squatter settlements that were already unwelcomed by the agents of sociality and unwarranted in terms of legality now became unacceptable to the aesthetics of Delhi's urban landscape. For instance, the basis of the illegality of slum settlements, in the

early 2000s[11], increasingly came to be their appearance as *nuisances* more than their land use violation. The orders of demolition became a corollary of the problematization of slums as illegal by proving their semblance to be that of a *nuisance* – as nocuous[12].

In this sense, consideration for the aesthetics of Delhi acted as an evidentiary practice to justify doing away with slum and squatter settlements for incontestable reasons, justify doing it in absence of incontestable reasons. The assumptions – perceptions of what is acceptable, how must the transgressions of the parameters of acceptability be looked at – are themselves a function of one's extra-legal socio-cultural political-economic positioning which both informs and is informed by, the legal. And, being outside of these subjective views on what is acceptable to the senses often led to notices of evictions and demolitions, and subsequent displacement. For the informally-housed urban poor, being outside the spectrum of property ownership was considered deserving to move further away from forging any liveable relation whatsoever with the land.

However, these parameters of acceptability and desirability have, since the mid-2000s court-ordered demolitions of unauthorized constructions, been appended by intensifying official attempts at estimating the magnitude of 'non-conforming uses of land' in Delhi which made the majority of the city's population susceptible to being 'categorized as violators/offenders'

[11] In Ghertner's study (2008), the "new nuisance discourse" was crystallized in the early 2000s when the court carried an order for removal of all slums as 'spaces of filth and nuisance' in responding to a petition regarding Delhi's waste disposal (*Almitra Patel* case). The petition did not even orient itself to considering "the problem of the slum", and yet the court's judgment problematized it. This permitted the extensively argued juxtaposition of slums as "illegal encroachments" and therefore required by law to be displaced, undeserving of any entitlement to land. Because even though illegality can be negotiated-with on account of its accident, encroachment cannot be – encroachment is volitional in its infringement and trespass.

[12] Nuisance, as a word, etymologically connotes a 'harm' to the senses, an act of offence more than an experience of inconvenience – which is slightly removed from its phonetic structuration that implies an unforeseen introduction of something *new* to the senses, its unfamiliarity causing an inhibition more than insensitivity. This closeness to the word *nocuous* (and *noxious*) becomes the basis for the way it has been defined in law. Public *Nuisance*, referred to in the Section 268 of the Indian Penal Code, is 'any act […] which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right' (India Code)

(Ministry of Urban Development, GOI 2006). And with the extent of housing scarcity acknowledged in the Master Plans, and the inadequacy of state agencies in providing housing within the affordability confines of the urban poor, in-situ upgradation and improvement of squatters without relocation are becoming policy options.

What the political-sociality of Delhi is witnessing is a proliferation of legal proceduralism around recognizing a space for the urban poor to inhabit in the city. Rehabilitation and resettlement in the city become possible for those who find it within themselves to adhere to the evolving procedures – an invitation into the fold of the *legal*. Displacement becomes imminent for those who do not or cannot.

1.2. Proliferation of Legal Proceduralism

1.2.1. Legislation, Policies, Plans

The 1950s marked a time of great tumult for the 'intersection of governments' (Mukhopadhyay, et al. 2015) entrusted with the task of constructing and developing a planned modern Delhi. It gave way to policy-level treatment to cluster inhabitations of the urban poor as a "problem" to be notified and solved. This legal policy framework employed incisive problematization of squatter settlements in its language of misrecognition.

If to "recognize" is to cognize again, to perceive again – where in the second moment of it being marked and known as what it was the first time, it becomes evident – to *misrecognize* is to remember something as it wasn't, to misattribute something with what it isn't.

The use of the term 'slum', and characterization of them as 'unfit for human habitation', 'detrimental to safety, health, and morals', or 'dangerous or injurious to health', has been part

of the official statutes since the debut of legislations around squatter settlements[13]. The danger of such representation of these settlements in policy narratives and government initiatives is that these are not merely descriptions of their identifiable conditions, they are condemnations (Gilbert 2007). They carry negative and unwarranted connotations with them that extend to the inhabitants, and behoove a *solution.* The suffusive and thoroughgoing campaigns for slum-free cities, then, come to exemplify the supposed solution to the "problem" of the slum.[14]

The language of misrecognition employed in formulating and forwarding legislation has also been found to be enclosed within a concern for the *city*. Concern for the physical manifestation of it – the land and those who populate it.

The possibility of regularization of unauthorized colonies in Delhi has come to depend on what land use violations are admissible for the sake of the city. Colonies, or parts thereof, infringing on notified or reserved forest areas, right of way (ROW) of lines of transportation, sites of

[13] According to the Section 3 of the Slum Areas (Improvement and Clearance) Act, 1956, 'slum areas' are declared, by notification in the Official Gazette, as areas where buildings 'are in any respect *unfit for human habitation*; or are by reasons of dilapidation, overcrowding, faulty arrangement and design of such buildings, narrowness or faulty arrangement of streets, lack of ventilation, light or sanitation facilities, or any combination of these factors, are *detrimental to safety, health or morals*".
Sub-section (2) of Section 3 of the Act of 1956 clarifies that the building shall be deemed unfit for human habitation if and only if it is so far defective in one or more of matter such as 'repair, stability, freedom from damp; natural light and air; water supply; drainage and sanitary convenience; facilities for storage, preparation and cooking of food and for the disposal of waste water […] that it is not reasonably suited for occupation in that condition'.
As a criterion for designating an area for 'clearance' the Act of 1956 suggests 'dangerous or injurious to health' as a consideration.
This definition of "slum areas" is used, as is, again in sub-section (v) of Section 2 of the Delhi Urban Shelter Improvement Board Act of 2010. Subsequently, it is also used in the official reports of the government.

[14] Related to this concern with vocabulary around urban squatter settlements in policy initiatives, is a concern with abstraction of slums in the global cities of the South literature. Vyjayanthi Rao (2006), for instance, reveals how in an attempt to bring *the city* into the fold of knowledge about the Global South, slums come to be theorised as distortions of *the city*. In talking about the materiality of city-making in the Global South, historians and political theorists make 'demographic and theoretical' constructs out of slums (ibid., 231).
More generally, a shift becomes palpable where the repositioning of slums in 'theoretical rather than empirical terms' (Arabindoo 2011) comes to be considered as rather effective in thinking through 'subaltern urbanism', socio-spatial dysfunctionality, or the fracturing of urban modernity with the global South as a location of study (Roy 2011).
This interest in studying and discussing 'slum as theory' is not all that different from the framing of slums in terms of its identifiable existing conditions in statutes and policies. Both consider what is already known about slums as the end of what can be known about slums.

archaeological importance, or non-residential areas according to mixed land use regulations are kept outside the purview of consideration for regularization[15]. Non-conferment of rights of residents in unauthorized colonies in the NCT of Delhi was subject to their transgression of the land characterized as 'prohibited'[16], land that connotes aesthetic salience to the capital city. It has been sufficiently argued how these spaces – ecological geographies especially the Delhi ridge area, or the riverbed of Yamuna (Baviskar 2011), and monumental landscapes (Tobias 2014) – are as much a part of the 'urban aesthetics' (Ghertner 2015) and the making of the *world-class city* as is the welcoming of post-liberalization zones brimming with entrepreneurialism for global investment into the city (Dupont 2011). The concern for these spaces is itself how aspirational desires of centrality and citizenship, hypervisibility and development, find a place in specific imaginations of Delhi as a global city.

Almost all official policy documentation concerning housing and urban development in Delhi grossly foregrounded the notion of large-scale in-migration, linking it to a spate of illegal encroachments by the urban poor. In the geospatial mapping of the 'slum' settlements in Delhi, measuring the extent of land under JJ clusters, the study (Bhan, Chakraborty, et al. 2020) found that only 0.6% of the total land area, and 3.5% of the residential area, is occupied by the JJ clusters that sustain no less than 11-15% but possibly up to 30% of the city's population. Despite the absence of evidence of actual spatial capture of Delhi by squatters, the language of 'encroachment' continues to be part of governmental articulation. In these legislations,

[15] Sub-section (c) of Section 3 of *Regulations for Regularization of Unauthorized Colonies in Delhi* (Under Section 57 of Delhi Development Act, 1957). Delhi Development Authority, 2008.

[16] Sub-section (a) of Section 7 of The National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorized Colonies) Regulations, 2019 describes 'prohibited land' as 'land falling in reserved or notified forests, land identified as protected or prohibited area by the Ancient Monuments and Archaeological Sites and Remains Act, 1958, land falling in Zone-O, Yamuna Floor Plain, land falling right of way of existing roads and Master Plan roads, land under right of way of high tension lines, land falling in ridge area of Delhi and land reserved or protected under any other law for the time being in force'.

policies, and plans, the anxieties around how the *territory* is peopled were found as heightened as the concerns for how the *National Capital* is represented.

The information, urgency, and sanction to the civic bodies to carry out the most recent and ongoing drive of anti-encroachment demolitions in Delhi is considered to have been provided by a Special Task Force – set up by the Ministry of Housing and Urban Affairs in April 2018 (Upadhyay 2022). Ordered to identify and clear out illegal constructions and encroachments in Delhi, "The STF may modify/add any other object which is in line with the improvement of habitat in Delhi" constitutes its final objective[17]. This directive – that the agencies formed out of statutes or official memoranda for the development and improvement of the *city* is mandated to make modifications to the existing set of provisions for the sake of their overarching object of the city's 'development' and 'improvement' – is not restricted to the STF's. Similar manoeuvrability – with the planned development of the city as raison d'être – is accorded to the Authorities, Corporations, and Boards implicated in the laws and acts proposed for the supposed improvement, regularization, or relocation of urban squatter settlements[18].

In studying the legislative discourse and urban statistics around urban development, shelter and housing, and slum settlements, it was found that residential informalities of the urban poor in Delhi come to be linked with several but variable counts of recognizable illegalities. To offset

[17] Ministry of Housing and Urban Affairs. *[Office Memorandum] Constitution of Special Task Force (STF).* Government of India, 2018.

[18] Clause (ix) of sub-section (j), section 2; and sub-section (1) of section 11 of The Slum Areas (Improvement and Clearance) Act, 1956 [Act no. 96 of 1956]. Section 9 of the Draft Protocol for Removal of Jhuggis and JJ Bastis in Delhi, approved in the 16th Board meeting of the Delhi Urban Shelter Improvement Board (DUSUIB) on 11.04.2015.
Moreover, governance structures do not need to be manipulated to make space for this *developmentalism* ideology, they have always harboured it; in fact, they most likely sired it. This is exemplified in how the market-driven globalizing state-economy has increasingly come to define the "urban" (Banerjee-Guha 2009) and allocated sites of demolished/evacuated slums for redevelopment and beautification.

this, the governmental emphasis – on improving and incentivizing access to governance through legal-formal systems of keeping up with life and livelihood – has been understood as being in general consonance with the international momentum towards 'legalizing the illegal' and 'formalizing the informal'[19] (Kaur 2019). In the context of access to urban housing, it has meant recognition of the need for security of tenure, and resettlement and rehabilitation, for the urban squatter settlements.

One of the more recent national housing programs that make provisions for tenure security has been Pradhan Mantri Awas Yojana (PMAY) – Housing for All (Urban). It is directed to cater to the housing requirement of the urban poor through in-situ slum rehabilitation, subsidized affordable housing, and beneficiary-led house construction/enhancement (MoHUPA, GOI 2016). Approved by the central government in 2015, it was introduced as part of a gamut of national urban missions on various aspects of city-making and city-living such as sanitation, infrastructure, and the provision of basic environmental services. PMAY is generally considered the successor of Rajiv Awas Yojana (RAY) which was a 2011 scheme squared around the issues of housing, as part of the Jawaharlal Nehru Urban Renewal Mission (JnNURM), 2005 – a central government program for urban development. The Plan of Action 2013-2022 under RAY campaigned for the creation of "slum-free cities".

[19] In a report by the United Nations Economic Commission for Europe (UNECE) and the International Federation of Surveyors (FIG), the process of formalization of the *informal* is showcased as having 'economic, environmental and social benefits for everyone' (UNECE, FIG 2019). It demonstrates how the process of registering of properties and standardization of details of ownership as a prelude to formalization creates conditions for security of tenure. In addition to this, formal and necessary upgradations to otherwise unsustainable constructions, for them to enter the legal land market, not only improves the urban planning landscape but also the real estate and lending economy in general. And central to the entire process is 'voluntary participation in providing information and enhanced procedures' (ibid., 5).
Land regularization policies as a response to the phenomenon of informal habitations have also incurred favour and implementation in numerous Latin American countries. Regularization, in this context, is a part of the evolving legal reform that recognizes a 'social function' to property – when use of land/property corresponds with the proposed land-use in the master plan for the city. Here, the right to adequate housing is conflated with the 'right to urban planning', such that *the law* and *the plan* become the only brokers of the development of land and housing (Fernandes 2011, 21).

Within the rubric of this set of policy programs, the space of the *'basti'* becomes inculcated as an object of urban planning policy intervention focussed on housing (Bhan 2017). On one level, the statutory definition of *"jhuggi jhopri basti"* [20] come to replicate the descriptions of slums scholarly-considered dangerous, despite contestably being a differentiated housing category[21]. On another level, the *basti* as an object of policy is only understood as a place to be transformed and rebuilt into affordable 'housing' – a spate of identical houses marketed as an ownable commodity for a fixed set of resident individuals to inhabit them. It is extracted out of its socio-spatial location and fluid relationalities which allow variable migrant animacies to find ways to reside and belong without the strictures of owning a property in the city. Bhan argues that this constitutes a misrecognition of the *'basti'* as a space that can be formalized through altering its relationalities, non-linear temporalities, and shifting visibilities.

Thereby, an attempt of these policies in recognizing the tenure security of low-income state-provisioned housing as a supplement to in-situ upgradation and improvement of squatter settlements is nonetheless suffused with a misrecognition of the temporariness of the *'basti'* as its erase-ability.

Another instance of legislative recognition extended to squatter settlements of Delhi is found in the provisioning of rehabilitation and resettlement to them. The criticality of the labour of

[20] Sub-section (g) of Section (2) of the Delhi Urban Shelter Improvement Board Act of 2010 sets out to declare a group of jhuggis as a *"jhuggi jhopri basti"* if

(i) the group of jhuggis is *unfit for human habitation;*
(ii) it, *by reason for dilapidation, overcrowding, faulty arrangement and design of such jhuggis, narrowness or faulty arrangement of streets, lack of ventilation, light or sanitation facilities, or any combination of these factors, is detrimental to safety, health* or hygiene; and
(iii) it is inhabited at least by fifty households as existing on 31st March, 2002.

