

The Case of Kathputli: Implications of In-Situ Public Private Partnerships in Delhi

Patrick D. Flajole

A thesis

submitted in partial fulfillment of the
requirements for the degree of
Master of Arts in International Studies

The University of Washington

2015

Committee:

Sara Curran

Manish Chalana

Program Authorized to Offer Degree:
Jackson School of International Studies

©Copyright 2015

Patrick D. Flajole

This thesis was reviewed and approved by the following:

Sara R. Curran

*Associate Professor of International Studies and Public Affairs
Associate Director, Center for Studies in Demography and Ecology*

Manish Chalana

*Associate Professor, Urban Design and Planning
Adjunct Associate Professor, Landscape Architecture
Adjunct Associate Professor, Jackson School of International Studies*

Abstract

The Case of Kathputli: Implications of In-Situ Public Private Partnerships in Delhi

Patrick D. Flajole

This thesis presents ethnographic research from Delhi, India to suggest novel ways in which citizenship is understood through the context of decades of liberalization and a marked legal emphasis on property and individual rights. New articulations of civic rights based on identities of the urban poor effectively dismantle the significance of legally instituted regimes of differentiated citizenship and downplay the role of compensatory equity as a means of addressing inequality. In order to demonstrate how identities and citizenships are transforming in this context, the current planning paradigm and models of slum rehabilitation employed by the government of Delhi are examined. In particular, the public private partnership (PPP) model employed in the resettlement of the Kathputli Colony will serve as a focus for this thesis.

Findings regarding citizenship are based upon more than thirty qualitative interviews conducted in a slum settlement – Kathputli Colony- selected for eviction conducted. The author along with a team of fellow researchers conducted these semi-structured interviews on site in August 2013. At the time of the interviews, residents of Kathputli Colony were distrustful of the law and yet acknowledged that it may be their only means of advocating on their own behalf. Though many residents were and are entitled to resettlement flats due to their differentiated citizenship status, the imposed illegality of their current living conditions has limited their options for political patronage and legal recourse. Consequently, residents are seeking alternative means of defining themselves in order to prove their eligibility and status as citizens, in order escape the illegality of being of a squatter in Delhi (Roy 2009; Mitra 2010; Sundar 2011).

Through its focus on the Kathputli Colony - one of Delhi's numerous informal settlements - these new forms of identities and modes of negotiations that residents actively employ in order to achieve legitimacy and full citizenship status are explored. While a PPP model has been used in the case of Kathputli Colony, the citizenship struggles elucidated by this case are not unique to this form of resettlement and are indicative of a more enduring trend in the management of informal areas.

The Case of Kathputli: Implications of In-Situ Public Private Partnerships in Delhi



Patrick D. Flajole

Table of Contents

Table of Contents	vii
Abbreviations	viii
Introduction.....	1
Background	9
Law and Policy of Resettlement.....	36
Instantiation of Citizenship claims	53
Conclusion	67
Appendix 1: Revised Guidelines of GNCTD for allotment of EWS houses to Slum dwellers-eligibility and procedure.....	72
Appendix 2: Raheja Rendering of Future Development in Kathputli Colony	74
Appendix 3: Map of Delhi and Location of Kathputli Colony.....	75
Appendix 4: Floor Plan of Proposed Resettlement Units.....	76
Appendix 5: Transitional Camp Units	77
Appendix 6: DDA Numbering System.....	78
References.....	79

Abbreviations

BBK	Bhule Bisre Kalikar
DDA	Delhi Development Authority
DUSIB	Delhi Urban Shelter Improvement Board
ECI	Election Commission of India
EWS	Economically Weaker Section
GDP	Gross Domestic Product
JJ	<i>Jhuggi- Jhopri</i>
JNNURM	Jawaharlal Nehru National Urban Renewal Mission
MCD	Municipal Corporation of Delhi
MPD	Master Plan for Delhi
NCT	National Capitol Territory of Delhi
PPP	Public-Private Partnership
RAY	Rajiv Awas Yojana
SC/ST	Scheduled Caste/ Scheduled Tribe
UN	United Nations

Acknowledgements

First and foremost, I would like to thank the people of Kathputli Colony for spending countless hours sharing their stories. Although I hope that