The phrases italicized for emphasis here are the same exact phrases used in defining 'slum areas' in the Slum Areas (Improvement and Clearance) Act, 1956.

[21] Dupont and Ramanathan make a set of 'initial clarifications' concerning the two different housing categories of slums where the one defined by the 1956 Slum Areas (Improvement and Clearance) Act – 'generally inhabited by tenants or proprietors with legal rights' – is distinguished from the *jhuggi-jhopri bastis* or *jhuggi-jhompri* clusters – where 'physical precariousness of housing' in squatter settlements comes attached with the 'precariousness of the occupancy status' for their residents (2008, 2).

'people living in *jhuggis*' for the city became one of the 'principles' for the 2015 policy for rehabilitation and relocation of slums and *jhuggi-jhopri* in Delhi. However, this recognition of the political economy of migration and the city's need for labouring bodies is appended by the sanctioning of the use of satellite maps, joint inspections with Land Owning Agencies, and volunteers from *jhuggi-jhopri bastis* as methods to ensure there is no regeneration of *bastis* in the city. Marginal squatter settlements that do come up after the revised cut-off date of 01-01-2015 are susceptible to demolitions without alternate housing. In curbing the proliferation[22] of these settlements, the policy refuses to acknowledge 'claims to place' (Baviskar 2012) and 'intent to reside' (Bhan 2016) that go beyond the state-stipulated cut-off dates and evidentiary proofs of long-term residence. Moreover, the procedures surrounding eligibility for rehabilitation are recording an expansion with an addition of an affidavit as a requirement to be shown of an annual income of households enrolling for the scheme[23].

In addition to this, rehabilitation and resettlement of *jhuggi jhopri basti* located on specific parcels of land – for instance, owned by the Central Government – has proved to be a great limitation of the 2015 policy approved by DUSIB, made especially worse in the stark absence of a Resettlement and Rehabilitation (R&R) policy when it comes to the Indian Railways. The Railways preserves for itself a prerogative to compartmentalize away the responsibility to rehabilitate from their dispensation towards forced evictions and demolitions of slum settlements on lands under its jurisdiction. This is worsened in the context of an increased

[22] In the introductory passages of the Master Plan for Delhi (MPD)-2021, the 'phenomenon' of unauthorised colonies and *jhuggi-jhopri* clusters are described as the 'reality [which] will have to be dealt with not only in its present manifestation, but also in terms of future growth and proliferation' (Delhi Development Authority, GOI 2007).

[23] According to a news article in a daily, this requirement meant that only 'households having an annual income of up to Rs. 3 lakhs' will be found eligible for rehabilitative housing under the policy of 2015 (Goswami 2016).

interest in retrieving railway land for purposes other than operationalism[24]. The host of justificatory arguments for evictions and demolitions of "encroachments" on Railway lands keeps expanding. If the concern for the safety of the informally-dwelling populations along the tracks gets rebuked for the risk and hazard eviction imposes on them, the question of environmental deterioration turns out to be beyond reproach despite the way it has problematically been associated with squatter settlements without adequate evidentiary support.

1.2.2. Court Judgments

Even though the contestation between institutions of the state, class-interested civil society groups, and informally-dwelling urban poor has variously existed prior to and outside the scope of judicialization, it is better illustrated through an analysis of the legal-juridical. This is because whatever may be the grounds on which slums become unacceptable in the eyes and minds of those who can or cannot do anything about it, the procedures of law become one of the most reliable recourses to doing something about it, to doing away with it[25].

In the judgments that have been meted out by the courts, in the context of residential informalities of the urban poor, there cannot be hypothesized a fluctuation between

[24] Since the constitution of Rail Land Development Authority (RLDA) in 2006, *vacant lands* under the Ministry of Railways have come to be seen as an asset for commercialization, and "encroachments" along tracks as exploitation of these unused lands (C. Das 2014).
And, concerning the issue of compliance of Solid Waste Management and associated Rules on railways-affiliated sites, the National Green Tribunal (NGT) ordered, in 2018, the constitution of a Special Task Force for the expedited removal of encroaching squatter settlements along the railway tracks and framing of actionable plans for the beautification and landscaping of vacated land parcels. This order proved to be all the impetus the Railways required to increase the frequency of evictions and demolitions of "encroachments" on its lands.

[25] The increased credence accorded to the courts in carrying out the dispensation and prerogatives of the political has been analysed variously as the phenomenon of *judicialization of politics*. Not only is the reach of the court extended with the innovation of judicial review and judicial activism, but the legitimacy of its institution is multiplied in the attempts that get interpreted as 'democratization of the judicial process' (Berti and Tarabourt 2018).

conservatism and progressivism, between welfarist or neoliberal, between continuity and discontinuity in following legal precedents. This is because even the judgments that have come to be considered to have progressively ruled in favour of the poor – to have shown discontinuity from the neoliberal trend in court-ordered evictions and demolitions – have in certain senses continued at least two things. One, the judiciary's venture into the domain of urban governance. And two, situating the adherence to legal procedures as paramount to receiving the court-adjudicated right to rehabilitation and resettlement.

The recourse to the legal-juridical in ridding the city of the *informal* has most tangibly coincided with the courts' interventions into urban governance, post-liberalization. The process of formalization and legalization of the city, for the courts, required systematically considering the cases related to the informal takeover of the urban. Apprehensions regarding the power situation in the capital brought up the theft of electricity in unauthorized colonies and *jhuggi jhopri* clusters. Discontentment with municipal garbage disposal practices foregrounded the problem of solid waste management in urban slums, as informal settlements increasingly become synonymous with pollution. Concerns petitioned about the safety and repair of public roads redirected all attention to the slumming and vending variants of encroachments on those roads. A congested capital found the misplacement of slum settlements as especially damning to the possibility of its smooth traffic flow. Not only that whatever was wrong with the city had to do with its squatter settlements, but also that it warranted their removal and demolition. Slum demolitions became a central part of this judicial overreach into urban restructuring.

However, it is the very possibility of procedural departures within the jurisdiction of the Public Interest Litigation (PIL) that intensifies the involvement of Indian appellate courts in urban governance (Bhuwania 2016).

When the process of litigation only requires a hint of initiation for the epistolary jurisdiction of the higher judiciary to kick in, a case that finds one thing awry in a nook of the city can allow the courts to bring under its cognizance a similar but unrelated issue in another part of the city for as long as the matter could remain pending. PILs were able to extend their spatio-temporal limits[26] and with them the courts' stint at urban governance. Not only that the courts can contemplate and extrapolate on the connections it makes on their own, but they can seek rectification and reformation on a citywide basis. Judicial contempt and subsequent intervention would encompass the whole city with the court issuing orders on its own motion.

PIL is one of the instruments through which procedures of the law can be circumvented to bring under litigation what affects the idea of the "public". The *public* and its *interest*, then, become constantly contested constructions[27] within judicial proceedings. The "public" is the 'body politic of the city at large' (Bhan 2016) – those who adhere to the governmental imaginations of the planned city – as opposed to the sources of the 'crisis of the city'. The "city", according to the Court[28], is what is delineated and imagined in the Master Plan. Since "encroachments" are defined in terms of their violations of the Plan and its permitted land use,

[26] It is this becoming transmittable/transportable of the issues raised in a PIL in its peculiar socio-spatial context to elsewhere in the city that Bhuwania, in his works, calls 'omnibus PIL'. Where Bhuwania argues that the 'the city became the scale at which court defined and addressed' problems petitioned in a particular PIL (2016, 82), Bhan explains how this "reframing" and "rescaling" is part of the Court's techniques for *producing the city* by redefining the "public" (2016, 121).

[27] Constructed – because what is in public interest involves suppositions, hypotheses, convictions about who constitutes the public and what constitutes their interest. Contested – because these normative understandings are as open to interpretation as the actual legal procedures involved in this specific form of judicial innovation.

[28] The use of 'Court', as opposed to earlier usage of 'courts', is in line with how Bhan justifies "speaking of the 'Court' as an entity" it in his introduction. Despite judgments under concern, in both the Delhi high court and the Supreme Court of India, being punctuated with the standpoint of individual judges, what emerges out of case law is rather attributable to multiple benches it is heard by, in specific senses, and to the 'political climate' that the judiciary finds itself within, at large (Bhan 2016, 39).
This is a markedly different reading of the judicial system than Bhuwania's, who forwards Robinson's attribution of the court's agenda to its Chief Justices (Bhuwania 2016, 103-104). In fact, the "omnibus PIL" is put down to being a device style of Delhi High Court's Justice Vijender Jain.

they become visible symptoms of a city's breakdown. *Public Interest*, then, gets defined in terms of what the city is imagined and planned to be.

The juridical discourse that arises out of the considerations of "public interest" relies on characterizing *slums and encroachments as unplanned* to mean they are illegal – an antithesis of the planned city – and therefore, required to be responded to with full force of the law. The Master Plan becomes central to the definition of the intentionality of the city, for the Court.

In the eyes of the Court, it is in the *public interest* to adhere to the Plan for the city. Deciphering something as conceptually abstract (and empirically various and complex) as *what is in public interest* becomes reducible to reading a document. A document that is prepared, once every twenty years, privileging only the goals of a politics of development. A document that is produced by an agency with non-competing aims towards planning. A document, the process of drafting of which remains opaque, and the process of implementation provisional. The planned development, then, is interpreted by the courts as constituting the public interest. A document goes from making the city a 'governable space' to making *public interest* a governable reserve of the court.

Reading the Master Plan as an enforceable statutory law becomes part of the procedures that transform cases about encroachments into cases about the interest of the city itself. Awarding a 'legal position' to the Master Plan of Delhi serves the Court in at least two ways. The arbitration of order in the city, for the Court, becomes a matter of looking at the documents as the law rather than considering the specificities of concerns of socio-spatially located living communities. And judicialization over violations of the Plan – representing the (non-judicial) government's failure of planned development – becomes the Court's imperative.

The statutory interest in the formalization and legalization of squatter settlements in the city becomes subsumed within the judicial concern with the formalization and legalization of the city itself as part of the court's urban restructuring agenda.

On a different level, within the larger academic interest around the subject matter, the argument that the PIL jurisdiction of the courts is inexhaustibly employed in favor of residential welfare associations (RWAs) seeking to delegitimize the claims (of belonging) of their neighborhood slum clusters has been sufficiently recognized. However, it is the functioning of the PIL without the substructure of otherwise required procedures of law[29], that adds to the discretionary power of judges (and judicial apparatus in general) and leaves them unconstrained to make dangerous juxtapositions.

The most explicit way in which certain departures concretized into the judicial 'slum demolition machine' was in *Kalyan Sanstha Social Welfare Organization v. Union of India & Ors*[30] with the appointment of 'Court Commissioners' and a 'Monitoring Committee' by the Delhi High Court (Bhuwania 2016). The Municipal Corporation of Delhi (MCD) – the civic body responsible for the maintenance of public places[31] – was considered incompetent, in the

[29] In the case of PILs that related to urban governance, not only was it not required for the parties bringing the matter to court to have a traditional *locus standi*, but over time it remained unquestioned for parties most likely to be affected by the judgment to not be made to join. Often when the slums and other informal settlements were brought up as harbouring causes of failure in delivery of urban civic services and consequently subjected to orders of evictions and demolitions, the dwellers and residents were not made party to the civil proceedings. This *non-joinder of necessary parties* is what Bhuwania considers as one of the ways in which the departures from basic legal procedures under the 'omnibus PIL' facilitated the violence against inadequately represented informal settlements.

[30] Civil Writ Petition 4582/2003 was filed against the unauthorized use of a residential neighbourhoods of Central Delhi – Karol Bagh and Patel Nagar – for commercial purposes. This ended up catapulting into a case against 'all illegal encroachment on public land' in Delhi at large, in response to which the infamous city-wide "sealing drives" of 2006 were ordered by the courts.

[31] According to the following sub-sections of Section 42 of the Delhi Municipal Corporation Act of 1957, obligatory functions of the Corporation include:

'…(m) the securing or removal of dangerous buildings and places;

(n) the construction, maintenance, alteration and improvements of public streets, bridges, culverts, causeways and the like;

(p) the removal of obstructions and projections in or upon streets, bridges and other public places…'

eyes of the court, in curbing the 'rampant' unauthorized construction and encroachment of public land in Delhi. To compel effective action from the MCD on the matter, the Court Commissioners – lawyers for vigilance over all twelve municipal zones of the city – and the Monitoring Committee – two retired senior policemen and another ex-officio senior policeman still in service – constituted the court's 'parallel administration'[32] to carry out its surveillance and investigation, and reporting and supervising, respectively. A lot of it materialized in monthly reports on 'illegal encroachments on public land' submitted by the Committee, and the court passing orders for action to be taken – none of which, or the details of which, were placed in the public domain.

This condemnation of the capacities of the municipal body in carrying out its mandated functions allows chipping away at the legitimacy of the administrative institutions. And the court, with its interventions and activism, gets to revel in a 'new Leviathan-like self-image' – assuming the position of authority in adjudicating interests (Kumar 2012, 152).

The *Kalyan Sanstha* case became the point of reference in multiple petitions, complaints, and appeals filed by many 'public-spirited persons' bringing to the attention of authorities the illegal unauthorized constructions and encroachments in various pockets of Delhi in the early

[32] The senior counsel for the MCD in the case, Ravi Shankar Prasad, in context of the constitution of Monitoring Committee and appointment of Court Commissioners by court orders, submitted to the court that

'B. …requiring statutory authorities to report to a committee set up by the Court which has no statutory backing or authority is contrary to law and against the Constitution'

'D. …what has been put in place by these orders is virtually a parallel administration'

'E. …setting up alternative machinery to carry out orders of this court is not contemplated by law'

And pled for regard to the doctrine of separation of powers and exercise of judicial restraint.

2010s[33]. In *Anil Dutt Sharma v. Government of NCT of Delhi & Ors*[34], the Court further directed the petitioner – a civilian expressing a grievance against illegal encroachments and unauthorized constructions in the capital city of Delhi – to 'bring all the instances of encroachments on public land/municipal land and/or unauthorized construction on such land in Delhi to the notice of the concerned Nodal Steering Committee'.

The citizens and residents, otherwise kept away from the prospect to survey, were now invited to survey – as proxies of government-appointed surveyors, as aides of the state keeping an eye out for urban illegalities that may be crouching in their vicinities. Consequently, the invalidation of slums becomes even rifer. This is made possible by the simultaneous surpassing and expansion of the procedures of law by the courts, which in its bid to formalize and legalize the city gives way to surveillant publics. And when the court invites the 'public-spirited persons' to survey and report on the encroachments in the city, it is inviting itself to become party to the interests and concerns of the "public". It is inviting the presence of the law in the lives of the urban poor residents of settlements under scrutiny both granularly, with the citizen surveys, and in its entirety, with the state-executed forced evictions and demolitions.

It is with the help of PIL jurisdiction that courts make the movement from judicial improvisation to judicial authorization. From tweaking certain legal procedures in favor of accessibility to sanctioning an opaque apparatus of its own for holding accountable the governmental agencies. The PIL might appear to do away with the legalese, but it introduces

[33] The 'scheme/mechanism' approved by a Division Bench of the Court in the *Kalyan Sanstha* case, to 'deal with the menace of unauthorized encroachment/construction in Delhi', was punctuated by the following point:

'13. All the maps i.e. to say, the Master Plan of Delhi, the Zonal Plans of Delhi, Sub Zonal Plans, Layout Plans of every colony clearly indicating the ownership of the land i.e. Government, Institutional or private as well as land under acquisition, should be put on the MCD, DDA and Delhi government websites. The information available on the website will be available to all concerned to know the actual ownership of the land before purchasing the same and it will enable the *public-spirited persons* to assist the authorities in preventing the encroachment of the public land'

[34] W. P. (C) 6844/2012 (High Court of Delhi, 2013)

the institutions of law to popular justice[35]. In curbing the procedures of law, it proliferates the effect (and affects) of law. In increasing access to justice, it not only strengthens the politics of intervention but also makes it popular especially for the courts to carry out.

1.3. Concluding Observations

This chapter begins with delineating the context of Delhi in which the impetus towards legalization of the *illegal* and formalization of *the informal* becomes part of the policies and plans on the one hand, and judgments and orders of the court on the other. It presents how, even though this impetus represents a movement towards recognition, it still does not record a movement away from problematizing the *illegal* and the *informal*.

So, for instance, studies of courts' role in the process of problematization of urban squatter settlements have gone from contextualizing judgments to analyzing discourses to studying material practices of adjudication. Analyzing them helps in understanding the changing methods of judicial intervention in this problematization. However, all these studies refer to roughly the same temporal framework which records the most of courts' adjudication over matters related to squatter settlements. Therefore, it can be argued that the movement that the judicial apparatus makes is not in terms of a clean break, or even classifiable in terms of temporality. It is in terms of how, in all these interactions with the *informal* and the *illegal*, it

[35] The introduction of the court of law to the idea of popular justice, in this context, is problematic for the force and authority of law that is brought to the carrying out of a justice that may be far removed from retribution or restoration sought by the aggrieved, once the judiciary as part of the state apparatus is involved. The logic of the law comes to individuates the concerns of the people from the concerns of justice. This relates to how Bhuwania (2014, 334), thinking together about the procedural departures and discretionary powers accessed by the judges of the court within the PIL jurisdiction, makes a reference to Foucault's discussion on popular justice (1980) to argue that court as an institution, when made to adjudicate on issues of 'popular' concern, makes justice relative to the institution itself – and as a consequence deforms the concerns themselves.

becomes palpable that the Court as the arbitrator of law seeks its continuity – through the perpetuation of legal proceduralism.

This is evidenced in the case of public interest litigation – where the severity of action against squatter settlements of Delhi goes from being a function of normative judicial decision-making to becoming serviced through judicial procedures. Where judicial intentions and discursive practices become possible to be undertaken by the Court as an institution. It is here that we gather that the actual legal mechanisms and procedures by which slum demolitions are carried out have much more to say about the judicial institution, than the intentions and motivations of class preservation of judicial functionaries. The direct consequence of the Court's equation of public interest with the planned development of the city is the delegitimization of unplanned informal settlements occupying space in the city. This juxtaposition explicates why the PIL became a mechanism of court-led slum demolition drives in Delhi. It was allowed through a legal interpretation of *public interest*, and the reading of the Master Plan as a law itself. The Plan becomes a procedure of the law. The judicial overreach, here, is in scripting the political imagination of formless interest(s) of the public as vested in the Plan-defined interests of the city.

2. LEGIBILITY-MAKING INSTITUTIONAL PROCESSES

2.1. Rationalizing 'Legibility' of the Illegible

The most recurrent line of argumentation found within studies, of patterns of evictions and demolitions of squatter settlements in the context of Delhi, is the attribution of their informal housing conditions to the failure of the state in providing adequate affordable low-income housing for the urban poor. The strict enforcement of the legality of urban codes, by the courts, has been considered to have repercussions only for the urban poor, and none for the state absenteeism in provisioning the Master-Plan-mandated affordable housing-for-all[36] (Ramanathan 2006). Codification of urbanity, upheld by the courts, is seen as a heavy condemnation of the urban poor for securing for themselves what the state would not do for them and what the affluent do for themselves without being cast as 'trespassers' or 'unscrupulous elements' (ibid.). The Indian judiciary's over-involvement in the domain of urban governance, in these studies, becomes rationalized in the sidestepping of the statutory obligations by the urban planning and development authorities (Dupont and Ramanathan 2008).

The urban planning process, in these studies, is itself characterized by 'informality' (Roy 2009). In the sense that planning refuses to admit its own informalities, its zones of exception for the private corporate interests, its flexibility only in favour of developmentalism, and its own absence and impossibility. Every fold of this planning, suffused with non-planning, is

[36] The Master Plan of Delhi (MPD), approved in 1962 and modified over the years, has retained the earmarking of a certain proportion of residential land in Delhi for low-income housing. One of the focal points of the Master Plan for Delhi for the proposed year 2021 (MPD-2021) includes: 'In order to prevent growth of slums, mandatory provision of EWS housing/slum rehabilitation in all group housing to the extent [minimum 15% of the proposed FAR on the plot]' (Delhi Development Authority, GOI 2007, 4). However, the provision of public housing by the Delhi Development Authority (DDA) has been 'inadequate compared to the growing demand for housing' which manifests in the 'growth of slums, unauthorized colonies, and encroachments' (Department of Planning, GNCTD 2021, 260).

mediated by entities – urban elites, international donor agencies, capital-intensive infrastructure, and large land developers – that have vital interests in the perpetuation of the informal city.

Within this line of argumentation, about the failure of planning and shortage of housing as causing the conditions for informal housing, there is an emphasis on the absence of official data on the populations that live in the squatters, that have been displaced from them, that have been resettled and so on. These studies pointedly condemn the lack of updated figures and reliable comprehensive data in the official records – economic surveys, and various plan documents – of the departmental authorities concerned with slum settlements, and planned development of the city. A caveat regarding the suspect accuracy of the presented data, then, becomes a shared practice.

The inconsistencies in data recognized by these studies perform the function of evidencing the extent of "illegibility"[37] involved in the residential informalities of the urban poor. The complications and implications arising out of this evidence are not perhaps intended, nonetheless very consequential.

In hypothesizing that the irregularities and discrepancies in the dataset allow the government to be impervious to the need for urban low-income housing, these studies inevitably contribute to the case for more intrusive practices of data accumulation. This, then, comes to be echoed in the government's policy documentation as well.

In an official circular concerning the 2021 Census of India, 'slums' – in addition to being described as a characteristic of the process of urbanization – are recognized as being a

[37] "Illegibility" is attributed to that which cannot be read, that which is written in an unfamiliar incomprehensible manner. It is extended to connote a sense of indecipherable complexity of modes of living of a people to someone looking in, to someone not embedded within those modes of living. Illegibility can be understood as opaqueness, and legibility as an accessibility that transparency provides.

'manifestation of overall socio-economic policies and planning in the States and the Country'[38]. And while this talking together of slumming with policy-making and planning appears to be a revised perspective – one that acknowledges the insufficiency of policy programs; it is rather a continuance. A continuation of insisting on more comprehensive data on slums – which are otherwise considered *illegible* spaces of the city – for the sake of urban planning. Insistence on the state's need for imposing 'simplifications' to counter unfamiliarity of and inaccessibility into the life systems of populations living informally. Studying and extracting 'standardized synoptic facts' out of the otherwise complex social life of the city makes it governable (Scott 1998). Producing official datasets of knowledge, not only for better implementation of governmental schemes but also for putting in place a mechanism that creates possibilities of a more accurate understanding and approximations[39] - a self-perpetuation of enumeration technologies.

This line of argumentation goes on to justify the need for legibility-making practices – the codification and systematization of information to facilitate administration – in the process of formalization of the *informal* and legalization of the *illegal.* The earlier chapter described some of the ways in which the proliferation of legal procedures was involved in this process. Mapping, surveying, locating, and tabulating, for instance, become part of the recent national urban schemes that advocate the distribution of welfare in the form of tenure titles, and housing under RAY and PMAY. Within this rubric, the expansion of geo-spatial mapping of urban

[38] Office of the Registrar General. *[Census of India 2021 - Circular No. 7] Formation and Identification of Slum Enumeration Blocks for Slum Demography*. Ministry of Home Affairs, Government of India, 2019.
[39] The Chairman of the Committee on Slum Statistics/Census, Dr. Pronab Sen, in the Preface to the Report (MoHUPA & NBO, GOI 2010), writes: "The dynamics of urbanization and migration in a large and rapidly growing country like India are too complex to be easily captured. The best we can hope to do is to bring about incremental improvements in our knowledge and understanding through the existing administrative systems and statistical activities. In the longer run it is hoped that as our understanding improves, we will be able to evolve more appropriate data capture methodologies and more efficient statistical techniques to obtain more accurate estimates with greater frequency that is possible at present".

slums is especially uncontested despite its ineffectiveness[40], for the schematic view it allows the state. Based on the premise that governability increases with intelligibility, the surveyed are disallowed a sense of being out of sight – opening them up to the possibility of dispossession as much as affirmation. Their visibility, then, becomes the state's prerogative, rationalized in the name of the possibility of welfare.

The following sections further detail how accessing legality and formality mean introducing legibility to the lives of the urban poor.

2.2. Superimposition of Legibility

2.2.1. What does it mean to be illegible or become legible?

To be legible is to be readable, to be fathomable – to be that which can be re-cognized. To be readable requires a sense of familiarity. To be familiar requires not only observation but observance – of what is known and understood. Observation would amount to witnessing, observance requires participation and practice.

To be illegible, then, is to be unfamiliar, in more ways than one. Unfamiliar in a way that keeps one from understanding. Unfamiliar in a sense that cannot easily be undone with mere looking and cognizing, without associating oneself with it.

"Legibility" – as a concept – is introduced by Scott (1998) to demonstrate how spaces bodies are imposed with a peculiar logic of control to make them legible to the state. It constitutes the construction of "simplifications" – through which unfamiliarity is reorganized into

[40] Richter and Georgiadou (2016), in their engagement with the schemes of *legibility making*, enquire the effects of two practices of statistical knowledge production on government scheme implementation in Indian cities. Their study realizes that *slum listing* allows the implementation of schemes better than property mapping through geographic information systems (GIS) because the temporariness of information accumulated in creating lists corresponds better with the 'volatility and fluidity of urban settlement and land use processes'.

manipulable pieces of information about one that are abstracted into a piece of knowledge about another. These grids of information are themselves extracted through a rigorous process of observation – an observation that keeps its distance, a reportage of all that is discernible without stepping into it. What is intended out of these grids of information is not for them to represent an actuality, but for them to construct a version of that actuality that can be conveniently administered. State simplifications are, in fact, intended to counter the complexity of actuality. Since, actuality is infused with a sense of the unknowable – which complicates the task of governing – simplifying the unknowable (and illegible) into standardized snippets of knowability (legibility) becomes the government's rationale.

This concern with governing in the face of uncertainty relates to Foucault's conceptualization of "governmentality" in his 1977-8 lectures on *Security, Territory, Population*. Governmentality, in the Foucauldian sense, is posed squarely to the problem of "population". Finding its ends in the component of the population, governmentality makes use of what political economy can reveal about the population in order to govern. And to be able to govern well, to secure and manage well, it requires a certain intelligibility about the population: found in the details it collects, in the categories of knowledge it can authorize. The revelations about the population, then, become the 'apparatuses of security', a pretext for the government's tactical interventions that take the form of a history of disciplines. Governmentality, then, makes use of power/knowledge to manufacture datasets through which individuals as categories of the population become governable (Foucault 1991).

The administrative difficulties of illegibility that informal modes of habitation pose, then, are rectified through legibility-making mechanisms of the state. Codes are devised, based on the complex observed facts, to make them measurable, and classifiable. Definitions and differentiations are framed so that they can become logically-distinguishable categories. Newer facts and details, whenever encountered, are logged perfectly in alignment with those codes

and categories, so that they can form (and perform as) aggregates – far removed from their subjects and contexts.

This process necessitates that the derived knowledge provides replicability at the cost of particularity, and the grouping of straight facts requires hiding problematic variations for the sake of abstraction. This is a construction, manufacturing of characteristics that may not be actual representations but will be easiest to monitor, count, assess, and manage.

In that, the officials of the state embroiled in legibility-making processes do not merely describe, observe, and map; they strive to shape a people and landscape that will fit their techniques of observation. This is evidenced in the introduction of legibility onto the lives of slum dwellers as they participate in the process of the survey in hopes of proving their eligibility for rehabilitation post-eviction.

2.2.2. What kinds of legibility are introduced?

A careful consideration of two fairly recent Delhi High Court judgments helps illustrate how the institution of the court partakes in the legibility-making mechanism.

The 2019 judgment in *Ajay Maken & Ors. v Union of India & Ors.* concerns the forced eviction, of *jhuggi jhopri* dwellers at Shakur Basti in Delhi in 2015, conducted by the officials of the Railways with the assistance of the Delhi Police. The disputation, in this case, was between the right to decent shelter and housing of the people of the *basti* and the authority of the Railways to evict without resettlement.

With the court's propensity to elaborate on the rights in question, the "right to housing" was observed as 'a bundle of rights not limited to a bare shelter over one's head' (2019, 103). South African jurisprudence on the right to adequate housing became the grounds for introducing

compliance with a *substantive* due process standard in actuating evictions – "meaningful engagement" with those who are required to be evicted, in addition to the earlier procedural safeguards of serving advanced notices – on the basis that it would allow a "right to the city" [41] to the otherwise rights-deprived residents.

A similar, but subdued, emphasis was also found in the 2010 decision of *Sudama Singh & Ors. v Government of Delhi & Anr.* – with one of the four writ petitions[42] before the Delhi High court, seeking rehabilitation and relocation of slum dwellers post-demolition of their *jhuggis*. In the case of the first two petitions, compensation for rehabilitation was denied by the respondent parties for 'encroachers existing on the Right of Way'. The court nullified such exemption of persons for 'the denial of the benefit of the rehabilitation to the petitions violates their right to shelter guaranteed under Article 21 of the Constitution' (2010, 50).

Both judgments in the cases of *Ajay Maken* and *Sudama Singh* carry almost all markers to be considered progressive[43]. With all their espousal for the rights of the displaced slum dwellers,

[41] *Right to the City*, in the words of David Harvey (2008), is 'a right to change ourselves by changing the city … the freedom to make and remake our cities and ourselves'. It reflects a struggle for equitable access for all – not only to shelter, housing, and public spaces, but to all aspects of urban planning and urban life-creation. It is a right of all inhabitants to participate in affecting the city/space that affects them.

[42] Writ Petition No. 8904/2009 – *Sudama Singh & Ors. v. Government of Delhi & Anr.* – was regarding the *jhuggis* of the New Sanjay Camp slum cluster, demolished for construction of underpass on Okhla Estate Marg. Writ Petition No. 7735/2007 – *Maya Devi & Ors. v Government of Delhi & Ors.* – was regarding the demolition of Nehru Camp slum cluster, for the widening of National Highway 24 (NH-24). Writ Petition No. 9246/2009 – *Majnu v Commissioner MCD & Ors.* – was regarding demolition of the Gadia Lohar *basti* of Prem Nagar, without prior notice. Writ Petition No. 7317/2009 – *Mukandi Lal Chauhan & Ors. v Municipal Corporation of Delhi & Ors.* – was regarding another *jhuggi* cluster of Prem Nagar.

[43] Surin (2022), more elaborately, considers the credentials of the 2019 judgment as progressive – its evocation of the "Right to the City", and laying down of 'clear remedies' against forced evictions without consultation. Reference to "meaningful engagement" – borrowed from South African Constitutional Court with a history of progressive jurisprudence concerning rights of the informally-dwelling – can also be found in both the 2010 and 2019 judgments.
Moreover, while the decision in the *Sudama Singh* case was a catalyst in laying down of the framework of the DUSIB's *Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015*, the *Ajay Maken* judgment prompted the putting on record of the *Draft Protocol for removal of jhuggis and JJ bastis in Delhi, 2016* by DUSIB.

they would hardly be considered within the fold of the "anti-poor pro-powerful bias of the judiciary" overridden with the concerns of the "world-class" city.

Not only does the court, in the *Ajay Maken* case, recognize the violation of the right of the dwellers to housing and against eviction without rehabilitation, but it also does so regardless of the caveat presented to the court about the applicability of the DUSIB Act of 2010[44] not extending to removal and resettlement of *jhuggi jhopri basti* located on the land owned by the Central Government – held by the Railways in this case. It holds on to the precedence of *Sudama Singh* over any central legislation that may contravene it[45].

However, an analysis of court judgments and texts of legality, that supposedly progressively recognize the precarity of informal settlements and the entitlement of the precariat to house

[44] Delhi Urban Shelter Improvement Board Act, 2010 contains the framework for conducting survey, removal and resettlement, and preparing a scheme for improvement and redevelopment of *jhuggi jhopri bastis*.
Section 10 of the Act of 2010 concerning the removal and resettlement, reads as under:

(1) The Board shall have the power to prepare a scheme for the removal of any *jhuggi jhopri basti* and for resettlement of the residents thereof, and the consent of the residents of the *jhuggi jhopri basti* shall not be required for the preparation or implementation of such a scheme.

Explanation. – Nothing in sub-section (1) shall derogate the power of the Central Government to remove *jhuggis*, if required. Every such scheme shall specify the amount to be paid by the land owner and by the persons to be resettled towards the cost of new houses to be allotted to them and also the criteria for eligibility for resettlement.

Explanation. – … The Board may, after prior consultation with the Government, cause any *jhuggi jhopri basti* to be removed and may resettle such residents thereof as may be eligible in accordance with the scheme prepared under sub-section (1), and it shall be the duty of the local authority having jurisdiction and of the police and of any other agency or department whose assistance the Board may require to cooperate with and render all reasonable assistance to the Board:

Provided that where *jhuggi jhopri basti* is on the land belonging to the Central Government or any of its organizations, the process of removal and resettlement shall be undertaken with the prior consent of the Central Government or its organization concerned.

[45] The judgment (2019, 81-82) reads:

'In other words, even if the Central Government were to take the state that the JJ bastis/clusters on its land will not be covered under the 2015 Policy framed under Section 11 of the DUSIB Act, the basis procedural protections and acknowledgement of the rights to adequate housing and against forced evictions therein, consistent with the legal requirements as spelt out in *Sudama Singh* would nevertheless continue to govern the removal and resettlement of such jhuggis. For that matter, even as regards the Railways, which is but a Ministry of the Central Government itself, the position can be no different. The claim of the Railways that they can deal with the JJ bastis/clusters and jhuggi dwellers on land held by them in a manner contrary to the law laid down in *Sudama Singh* cannot, from a legal standpoint, be accepted. This is notwithstanding the stand taken by the Railways that in view of the specific provisions of the Railways Act they can proceed to unilaterally deal with the jhuggi dwellers or JJ clusters on Railway land by treating them as 'encroachers' unmindful of the constitutional and statutory obligations.'

themselves however they can, is also important to gauge the narratives that become part of their argumentation – what becomes negotiable, what remains inviolable, and what requires rationalization. *Ajay Maken* judgment (Nandwani 2019) and the precedential decision it heavily relies on – *Sudama Singh* – have these narratives roughly in common.

Both judgments are characterized by cognizance of a certain legalism and proceduralism in the earlier juridical orders of slum clearances and demolitions – a tendency of courts to require compliance 'with the principles of natural justice before resorting to eviction drive' (2019, 67). An attempt to offset this tendency by emphasizing "meaningful engagement" as a movement towards deliberative democratic participation and substantive citizenship, then, is also to be found in them[46]. However, this "meaningful engagement" is contingent upon a reiteration of *governmentality*[47], a recurrence of judicial insistence on more comprehensive data on slums – ordering surveys and citing 'statistics on slum populations' as part of the judgments.

This insistence on gathering 'authentic information' about the *jhuggi jhopri* dwellers – on the need to enumerate and conduct a detailed survey before eviction – is rationalized as a requirement for ascertaining their eligibility for rehabilitation. The status of *jhuggi* dwellers as 'right-bearers', and not as "illegal encroachers", is rationalized based on their eligibility for

[46] In the *Sudama Singh* judgment, the court emphasized on the process of relocation to be a 'meaningful exercise' by suggesting that 'if [the survey] is to be meaningful, it has to be conducted either at the time when all the members of the family are likely to be found or by undertaking repeated visits over a period of time with proper prior announcement' (2010, 55) and that the documents of proof of residence required for proving their entitlement to relocation schemes be safeguarded, or even digitized, during the survey so as to avoid losing them at any point.
And in the *Ajay Maken* judgment, the court ordered the process of drawing up of the "draft protocol" to include suggestions and consultation with all stakeholders. Written comments from many agencies, representative of *jhuggi jhopri* dwellers, were reported to have been taken into consideration. And 'drawing up a rehabilitation plan in consultation with the dwellers in the JJ bastis and jhuggis' prior to eviction drive was mentioned as one of the steps to be complied with (2019, 99).

[47] A *reiteration* (of governmentality) connotes a continuance – of the intervention of courts in affirming the need for accurate, reliable, and relevant statistical practices of the government which was a feature of judicial decisions in the late 1990s (Ghertner 2010, 13). However, according to Ghertner, the superimposition of certain normative visual codes of 'world-class' city aesthetic on Delhi proved to be a much more effective mode of enumerative *techne* than the statistically-inclined surveys for effecting sovereign control and securing territory – by identifying illegality – after the early 2000s (ibid., 20).

rehabilitation 'in terms of the extant law and policy'. And the reliance on existing policy for ensuring rehabilitation is rationalized in terms of its 'conformity with the Constitution and India's obligations under the ICESCR[48]'.

In many a sense, the slum survey becomes a "governmental technology"[49] (Ghertner 2010). It constitutes the primary 'calculative practice' that requires the imposition of *simplifications* to counter unfamiliarity of and inaccessibility into the life systems of populations living informally and *illegibly*. It functions to bring under-purview – making the State, and its mechanisms and norms, reachable. But since the reachability of the State is not entirely desirable for those living on the edges of legality, surveys have always been avoided – usually rather with ease, with the help of unfamiliarity as camouflage value – and therefore lacking in accuracy and details.

However, with the shift in the government's underscoring that its reachability would mean eligibility for relocation and resettlement to the slumming population, surveys themselves became an incentive to a possibility of life after slum demolition – a formal life outside the slum itself. An incentive for which the residents would self-identify as "illegal encroachers" if that meant access to alternative housing. The seeming inevitability of demolition, and the dire

[48] Both verdicts in the cases of *Sudama Singh* (2010, 25-27) and *Ajay Maken* (2019, 32-39) refer to a 1966 multi-party treaty recognized as enforceable in India – International Covenant on Economic, Social and Cultural Rights (ICESCR) – in context of a discussion of international law on the right to adequate housing and the right against forced evictions. The substantiation and proceduralism associated with ICESCR is explained in the 'General Comments' compiled by the Committee on Economic, Social, and Cultural Rights (CESCR).
General Comment No. 4 pertains to the right to 'adequate' housing – delineating its many aspects and its indispensability to the realization of other human rights, and suggesting adoption of a 'national housing strategy' that would necessitate a process of consultation with the precariously-housed, coordination of agencies, and reconciliation of policies dealing with the issue of shelter and housing.
General Comment No. 7 relates to the right against "forced evictions" – which requires prior consultations, prior notice, avoiding the use of force, legal remedies, adequate compensation, and other procedural protections.

[49] A governmental technology – what Foucault calls 'apparatus of security' – is a practice, a tactic of government, form of intervention, that solves a problem posed by (the ungovernability of) *population*. This takes the form of procedures, often welfarist, that seek to construct grids of information out of what is knowable about a population. Because what is knowable is governable.

possibility of displacement without compensation, feed into desirability of resettlement which normalizes the idea of being surveyed.

The information gathered by the government's surveyors – 'scientific' or 'normative' in its procedures, 'statistical' or 'aesthetic' in its modality – is aimed at effectuating slum clearances in which more than most residents undergo displacement without resettlement owing to their ineligibility. The slum survey not only conveys the supposed realities – locational history, demographic composition, physical living conditions – of the surveyed to the surveyor. It also conveys the surveyor's normative observations to the surveyed – which informs their self-perception as "illegal" and "encroachers", and trains them to see the slum space as undesirable.

Then, even the judicial decisions that don't espouse evictions and demolitions of slums, are just as concerned with following procedures that *govern* 'through the calculated administration of shame' (Rose 1999, as cited in Ghertner 2010, 27) and facilitate slum clearances by using resettlement as a motivating incentive.

The displacement that comes with resettlement, in itself, wouldn't have been considered a 'moment of violence' for its potential of access to legality, if the process of determining eligibility wasn't as 'exclusionary and arbitrary' (Bhan and Shivanand 2013). And the process of survey data collection, as outlined in the statutory frameworks, itself is marred with many discrepancies – validation of data by the residents of the slum as the concluding step of the process not being conditionally required by the Board or related laws, in the case of Delhi (Sheikh and Banda 2015).

Therefore, the minutiae of insistences of judicial pronouncements, on enumeration technologies of the survey, not only correspond with the reassertion of *governmentality* but also negate the breakthrough of substantive engagement with the residents of informal

settlements. Because this engagement is a function of a warped process of *re-calibration* of 'slum residents' sense of self and place' (Ghertner 2010, 31).

In the *Olga Tellis* judgment[50], the violence of forced evictions and a history of demolition drives were made negotiable by resorting to a "procedure established by law" for the deprivation of rights. In the *Sudama Singh* and *Ajay Maken* judgments, the hazard of being counted, categorized as 'eligible' and 'ineligible', cajoled into voluntary displacement, conditioned into self-identifying as 'illegal' – forced resettlement through the process of slum surveys – is made negotiable by resorting to a *substantive* consultative *due process* that seeks to *meaningfully* engage the *basti* dwellers in solving the "problem" of the slum.

An easy, and most valid, criticism that can be levied against judgments like *Sudama Singh* and *Ajay Maken* can be regarding their ineffectiveness in staying other non-consulted non-notified forced evictions even in the vicinity of Delhi[51]. However, the point is to look at their

[50] In the *Olga Tellis & Ors. v. Bombay Municipal Corporation*, forcible eviction and demolition of pavement and slum dwellings of Kamraj Nagar Basti near the Western Express Highway, and Tulsi Pipe Road in Mahim, in Mumbai by the Corporation was under contention. The court concluded that while the intent of the residents was not to trespass, and even though their eviction would cause deprivation of their right to life and livelihood, pavements and other public properties cannot be allowed to be encroached upon and used unauthorizedly. Evictions, then, are required to follow the important element of the principles of natural justice – and in this case, some time may be granted for actuating removal 'in order to minimise the hardship involved' (1985, 35). Because the evictions of the pavement dwellers were upheld, albeit after the court-stipulated period, the judgment bears significance for matters related to informal settlements in a rather limited sense, that the evictions – which might cause a deprivation of life and liberty – cannot take place except according to a "procedure established by law", which must be fair and reasonable. In the words of the petitioner, Olga Tellis, 'Ironically, [the case] helped the propertied classes; lawyers often cite the case to justify eviction of tenants and slum dwellers. But it also helps the slum dwellers; the Government can't evict them summarily. The case also spawned a lot of interest in fighting for housing as a fundamental right…but if you were a pavement dweller, it is just not enough.' (Tellis 2015).
In context of the recent "anti-encroachment" drive in Jahangirpuri of Delhi, the Olga Tellis judgment found multiple mentions in the online opinion pieces, articles, and newspaper editorials explaining its relevance to the question of evictions using unreasonable force and without procedural safeguards – demolitions via bulldozer, without adequate advance notices, in this case. (K. Rajagopal 2022; Sahgal 2022; Raj 2022; Mathur 2022; Parthasarathy 2022)

[51] For instance, a petition concerned with 'piling up of waste/garbage by the sides of railway tracks in Delhi' – *M. C. Mehta v Union of India & Ors.* – originally filed as a PIL in 1985 in relation to the environmental pollution in and around the region of Delhi – has recorded an order (2020) for removal of 'about 48,000 *jhuggis* in the region adjacent to [140 km route length of] railway tracks', within three months, placing on record Report No. 111 by the Environment Pollution (Prevention & Control) Authority (EPCA) for the National Capital

effectiveness – which resembles the judgments that upheld the removal of informal settlements from the city, and are critiqued for their bias against the urban poor. The point, then, is not to regard the deficiency of these "progressive" judgments in their limited impact on the larger struggle for housing rights[52]. The point is to read them in line with the effect of these judgments, outside of the discourse they produce or, fail to produce. The point is to read them in line with the *affects* these judgments, perfunctorily, become part of.

2.3. Negotiations with Legibility

Interactions between state functionaries and people as objects of interest (which take the form of a survey, for instance) are mediated by a series of typification, codification, and simplification which rely on some standardization, a reduction, and crude categorizations. These approximations thrive on a distance from the full reality – a misappropriation. The plans, policies, schemes, and measures that rely on these misappropriations are as removed from reality as they are from their projected improvement.

In his most direct statements, Scott argues that the political motives of the techniques that enhance the legibility of a society illegible and opaque to the state continue to be 'appropriation, control, and manipulation' (1998, 77). These become especially disabling when the state's objectives impinge on the everydayness of the people's existence. Then, it is in holding on to some semblance of *illegibility* in the everydayness that negotiation with the state's objects is

Region which only mentions the presence of *jhuggis* and does not link them with the pollution in Delhi in question.
Although 'coercive action against the slum dwellers' was stayed after interlocutory application(s) and the case remains pending in court, the Supreme Court order of August 2020 disregarded the policy requirements in case of forced evictions as well as the procedural safeguards related to adequate rehabilitation laid down by the Delhi High Court in the 2019 *Shakur Basti* judgment.

[52] Bhatia (2019) argues that the judicial decisions that articulate the right to housing in its more substantive capacities are restricted in what they can do because that requires a larger role of 'other democratic actors'.

also observed. These negotiations seek a point of a location somewhere between being distanced from and deeply entangled with the state, between finding the state too close or too far away from them.

If being counted and categorized by the state accords one state's attention and therefore intervention, and not being so makes one ungovernable and therefore disposable, then, negotiations are sought by the people to access the state's attention without intervention and ungovernability without disposability.

This is evidenced in the spaces carved out by the residents of squatter settlements in the stay orders against demolitions and forced evictions that get prompted in the courts of law, and the administrative orders that follow – informing on the halt on immediate removals, in cases where upgradation in living standards, acceptable according to the concerned authorities, is adequately proved by the dwellers in the stipulated time. And even though verification of information being collected during an official survey that is contested through the counter-survey makes up a case of making invisible citizens visible to the state, misrepresentation of information during self-enumeration as part of the counter-survey has the potential of using opaqueness as insulation.

One of the implications that flow from the state's legibility-making practices is the credence to documentation. Written documents are especially of central importance to the procedures of law and form.

In an interview[53] with a former elected councilor of the South Delhi Municipal Corporation, it was hinted that those who come to dwell in squatters, over the years, find all sorts of ways to

[53] The interview was intended as an exploratory open-ended conversation about the role of Municipal Corporation of Delhi in the matters related to civic services for the urban poor, and the recent demolitions and evictions carried out by its officials. The interviewee asked for their name and other details to be kept nondescript.

claim rehabilitative housing which they sell off – as a source of side-income – only to come back to squatting. When asked about the "ways" that they may have come to know about, it was suggested that a "paper trail" of litigations – with their neighbors over falsified land squabbles, or any matter that requires the address of litigants to be committed to paper – are utilized as proofs of long-duration of occupation of land. In these litigious documents, their "present address" which is often under contention, does not only gets written down, it becomes a matter of court record because it is placed against a "date" with an official status. So, at the time of the survey for verification of eligibility for rehabilitation and resettlement, the official "date" and the *illegally-occupied* "address" on this paper trail of very legal documents serves as proof of long-term residence.

Although the veracity of this description of an undertaking of counterfeit by the squatting urban poor could not be verified first-hand, it resembled the discussion of 'date as document' in a study of popular practices associated with laying claims to resettlement through documents other than conventional proofs of identity and residence (Sriraman 2018, 183). In this case, the specificity of the date that becomes part of a written court document, which records the address of the *jhuggi,* extends a legal character to the *jhuggi* itself.

The criteria of eligibility for rehabilitation and resettlement that often requires the evicted residents to make themselves conform to, therefore, have been negotiated by them through the utilization of the state's own minutiae of details.

In an oblique sense, even the abstraction posed by these minutiae of details has been variously engaged by the urban poor.

Sub-clause (iii) of Clause 1 of Part B of the Delhi Slum & *Jhuggi Jhopri* Rehabilitation and Relocation Policy, 2015 necessitated that 'the name of JJ dweller must appear in at least one of the voter lists of the years 2012, 2013, 2014 and 2015 (prior to 01-01-2015) and also in the

year of survey, for the purpose of rehabilitation' as part of the eligibility criteria (DUSIB 2016). This was challenged, in the High Court of Delhi, in *Udal & Ors. v Delhi Urban Shelter Improvement Board & Ors.* (2017) as arbitrarily denying the policy-mandated rehabilitation to *jhuggi jhopri* dwellers from the Rajiv Camp, Mandawali, Patparganj, Delhi. Their ineligibility and rejection of their entitlement to rehabilitation were based on their names not featuring in the electoral rolls of the years stipulated in the policy, even though the dwellers had produced multiple documents that established proof of their residence in the Rajiv Camp much before the cut-off date laid down in the policy. Recording that they were found in possession of their Voter ID cards, and chalking the non-featuring of their names in electoral rolls up to several factors out of the control of the petitioning dwellers, the court ordered the respondent authorities to take 'holistic consideration of the documents which are required to be filed' as part of the policy (2017, 17). The case attests to how even legal-juridical recourses become appendages to the negotiations of the urban poor in their claims to housing.

Moreover, in construing the clauses in the policy, the court opined, a 'fair and realistic view had to be taken' of the documentation to be produced, taking into consideration that loss of documents could be a function of 'the person's extreme poverty, illiteracy, and inability to preserve and maintain proper records' (ibid., 12). This askew observation about a poor person's inadequacy in holding onto a document goes on to assist in their navigating the excessive and 'arbitrary' requirements of legibility.

2.4. Concluding Observations

This chapter sets about with the premise that was substantiated in the earlier chapter that there is an increasing interest in utilizing procedures to make the formal and the legal accessible for the illegal and the informal. It elaborates on how the very procedures make the

illegal and the informal accessible, and ‘legible’, to the legal and the formal. In recounting how accessing legality and formality mean introducing legibility to the lives of people, this chapter also concerns itself with how negotiations with it are mapped out in the politics of the poor.

It demonstrates how the perceptions around and manifestations of the procedures, involved in the distribution of welfare benefits related to housing in the context of Delhi, dilute the legal proceduralism that becomes part of the process of formalization and legalization. The information that gets represented during self-enumeration and self-surveying techniques is not as much a function of subjectification during a survey conducted by a court-ordered statutorily-required government official. The otherwise unsurpassable criteria of eligibility – requiring a spate of legally-provisioned documents and an elaborate political-economic canter – becomes negotiable through diversified interpretations of what could be found admissible as proof of long-term residence. It is in this dilution of legal proceduralism, that it can be argued that the process of formalization and legalization itself becomes prorogued in essence.

3. CALCULATED POLITICS OF THE URBAN POOR

3.1. Accounting Settlements and Resettlements

The merit accorded to *permissibility* dictates a fair amount of the relationship that the state comes to share with the informal settlements. In the lack of *permit* to populate the lands, under-bridges, sides along the railway tracks and riverbeds – areas otherwise uninhabitable and later reclaimable. In the process of regularization – "*recognition* of property rights of residents" – of unauthorized colonies. In frantic attempts at halting demolitions and evictions – by responding to notices with proofs of *acceptable* upgradation in living standards. In seeking *eligibility* for resettlement and rehabilitation, showcasing evidence for long-term residence.

To move and house themselves without having *licit* socio-economic legal-political material ties to the spatial-temporal sites of their residence is to live in constant correspondence – more than contention – with the law and form. Constant bickering over the possibilities of acceptability and admissibility.

Earlier, it has been sufficiently demonstrated how the unacceptability of squatter settlements – their positioning on the edges of what has been allowed to pass and what cannot be allowed to pass anymore – culminates in the severity of action taken against them. The impermissibility of squatter settlements within the city limits conditions the law to *problematize* them. New legislations are framed, and existing procedures are re-read in line, to curb what is problematic about their informal modes of residing – their illegibility. However, to assume that the urban poor and their settlements do not find ways to "negotiate" with the *legibility* – that is superimposed onto them first as impermissibility – would be remiss in adequately observing the political landscape.

So, the question, posed in the beginning – whether it is the illegality and informality of certain settlements that is undesirable and problematic for the state or their illegibility – would not have mattered if the process of formalization and legalization took away their informality and illegality with their illegibility. But it does matter when, with the process of formalization and legalization, only illegibility goes away. The following chapter hopes to probe the nature of illegality and informality that remains. It discusses two varying accounts of resettlement arising out of evictions from the same neighborhood.

3.2. Cases

3.2.1. Kala

Kala, with her family of seven, lived in the *jhuggi jhopri* cluster of Tagore Garden for over a period of ten years, till about the time of their eviction in the mid-2000s. Hazy on the exact years of when they arrived or when they relocated, her references to them came in terms of how old her eldest daughter was at the time. And of the time she spent as a resident of the cluster, her most accessible memories included the most matter-of-fact details: *'Barah gajj ki jhuggi thi, chaar hazaar mein li thi jab aaye the, sau rupay maheene ka kiraya tha'* (The *jhuggi* was of twelve square yards, for which we paid four thousand when we came here, with a monthly rent of hundred rupees).

She, along with the many communities residing on a plot of (public) land in Tagore Garden – that has since then been taken over by DUSIB[54] and ambiguously developed into a space for

[54] The Delhi Urban Shelter Improvement Board – established in 2010 at the statutory level of the state – took over the responsibilities of Slum and *Jhuggi Jhopri* (JJ) Department of the Municipal Corporation of Delhi (MCD). Out of the seven officially-designated types of planned settlements in Delhi, DUSIB oversees the regulation of slum designated areas (SDAs), *jhuggi jhopri* clusters (JJCs), and resettlement colonies (Sheikh and Banda 2014).

parking[55] – was notified that the area was to be cleared and that they would have to move. The 'notice' that was put up outside their *jhuggis* – one that was brought attention to by her adolescent son – had come out of nowhere and rendered them *'be-ghar'* (homeless)[56]. She insisted that they were not involved in anything that could've caused something like this. And even though unsure of the details and/or perhaps nervous about sharing them, she vaguely recollected hearing at the time that they were being displaced as a result of an unacceptable act committed by the Dalits in the squatters: *'suwar jala diya tha mandir ke saamne'* (they set a pig on fire in front of the temple). The contempt that she held for them, she divulged, led her and her family, to decide to not relocate to the *jhuggi jhopri* resettlement colony in Ghevra even when they were found eligible for the allocation. They were convinced that moving to Ghevra would only mean moving back to a place where it could all happen again[57], in addition to being far removed from their place of work and education.

The village of Ghevra, together with Savda, in northwest Delhi constitutes one of the colonies identified in 2006 for the resettlement of those evicted from spaces cleared for infrastructural projects in the run-up to the 2010 Commonwealth Games (Sheikh, Banda and Mandelkern 2014).

[55] The sketch plan showing proposed parking area at D-Block, Tagore Garden and its corresponding location tracked on Google Maps are contained in Appendix 2.

[56] As part of a larger study of the process of resettlement at Savda Ghevra – to where the evicted 'eligible' communities of Tagore Garden were subsequently relocated – it was reported that Tagore Garden was one of the sites where residents received the notice 'only eight hours prior to the eviction' (HLRN 2014, 16).

[57] They were not entirely misplaced in thinking that considering the plots at resettlement colonies were allotted on a conditional ten-year lease for the families to build houses on by themselves. At the time, there was a general uncertainty among the residents regarding what would happen after the end of the lease period in 2016, and whether it would be renewed in their favour by the government at all (HLRN 2014, ix). Subsequent studies have also revealed that 'resettlement colonies, though planned, end up having many slum-like characteristics' because of the 'same disorganized and incomplete service delivery present in the JJCs' (Sheikh, Banda and Mandelkern 2014, 2).

Located at about twenty kilometers from what used to be Kala's residence in Tagore Garden, Savda Ghevra seemed much farther away than just being on the outskirts of Delhi. If they had been told at the time that the colony was situated on the Delhi-Haryana border, Kala's family – who moved from Bareilly, Uttar Pradesh to be *in* Delhi – would have been even more vehement in their refusal to relocate to Ghevra than they already were.

Familiar metaphors of Savda Ghevra as a 'village' were also part of her descriptions of the site for the resettlement colony[58]. The twelve square-yard plot allotted to them in Ghevra – in a culmination of the verification of their claims and documents during the survey in which their eligibility was confirmed – was in accordance with the twelve square-yard *jhuggi* they had lived in for about ten years[59]. The leasehold was confirmed through a deposit of Rs. 7,000 as payment for registration and plot allotment – *'saat hazaar ki parchi'*, she called it.

While frantically looking to move, Kala and her family temporarily rented a place nearby, in Raghubir Nagar, from where the children were able to walk to their school and she was able to frequent her places of work in the neighborhood. Despite all their guardedness against state-facilitated resettlement, evictions followed them in Raghubir Nagar, an extension of Tagore Garden, as well. It was when Kala's aunt, Malti – who had been her neighbor and fellow domestic worker for all the while she had been in Delhi – told her that she was looking to move, that she decided to find a place of her own too.

Kala explained that the eviction deprived them of the *'mauka'* (chance) to save enough to be able to afford either the resettlement colony or the home they now have. Registering for

[58] Ramakrishnan (2014), in her essay analysing the narratives of residents of a resettlement colony located on the fringes of Delhi, explains how "village" becomes a metaphorical description of their 'complete detachment of the resettlement colony from the city'

[59] The years for which an evicted resident could furnish proof of residence in the JJC was the criterion for determination of the size of the plot they were assigned. So, families who could prove their residency from before 1990 were given 18 square meter plots, while families who could prove residency from before 1998 received 12. 5 square meter plots (Sheikh, Banda and Mandelkern 2014).

resettlement, relocation, and renting at Raghubir Nagar took up a significant portion of their savings: *'Jo bhi bacha kucha tha woh wahin kharch ho gaya'* (Whatever was saved was spent there). They knew they will not only have to go back to their hometown and sell off their land there but also sell off the plot allotted to them in Ghevra to recover their initial deposit if they wanted to be able to afford a home in the city. And that is what they ended up doing, only they felt rushed and compelled into it, especially when they were not looking forward to living in Ghevra. If the time and circumstances of their relocation had been remotely in their control, they would have moved somewhere in Dabri, in southwest Delhi, to be closer to their extended family.

Everything that was put in motion by the eviction order felt, to her, like a "disruption"[60] – or *'bekaar ki sardardi'* (unnecessary inconvenience). Today, she travels every day, from her home in Balaji Chowk in the southwest of Delhi to the familiar neighborhoods of Tagore Garden where she continues to work as domestic help. But even though they were able to build for themselves a home, they were not any less dispossessed at the time. Even their eligibility for resettlement to the Ghevra colony was not in any way adequate in helping weather the storm of the government order of eviction.

3.2.2. Chandani

Parallel to Kala's account is Chandani's. Her family of seven was also part of the communities evicted from the *jhuggi jhopri* cluster of Tagore Garden in the demolition drive of the early 2000s. As quickly as she was asked about how long they had lived there, she responded,

[60] Ramakrishnan (2014) describes the resettlement on the fringes of the city as a "spatiotemporal disruption" that physically disconnects and socially distances the migrant communities from the city-space. A similar sense of disruption is palpable in the case of vicinal resettlement as well.

'humesha se, hume toh bachpan se yahin rehna yaad hai' (all we remember since childhood is having always lived here).

And one day, within one hour of being notified of the proposed eviction, bulldozers had their *jhuggis* razed to the ground while most of the adults were away at work – only for them to come back to pick up their belongings later. This description of the same incident bears details that are somewhat different from Kala's – which can be chalked up to the subjectivities and passage of time involved. And yet, both remembered the eviction to have been a causal effect of a pig having been roasted in front of the temple by some of the resident communities of the cluster. Post-eviction, Chandani's family also sought a place to live on rent in Raghubir Nagar, and later in Shastri Nagar. But that was the extent of similarity of experiences between the two accounts.

The survey that was conducted at the site of demolition by government officials, for the assessment of the eligibility of residents for rehabilitation and resettlement, was in some ways more momentous for Chandani. Since Chandani and her husband, Tej Singh, were both away at work during the time of the survey, the details related to their *jhuggi* were registered by their neighbors. The neighbors reported the name of the "head of the family" as 'TT' – which was also how Tej Singh was known in the community. The account that the neighbors provided of a household's stay at the place were an important marker in the official allocation of plots. The name of the "head of the family" in the information provided at the time of the survey – against which the registration for resettlement plot allotment was to be made – did not match the name of the individual listed in their *'pahchaan patra'* (documents of identification) – such as ration cards, voter IDs, tokens with their jhuggi number – which were supposed to serve as proofs of residence.

For about twenty years since then, they along with twenty petitioning families who were not allocated plots at Savda Ghevra for resettlement have been embroiled in a court case regarding their right to rehabilitation in the context of their summary eviction. Some of them were completely skipped over from the list of residents to be considered for resettlement because they had been visiting their village at the time of the survey. But among the communities that were found eligible for resettlement, those who did not qualify were considered to not have been 'owners' of their *jhuggis* – to not having had paid for it. Chandani insisted that they had bought theirs in Tagore Garden for Rs. 10,000 much prior to the cut-off date of 1990, which meant that they should've been allocated 18 square-yard plot in the resettlement colony. And she was convinced that once the governmental inquiries were thoroughly done that everything would be resolved, and they will be allotted *their* plot in Savda. By that time, they decided to remain close by. Her family moved in with her mother – who had also been living in the JJ cluster of Tagore Garden for a long time and had now been allocated a plot in the colony in Savda.

They were advised to get their documents in order – an affidavit explaining the different names for the same person, the birth certificate of their youngest daughter who was born at their Tagore Garden address, in addition to their other identity and residence proofs – in case someone would be willing to sell their government-allocated-plot off to them. They were, after all, eligible for it even though they had not been found so in the official documentation.

Chandani does not explain whether they did get to buy a plot from someone or not, but she did mention that after a while they autoconstructed – or what she called *'jhuggi daal li'* – on a twelve square-yard plot to live closer to her mother in Savda. Initially, they did struggle with the move. Saving up money in itself, to be able to afford to relocate and put down a roof, was a struggle. Civic services like access to water, sanitation, and electricity, and public facilities

like public transportation connectivity – all took the longest time to reach Savda Ghevra[61]. She recounted, *'paani ki bohot ladaai thi, toilet bhi bohot der mein jaa kar bane, bijli ka connection mil gaya tha bas'* ('water used to be often fought over, toilets were also long-delayed, only electricity connection was ensured at the time'). She still has to travel over two hours every day – change buses at least three times on each side of the commute – to reach Tagore Garden where her 'puraana kaam' ('previous work' with long-established contacts as domestic help) continues to be. But life in the resettlement colony of Savda is considerably better now, she was relieved to report. Better than their life in the cluster of Tagore Garden. *'Khule khule khet'* (open fields) surround the area, and the air is considerably brisk.

3.3. Analysing a Politics of the Poor

Even though the statutes involved in problematizing squatter settlements have proliferated and the judicial apparatus has been found instrumental in making the city interested in drowning the informally-dwelling urban poor in an abundance of legal proceduralism – leading to what some may consider a marginalization of *the political* for the so-called marginalized in the city – the terrain of the urban remains saturated with the "politics of the 'informal people'" (Bayat 1997). In fact, the more the *legal* and the *formal* attempts to subsume the urban poor within its all-consuming procedures, the more fragmented and therefore inconspicuous strategies evolved by them to carve operational niches of subversion and repossession of *the political*. This

[61] In a 2014 report studying the case of Savda Ghevra, the residents' struggle with securing water for their households was a major problem at the time of establishment of the colony. Lives of inhabitants were organized around fetching the unscheduled supply of water by Delhi Jal Board's water tankers – which were queued around for long hours of the day. Water from bore wells dug by some households serviced them in times of shortage. Private provider's water dispensing machines, since 2013, sold them potable water (Sheikh, Banda and Mandelkern 2014). Only in 2020 were there reports of tapped and piped water connections being provided to households by the Delhi Jal Board (Gandhiok 2020).
Infrastructure for basic sanitation and safe management of solid waste at the colony has been severely inadequate (Singhal and Rohilla 2021). The Master Plan of Delhi itself does not assign space or system for sewerage in the area (Sheikh, Banda and Mandelkern 2014, 6).

politics of the disenfranchised is characterized, not only by extraordinary struggles for survival but by an everyday desire to act towards transforming their lives – what Bayat calls the "quiet encroachment of the ordinary" (ibid., 57).

This characterization of everyday 'free-form' politics of the deinstitutionalized by Bayat is positioned as a critique of a reductive notion of "civil society" that excludes the doings and un-doings of the 'un-civil society'. And even though it reminds one of the contention and distinction drawn by Chatterjee between the patterns of interaction shared by "political society" and "civil society" with the state[62], it is somewhat different.

Those who constitute the 'un-civil society' according to Bayat – the 'floating' migrating clusters of 'structurally atomized individuals who operate outside the formal institutions', seeking 'an alternative mode of life' (ibid., 59) – are driven to 'seek autonomy from the state' because immersion within it has, on the one hand not come to mean better public service delivery for them, and on the other hand, only expanded avenues for their institutional disciplining.

Constituents of 'political society', as posited by Chatterjee (1998; 2001) – those who are in violation of the law by necessities of survival – seek welfare services from the state as their collective right, even if/when that comes with their governmentalization. The domain of these 'populations' maneuvering what is illegal but legitimate, is contrasted with the domain of the 'legal-citizen' of the "civil society".

More importantly, even though the contention between state and ordinary people is thoroughly maintained, Bayat's intention in forwarding a notion of 'un-civil society' can easily be inferred

[62] As a point of convergence that I interpret, both Chatterjee and Bayat recognize a sense of moral component to the exhibit of 'political society' and 'un-civil society' that conditions the state to recognize their otherwise untenable material claims. Moreover, both these theorizations are suffused with the very conceptual defect that its theorists diagnosed as afflicting the notion of "civil society" – that it talked about the politics of various peoples in terms of singularly defined experience of the conventional Western modernity.

as an attempt at the expansion of what one considers to be "civil society" itself. Chatterjee, on the other hand, is more insistent on the exclusivity of domains. Chatterjee's over-reliance on a vocabulary that is constituted entirely of distinctions – between 'political society' and 'civil society'; between 'populations' as objects of policy and 'citizens' as subjects of a theoretical moral community; between those who are governed and those who govern – is impaired with the hiccup that binaries pose unto themselves, of being defined in oppositionality more than proximation, and approximation[63].

Kala's and Chandani's accounts, for instance, subvert the characterization of squatter settlers – who archetypally represent the networks of 'political society' with the state in Chatterjee's conversations – as welfare-demanding populations consummate in their illegal conduct. Even though the marginality of their claim to a place in the capital city was not unrecognized by them, the illegitimacy of their *jhuggi* – the rent of which they had seldom defaulted on, or the purchase of which took years of savings – did come as a revelation. Their living in the JJ cluster of Tagore Garden was not unintentional. It was a function of convenience that being close to one's familial networks provides and a desire for an improved and better-situated life. An "address" was instrumental to them, not just as a matter of physical necessity, but also as a socio-cultural propriety[64]. It was also a move towards accessing objects – like ration cards – that is most likely to fortify one's relationship with the state. A ration card – that is considered a guarantor of welfare – becomes obtainable not only when one is found "eligible" for it by the

[63] Chatterjee-ian framework is as much a utilization of Foucauldian sense of 'governmentality' as much as it is a replication of Arendtian differentiation of the spheres of the 'political' and the 'social' that follows from a difference classically theorised between household and the *polis*, between public and the private, between the private sphere of dependency and biological necessity, and the public-political sphere of freedom and sovereign-action (Arendt 1998). For Chatterjee, not unlike Arendt, a necessitous body of the poor is thoroughly engaged in activities of keeping one's biological-self alive for which it draws on the patronage of the state.

[64] Housing, for Kusum, meant sharing the cultural idiom of well-being with her community of people. She described her extended family as propertied and well-off, multiple times, so that I wouldn't consider her *'aise vaise'* (so-so, or someone for whom anything goes).

state-delineated procedures and systems, but also when one can find ways to negotiate with the state's procedures and systems around eligibility. The fact that an address, a ration card, and work in the neighborhood were secured by Kala and Chandani explicates that the *jhuggi* meant much more than the circumstance of their violation of law or eligibility for welfare.

The "politics of the governed" that Chatterjee talks about, in session with the Foucauldian notion of 'governmentality', is manipulated by the state – where the state gains legitimacy and systems of legibility in the process of providing services of welfare to 'population'. And as long as the recipients of welfare find themselves catered to by the state, their necessitous needs reflected in the policies, they can survive without making claims to participatory citizenship.

This is, however, contested by Das when she argues that the relationship between those who govern and those who are governed is more diffused. Her mapping of the terrain of the political subjectivity of the poor centers around their claims to citizenship. The political landscape of citizenship is not composed entirely of the state's concerns – of preserving or disposing of life of 'populations' – and technologies of governance – relying on surveys and verifiable documents. It is also composed of the informally-dwelling urban poor's everyday attempts at navigating these concerns and technologies of the state – of their seeking the conditions of their well-being, if not welfare, for themselves. An 'incremental citizenship' is found in the way the recipients of welfare engage with the state – and anything and everything that resembles it – in accessing eligibility, in acquiring material agency (V. Das 2011).

3.3.1. Calculated Illegality-Informality

In moving further along with/from this, the two accounts outlined earlier in the chapter present a picture of *calculated* illegality-informality as a consequence of their negotiations with legibility and impermissibility imposed by the state. Not only are the contestations with

structures of law and form negotiated, but also calculated. Political space is salvaged by the poor when they find themselves calibrating between laws and structures that are upheld and laws and structures that can be sidestepped (Doshi 2013; Read 2014; Hakim and Podder 2019).

In the case of Kala and Chandani, for instance, the impermissibility of their housing conditions is transformed by them into permissibility or a different version of permissibility. While Kala tries to navigate the marketplace of formal housing without opting for state-facilitated resettlement, Chandani follows into a more ambiguous pattern of legally vying for access to the state's resettlement scheme and also informally living in the colony where the plot should have been allocated to her. In the process, both had to work out when, where, and how much they had to act in or out of accordance with the law to access what they want/need from the state, from the social-formal order.

Because of their general adherence to the law and form, outside of their status as illegal encroachers and informally housed, their process of formalization and legalization of their lives is imagined by the state, to begin with ascribing them eligible for rehabilitation and resettlement. However, it is punctuated with several counts of illegalities and informalities that the poor calculably observe.

Therefore, to think that there is a movement that can be made from the *illegal* and *informal* to the *legal* and the *formal* – without changing the natures of legality and illegality, and formality and informality – is suspect[65]. As in the case of negotiations with legibility, the process of formalization and legalization is traversed through, on one hand, holding on to a semblance of

[65] Moreover, to think that there is such a movement to be made requires accessing of legality and illegality, formality and informality, as differentiated domains. This has been adequately argued against in several accounts. For instance, in considering the *politics in the lives of the poor*, Das finds the concepts of the legal and the illegal 'bleed into each other' (2011, 320) and manifest in the extra-legal. For instance, despite the status of slums as illegal entities, the attribution of legal markers of identity such as ration cards to the slum dwellers demonstrate that the dwellers hold on to their political-legal subjectivity.

illegality and formality, and on the other hand, securing access to a transformed character of legality and formality.

There is a point of reference, that could be discerned from their narratives, which illustrates the junctures at which a more *calculated illegality-informality* comes into play.

Kala's account of a movement that does not follow the procedures and structures of a state-enabled resettlement – an involuntary yet self-conceived relocation – is often absent from the studies of resettlement and rehabilitation. Narratives of eviction-induced resettlement in Delhi are easier studied through fieldwork in resettlement colonies, where the stories of those who did not make the similar move become slotted as inaccessible[66]. Kala's family was insistent on not moving to the state-allocated plot in the resettlement colony, but also following along the generally recognized legal routes of attaining a place of their own on their own. It, therefore, becomes an account of relevance for this study that hopes to locate ways in which the *legal* and the *formal* relate with the *illegal* and the *informal*.

For them to afford relocation elsewhere in the city, Kala's family had to sell off the plot allotted to them in Ghevra to recover their initial deposit. However, selling off a plot allotted under a rehabilitation and resettlement scheme is trickier, by any measure. One of the terms and conditions to which the residents agree to, for receiving allotments, is the non-transferability of the plot[67]. According to it, any sale or transfer of plots – allotted to households eligible for

[66] Dupont, writing in the context of pinning down the data on resettled and relocated slum households, remarks that the official numbers always obscure the higher proportion of evicted *jhuggi* families (2008, 84). To, then, accessing analytics on what kind of arrangements the evicted made for themselves post-demolition has posed its own difficulties.

[67] In a case where similarly allotted plots were found in possession of persons to whom they had not been originally allotted to (slum dwellers evicted from their illegally encroached lands), a reference was made to certain clauses of allotment letters (given to the allottees with their deposits) to which they were supposed to adhere to:

'Clause 3: That overall control and superintendence or the plot shall remain vested in the DDA, who official shall at responsible hours to be entitled to inspect the said plot about its bona fide use.

Clause 4: That the residential plot shall be exclusively used by yourself and shall not be allowed to give the residential plot on rental basis to anybody.

rehabilitation under the resettlement scheme – to persons not eligible or not belonging to that demographic, would be considered a violation. Be that as it may, the resettlement site was rife with such violations, requiring the informal employment of 'dealers' who would treat the matters as discreetly as expeditiously. Kala's family sold off their plot and associated documents to 'someone'. As to who that someone was, or whether they were among those evicted and in need of resettlement (eligible or not), was not stated by her. However, this lack of specificity in her account when it came to their encounter with anything unofficial, and possibly illicit or self-incriminating, was not entirely different from the obscurity of her account that contained her encounter with anything official.

This engagement in a possibly illegal transfer/sale of their resettlement plot is at variance with their insistence on making legitimate claims to housing to avoid the cyclical disruption of evictions, but in general consonance with not involving the state and its institutions. Every point of interaction – with the 'dealer' to informally dispose of their claim to the resettlement plot, the extended family members living in their hometown for kinship transfer of their parcel of land, the real estate agent for a market-commissioned plot for relocation, the documents that were to be used for identification – was calculated, in terms of what resources they could mobilize to make their access to housing as legitimate as self-constructed. This calculation, though did not involve a negotiation with the state processes aside from their utilization of the state-administered identity documentation, is shaped by a concern about not being in a position

Clause 5: That you will not be entitled to transfer/sell the said residential plot without the permission of the DDA/Government.'
According to the above-mentioned clauses, sale or transfer of the plot to any other person would constitute as violation of the conditionalities of allotment letters issued by the Delhi Development Authority (DDA). Consequently, the judgment considered the subject plots as illegal transfers (*Mukesh Gupta and Ors. v Delhi Development Authority* 2020).

to *have to* bargain with the state. In holding on to their ambivalence towards the state, the improvement that they seek in their lives comes from a set of 'transversal engagements'[68].

3.3.2. Remnants of Legality and Formality

Scott's conceptualization of "legibility" (1998) corresponds with the idea of readability. The state intends to be able to read and comprehend the population like a text, for it to re-write, for it to govern. And for the state's vision to be synoptic, its view has to be from a vantage – its simplifications have to be made from a distance. However, no reading is done at a safe distance. The reader, by the act of reading, gets implicated in the text.

Writing contra Scott, Sriraman (2018) begins with a consideration of legibility-making practices as having a potential for reconstitution of the subject populations and goes on to demonstrate how these practices of the state become reconstituted with the negotiations with legibility. She recounts a time in the urban history of Delhi when the criteria for issuance of IDs and receiving of policy benefits underwent an unanticipated revision. The urban poor living in squatter settlements were assured by a progressive leader[69] that they would be held entitled to food and housing assistance in absence of proof of occupation and residence – a distribution of welfare that did not require markers of identity. What followed was a host of 'micro-practices of enumeration' where the officials surveying the beneficiaries of these policy

[68] In the conceptualization of 'peripheral urbanization' – a production of the urban space and urbanism by its residents over time and varied machinations – in the context of the cities of the global south, Caldeira argues that the logics in the formations of the urban are more complex than the framework of binaries of legal and illegal, and formal and informal, regulated and unregulated allows one to imagine. And that these logics involve a transversality to them – where engagements between residents, governments, market forces are entangled in a haphazard sort of way that requires a multitude of improvised negotiations (2017, 7).

[69] V. P. Singh, in his rather short-lived Prime-Ministership of 1989-1990, announced his government's initiative to identify individuals and families living in slums and issue them ration cards without seeking documentary proofs of identity and residence.

benefits resorted to looking out for 'extra-documentary markers of residence'[70] (ibid.). So, when the administrative performance of seeking information about families and households residing in a slum relied on what the local Pradhan could tell them of the slum and its inhabitants, she argues that the 'distinctions between those who enumerate and those who are enumerated cannot be so well-defined' (ibid., 191).

Taking a cue from this, and analyzing the narratives shared by Kala and Chandani, it can be argued that the process of enumeration holds a certain mutuality of legibility-making for both the enumerated and the enumerators.

The post-eviction survey conducted for the assessment of people's eligibility for rehabilitation and resettlement becomes one of the focal points when and where legibility gets inscribed to the lives of Kala and Chandani. This is not to say that the state was not interested and invested in making the space of their *basti,* and its dwellers' lives, legible before the moment of the survey. But if the eviction and demolition served to make the dwellers cognizant of their illegality, the survey serves to make the dwellers cognizant of the state's interest in legalizing and formalizing them. The legibility-making practices of the state, in this case, not only inform the state of people's modes of informal housing but informs the people of the state's methods of formal administering. Therefore, legibility is not only negotiated and mediated, but it is also mutual.

Chandani's claims to housing were severely affected by the survey exercise in which her husband's name was misreported by her neighbors while they were both away at work. This

[70] Extra-documentary, in the sense that these markers were not based on holding any government-recognized document as proof of residence – such as Ration card, Voter ID card, Electricity bill, Gas bill, or any other card or bill receiving of which usually links a person to their address. Instead, "material" markers of residence such as 'the *chulha*, the *charpoy*, and the *gadda*'; "emotional" and "familial" markers of residence such as the kinship relationalities of '*saas* and *bahu*' that claimed these domestic material objects were considered by the official enumerators (Sriraman 2018, 164).

intimated to her of the state's propensity to carry out its mechanisms in its stipulated frame of time, and that if she coveted access to its welfare she would need to be where and when the state was. This culminated not only in her decision to move to the resettlement colony in Savda Ghevra, where she was certain she would eventually be allotted a plot but also in her continuous attempt to stay as close to the legal proceedings regarding their rehabilitation. Kala, during her interview, avouched for Chandani's grasp of not only the factual details of what happened during and after the demolition of their cluster but also of the technicalities in their legal battle for recognition of a right to rehabilitation, proclaiming: *'use iss sab ke baare mein khoob knowledge hai'*.

The tendency of the state, especially its bureaucratic practices, to be temporally dislocated from the people's lives, giving way to a *politics of waiting for the state* has been studied in various contexts and situations. The power exercised by the state in making "compliant clients" out of people waiting to receive their share of welfare is used to conceptualize their status as "patients of the state", rather than citizens (Auyero 2011)[71]. However, the "patience" Chandani has exhibited in awaiting resettlement, which continues to be legally under contention, was not only in terms of documentary compliance but comported through a series of movements she made. The spatialization of a place of her own, informally, in the closest vicinity to the resettlement colony, hoping for her claims to get vilified by the courts 'in the meanwhile'[72], represents a movement she makes towards both a home entitled to her and a home constructed by her. In twenty years of living in one, and waiting for another, they have collapsed into one for her. And attending court proceedings, meeting with locally elected councilors and

[71] This argumentation is contested when the utilization of material (money) and affective (patronage/networks and embodied anger) resources by the waiting populations seeking state's recognition that the process becomes part of their claims (Carswell, Chambers and De Neve 2018).

[72] This 'micropolitics of waiting' becomes part of a study of politics of housing in South Africa where to live informally and illegally 'in the meanwhile' waiting for the formal and legal 'long-term' housing is considered as holding onto 'a provisional agency' (Oldfield and Greyling 2015).

government representatives to plead her case, represents a movement she makes in her everyday impinging on the state[73]. Knowing about what systems of the state could help spatialize her claims, and moving through them, attest to the performance of a waiting that is appended with constant maneuvering.

The mutuality of legibility connotes that as the state gets to know about the population, the population gets to know about the state[74]. And this is as much a function of the legibility-making practices, as of the population's negotiations with them. Superimposition of legibility not only brings an accentuation of consequences of illegality and informality but also a calculation of the risk involved in not adhering to the law and form. The consequences of illegality and informality become more defined in terms of what has been made visible to the state and its institutions through legal procedures.

3.4. Concluding Observations

The 1990 drive to survey and certify identity cards to the slum dwellers in Delhi without relying on document-based proof-seeking was grounded on the idea that welfare to the poor cannot be contingent on their possession of documents of identification. This was in stark contrast with the initiatives that promise the benefits of formalization and legalization to come to those who would participate in improving their documentary presence. It is in this larger conversation, about legibility as a condition for welfare, that this study situates itself.

[73] If Chandani's claim-making had resulted in her receiving legal resettlement, then her account could have substantiated Ghertner's argument about the everyday political practices of the marginalized as an exercise of "powers of reach" seen topologically (Ghertner 2017).

[74] This is quite an aberration from the consideration that the state makes it unthinkable to be even considered an observable reality, and that the state is interested in preserving its own illegibility. However, even those considerations argue about the un-research-ability of state as an unmaskable entity, not the incomprehensibility of state as a system and idea (Abrams 2006).

This chapter occupies itself with inquiring about the engagements of the urban poor residents of Delhi with the impermissibility and legibility imposed on them by the institutions of law and form. It demonstrates that the process of legalization and formalization, directed towards curbing the illegality, informality, and illegibility of the urban squatter settlements, leads to a more calculated obscuration taken up by the urban poor.

A calculated sort of functional use of illegality and informality, in navigating their claims to legal-formal rehabilitation and resettlement in the city, gets recorded in the two accounts discussed and analyzed at length in this chapter. This calculation is both in terms of contestation and compliance. This calculation is a function of consequences becoming known and defined, once the state's objects and mechanisms become legible.

CONCLUSION

'People come to Delhi to better their lot, to make money. Few actually have a stake in Delhi, and those who run the city – the politicians and bureaucrats – are those who have the smallest stake', writes Nambisan (2001, 229). This observation about the city of Delhi finds resonance in more ways than one. On the face of it, there is a connoted absence of any peculiar sensibility attached to being a resident of Delhi – a sense of being a Delhiite. However, there is also an implication of a general interest in bettering one's position as a cause of their situation in Delhi. This interest is not limited to understanding the migrant animacies of the urban poor, who move from their place of belonging to this city where almost no one feels like they belong, in hopes of their betterment. It is also instrumental in understanding the mushrooming institutions of the state in the city of Delhi – with the municipal corporations being constantly unified or trifurcated or reunified, with the state government of the NCT of Delhi and the union government of India constantly vying for increased jurisdiction – also hoping for their betterment. This interest in betterment is directed inwards. A betterment of one's own standing vis-à-vis the city. A perpetuation of one's own capacities.

Accordingly, when the statutory-social and legal-juridical discourses around the squatter settlements of Delhi make the move from linguistic and material practices of misrecognition and unreachability of the urban poor living in these settlements towards recognition and reachability, they record a self-perpetuation of the possibilities for state intervention. When the process of legalization and formalization hopes to make *the legal* and *the formal* accessible to the informal settlements through a proliferation of procedures, it is also diversifying the state's position in governing them.

So, access to legal-formal housing, with the security of tenure and basic services, has increasingly come to rely on adherence to procedures established by policies and plans

according to which the *bastis* are required to be inspected by agencies and volunteers, mapped by geospatial information systems, and transformed into an official version of housing. And even though the courts have seemingly come to record a shift away from procedures surrounding people's access to justice, in case of violation of their rights (that is rampant during forced evictions and demolitions), through the departures and improvisations made possible by the Public Interest Litigation, there continues to be a precise system in place for the opaquely-made Plans to dictate the codes of urbanity through judicially authorized procedures of intervention in the form of constitution of Monitoring Committees or Nodal Steering Committees for holding accountable the municipal bodies. And access to rehabilitation and resettlement, in the event of forced eviction and demolition, comes to rely on, more and more, adherence to the procedure of conducting a detailed survey to establish the eligibility of the residents of the vacated areas. This specific procedure of enumeration gets upheld and insisted upon even in the judgments of the court that are otherwise expressly aware of the role played by legalism and proceduralism in the ordering of earlier demolitions and evictions of slums. It becomes insisted upon in the invitation extended, by the statutes and court orders, to 'public spirited' citizens and volunteer residents of the squatter settlements to survey and report any informal constructions in and around their neighborhoods.

This is not to cast a generalized doubt over proceduralism in accessing one's right to housing[75]. This is, instead, to showcase how proceduralism controls and limits this very access, in favor of an inflated and self-perpetuated position of legalism and formalism in general.

This, in a sense, constitutes the central problem that the present study seeks to put into perspective: if by following the procedures that seek to legalize and formalize the concerned

[75] A study (Ceva 2012) showcased how the criticism levied against proceduralism relies on a generalisation of outcomes of justice that flow from the following of procedures under question. Even though, what qualifies as just procedure cannot be separated from the considerations of justice, what qualifies as justice has to be looked at in separation from the requirement of procedures to be followed, in order for procedures to not drive the goals and consequences of justice.

squatter settlements, housing isn't ensured to them, and their illegality and informality become surveyed and documented by the state, then how do the urban poor navigate the terrain of legibility that is superimposed on to them in their attempts towards settlement and resettlement in the city of Delhi. The existing range of theories tries to explain this navigation in terms of the politics of negotiation that the urban poor make use of vis-à-vis the procedures of the state. The present study has elaborated on how this politics of negotiation, on the one hand, blurs the lines between legal-formal and the illegal-informal, and on the other hand, makes calculative use of this blurring to continue inhabiting the city.

This terrain of 'legibility' is both a cause and consequence of the legal proceduralism aimed at reaching and recognizing the urban poor residents of illegible squatter settlements. For instance, the studies that uncover how official policies and datasets fall short of making adequate estimations to house the urban poor, quite appropriately put it to the dysfunction of the processes of urbanization that vulnerability of migration comes to intersect with the vulnerability of homelessness. They, however, also end up rationalizing the improvement in state's intelligibility about the urban poor, for it to effectively govern those processes of urbanization. This emphasis, moreover, on being able to document the informally dwelling urban populations is found not only in the statistical compendiums and census circulars – as a pre-requisite for the formulation of policy programs. It is also found in the judgments and orders of the court that reputedly acknowledge the vulnerability of the precariously-housed urban poor and affirm their entitlement to inhabit the city – as a procedure essential to determine their eligibility for rehabilitation and resettlement.

And even though being documented, and made legible, by the state may come to mean access to housing for some marked eligible, it has been recorded to come to mean endangerment to most. The reason why legibility connotes a sense of endangerment is because to be identifiable is to be open to injury. The endangerment comes as a consequence not just of being reachable,

but also of being recognizable and reconstituted in relation to the state. This has been substantially conceptualized within the theories around the process of 'interpellation' and 'subjectivation'[76]. Being interpellated is to be referred to, being called a name; it is to be constituted as a subject within a system of being perceived by the state. This perception is at a certain distance from the subjectivity of the one being *addressed*. This distance is traversed by the one who calls out, the one who makes the reference – the state, in this case, and as in many others – and in the process, reconstituting the subject in relation to itself. The carrying out of the survey does exactly that. In assessing their eligibility for relocation and resettlement post-eviction, the survey not only identifies the benefactors of the policy in allowing them access to *the legal* and *the formal*, but it also positions the surveyed to self-identify as having illegally and informally conducted themselves.

In the narratives of Kala and Chandani, the survey also became major point of inflection. The process of the survey promised a reciprocal access. Not only were they intimated of their prospects for qualifying to receive a state-provisioned plot for resettlement. They were also informed of the illicitness of the home they had lived in for years – one they had bought and paid for and had seen getting bulldozed. The irony was that the survey was meant to verify the duration of their residence at the cluster, and they were required to attest to having in occupation of the land from which they were evicted – and thereby, being "illegal encroachers" – for longer to be allotted a bigger plot. However, the survey was not experienced by them as an immaculate exercise. Chandani and her family's odds of securing resettlement were, in fact, seriously damaged by the miscommunication of elemental information during the survey.

[76] 'Interpellation' and 'subjectivation' are concepts utilized in poststructuralist sociology and philosophy to demonstrate the theory of becoming a subject of the state, where identification is theorised to create conditions for constitution of one's identity and subjectivity itself.

The repercussions that flow from the possibility, that is inherent in the accumulation of information, of misinformation that could enter the process of survey, however, are often made navigable by a permutation and combination of approaches employed by the surveyed. So, legibility superimposed by the survey gets intercepted by the counter-survey that seeks to verify, by the misrepresented self-enumeration that seeks to obscure. And the legibility assumed in the adherence to the criteria for eligibility for resettlement gets intercepted by their challenge of the excess and arbitrariness of multiple documentary proofs of long-term residence.

These negotiations further unfold how perpetuation of one's position vis-à-vis the city of Delhi is sought equally vigorously by 'those who are governed'. The narratives of Kala and Chandani subvert a set of theorizations that heavily rely on characterizing the *politics of the poor* as driven by illegal modes of conduct, as differentiated from the associational politics of the legal citizens, as seeking the patronage of the state for necessitous survival. Their narratives allow thinking about the politics of the poor that is concerned with securing improvement in the conditions of their well-being for which they engage variously with the legal-formal, the illegal-informal, and the extra-legal and extra-formal.

Conditions for relocating and resettling, for instance, are realized in being able to calculate one's transversalities. Holding legal markers of identity such as ration cards, even one with an address to an illegal *jhuggi*, becomes vital in staking a claim not only on publicly-distributed food but also on state-provisioned housing. And engaging informal brokers to make arduous property deals becomes vital in being able to afford market-facilitated housing. Petitioning the court to legally recognize one's right to rehabilitation and resettlement becomes as vital, in the realization of a place in the city, as informally auto-constructing a house to live in.

Their navigation of official procedures for procuring state's identification, and consequent welfare, introduces the squatter settlements to a domain of legality. And their adherence to processes of securing legitimate and contemplated access to public services, and thereby the occupied land, introduces them to a domain of formality. The *jhuggi jhopri bastis* as squatter settlements of Delhi, which get defined and characterized in terms of their illegality and informality, make gradual and self-actualizing move towards the extra-legal and extra-formal.

All these are calculated movements as much as they are negotiations with the structures of law and form. They are *calculated* in the sense that they are marked by an experience that is instructive of the state's mechanisms. The survey, for Chandani, was instructive in understanding that the state's welfare becomes conveniently possible for those spatially and temporally adjacent to it, which primed her legal battles for the entitlement of a plot in the resettlement colony near her extended family. The process of the survey, then, serves to make the state legible to the urban poor as well. This mutuality of legibility connotes that procedures that seek to legalize *the illegal* and formalize *the informal* are intercepted by their own proliferation.

APPENDIX 1

Letter of request for an interview with government officials and elected councilors

[in English]

My name is Aditi Gupta, and I am writing to request an interview with you, concerning a research study I am undertaking that would benefit greatly from your insight and standpoint.

I am a research student currently enrolled at the Centre for Political Studies, School of Social Sciences, Jawaharlal Nehru University. I received a bachelor's and master's degree in Political Science from the University of Delhi. I am interested in studying urban informality and its engagements with the institutions of legality.

My present research hopes to study the links between the socio-political-legal environment of the capital city of Delhi and the informally-illegally dwelling populations. While one part of this research would focus on the role of the institution of judiciary in considering the cases of eviction of squatter settlements or their subsequent rehabilitation, another part of it would turn to the function of urban civic administrative bodies in carrying out surveys, laying out Master Plans, demarcating land use, and executing improvement schemes that concern themselves with the urban poor residing in the city and their right to adequate affordable housing.

It is in this context that I request you to allow me some time from your understandably occupied schedule for an interview where I could get to know and understand the work that you have done and/or continue to do. And in addition to discussing the functioning of the institution you have been associated with, this interview would also delve into your socio-cultural and economic-historical outlook and perspectives as an individual living in the city of Delhi.

It would be my endeavor that in the process of this interview, I follow all ethical practices concerning the information shared in a language of your preference, with your informed consent. All the information shared and evaluation data generated from the interview would become part of the dissertation that I am currently working on – and in any future publication(s) only with your permission. I would preserve the terms of confidentiality in case you wish for your participation in this study to be anonymous. Any identifiable information regarding your name and/or agency name may be listed only and only if you would opt to.

I am certain a discussion/interview with you would allow me exposure to the concerns of governance and public administration in thinking about the issues of the individuals and communities that reside informally in the city.

Please feel free to reach out to me if you have any questions with regard to any of this. And if any additional information would help you consider my request, please let me know.

Thank you very much for your time. I look forward to hearing from you soon.

[in Hindi]

मेरा नाम अदिति गुप्ता है, और मैं आपके साथ एक साक्षात्कार (interview) का अनुरोध करने के लिए लिख रही हूं। मेरा शोध अध्ययन आपके अंतर्दृष्टि और दृष्टिकोण से बहुत लाभान्वित होगा।

मैं वर्तमान में राजनीतिक अध्ययन केंद्र, सामाजिक विज्ञान विद्यालय, जवाहरलाल नेहरू विश्वविद्यालय (Centre for Political Studies, School of Social Sciences, Jawaharlal Nehru University) में एक शोध छात्रा हूं। मुझे दिल्ली विश्वविद्यालय से राजनीति विज्ञान में बैच्लेर्स और मास्टर्स की डिग्री की प्रप्ति हुइ है। मुझे शहरी अनौपचारिकता और कानूनी संस्थाओं के साथ इसके जुड़ाव के बारे में अध्ययन करने में दिलचस्पी है।

मेरा वर्तमान शोध राजधानी दिल्ली के सामाजिक-राजनीतिक-कानूनी वातावरण और अनौपचारिक/अवैध रूप से रहने वाली आबादी के बीच संबंधों का अध्ययन करने की उम्मीद करता है। जहां इस शोध का एक हिस्सा अवैध बस्तियों की बेदखली या उनके बाद के पुनर्निवेशन के मामलों पर विचार करने में न्यायपालिका की संस्था की भूमिका पर ध्यान केंद्रित करेगा, वहीं इसका दूसरा हिस्सा शहरी नागरिक प्रशासनिक निकायों के कार्य जैसे सर्वेक्षण, मास्टर प्लान (Master Plan) की तैयारी, भूमि उपयोग का सीमांकन और शहरी गरीबों से संबंधित सुधार योजनाओं पर केंद्रित होगा।

इसी संदर्भ में मैं आपसे अपने कार्यक्रम में से कुछ समय एक साक्षात्कार (interview) के लिए देने का अनुरोध करती हूं**,** जहां मैं आपके द्वारा किए गए काम को जानने और समझने की कोशिश करूंगी। और जिस संस्था से आप जुड़े हैं, उसके कामकाज पर चर्चा करने के अलावा, यह साक्षात्कार दिल्ली शहर में रहने वाले एक व्यक्ति के रूप में आपके सामाजिक-सांस्कृतिक और आर्थिक-ऐतिहासिक दृष्टिकोण का भी अन्वेषण करेगा।

मेरा प्रयास होगा कि इस साक्षात्कार की प्रक्रिया में मैं आपकी पसंद की भाषा में साझा की गई जानकारी के संबंध में आपकी सूचित सहमति से सभी नैतिक प्रथाओं का पालन करूं। लिखित साक्षात्कार से उत्पन्न सभी जानकारी साझा और मूल्यांकन डेटा (data) उस शोध प्रबंध का हिस्सा बन जाएगा जिस पर मैं वर्तमान में काम कर रही हूं - और भविष्य में केवल आपकी अनुमति से प्रकाशन का विषय रहेगा। आपके नाम और/या एजेंसी के नाम के संबंध में किसी भी पहचान योग्य जानकारी को केवल और केवल तभी सूचीबद्ध किया जा सकता है जब आप इसे चुनेंगे।

मुझे यकीन है कि आपके साथ एक चर्चा/साक्षात्कार मुझे शहर में अनौपचारिक रूप से रहने वाले व्यक्तियों और समुदायों के मुद्दों के बारे में सोचने के संबंध में शासन और लोक प्रशासन की चिंताओं के संपर्क में आने की अनुमति देगा।

कृपया बेझिझक मुझसे संपर्क करें यदि आपके पास मेरे लिये कोई प्रश्न हैं। और अगर कोई अतिरिक्त जानकारी मेरे अनुरोध पर विचार करने में आपकी मदद करेगी, तो कृपया मुझे बताएं।

आपका समय देने के लिए आपका बहुत बहुत धन्यवाद। आपसे जल्द चर्चा और मुलाकात की मुझे उम्मीद है।

APPENDIX 2

Sketch Plan Showing Proposed Parking/Marriage Area at D-Block, Tagore Garden

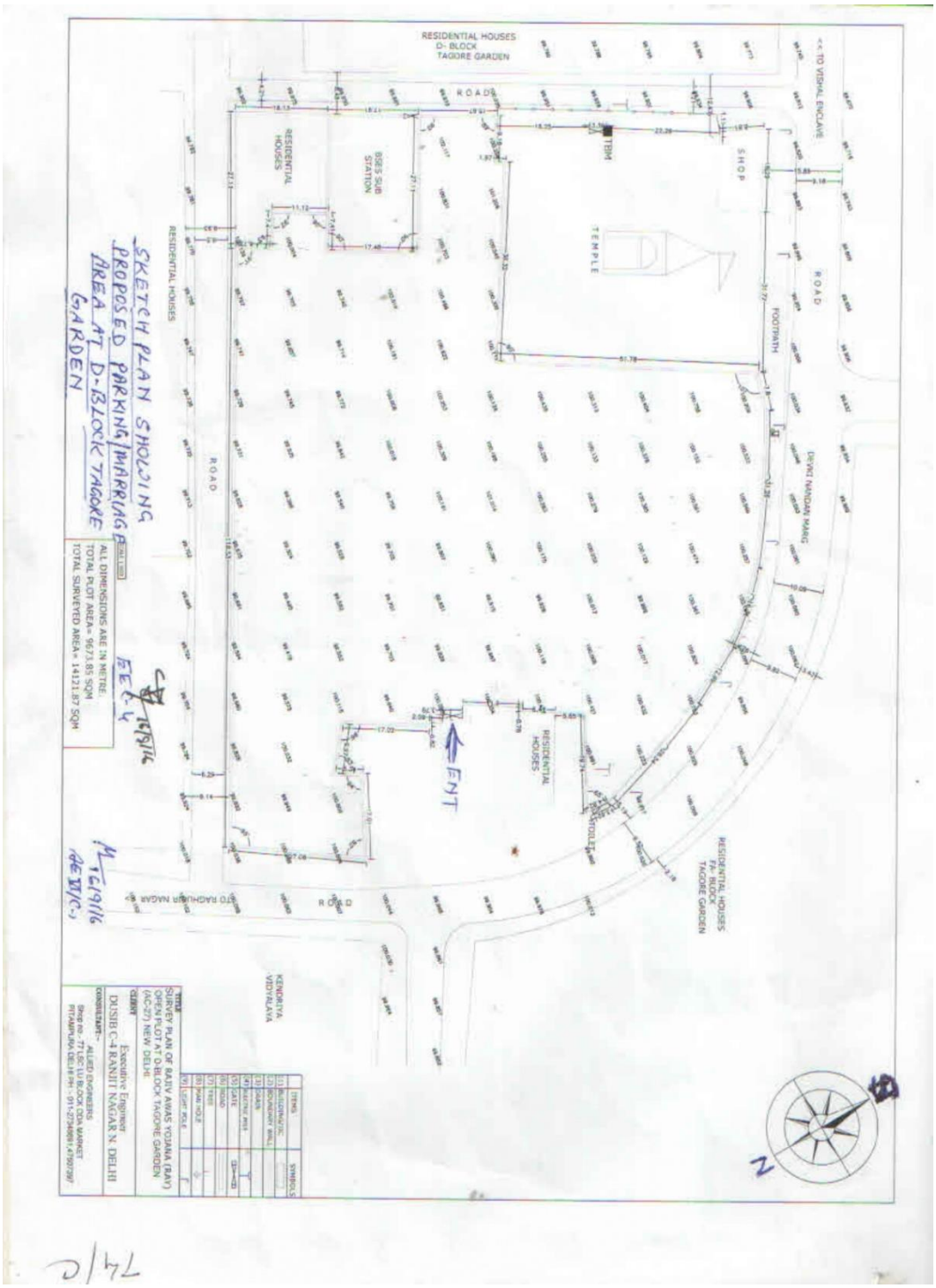

Figure 1: Sketch Plan showing the proposed area for authorized parking at the site of the erstwhile jhuggi jhopri cluster (document published online by the Delhi Urban Shelter Improvement Board[77])

[77] DUSIB. *Survey Plan of Rajiv Awas Yojana (RAY) Open Plot at D-Block Tagore Garden (AC-27) New Delhi.* Delhi Urban Shelter Improvement Board. September 16, 2016. New Delhi. Available online: https://delhishelterboard.in/main/?page_id=6685.

Corresponding Satellite Image of the Area at D-Block, Tagore Garden

Figure 2: Satellite image of the site of the erstwhile jhuggi jhopri cluster at D-Block, Tagore Garden in its most recent rendition (image courtesy of Google Maps[78])

[78] Google Maps. *Directions for DUSIB Authorised Parking, Block-D, Tagore Garden, Tagore Garden Extension, New Delhi, Delhi 110027, India*. Available online: https://www.google.com/maps/place/DUSIB+Authorised+Parking/@28.6494042,77.1095356,18.01z/data=!4m5!3m4!1s0x390d03ff1c6fecd9:0xe4022f26a8606a96!8m2!3d28.6495744!4d77.1105827. Accessed on December 23, 2022.

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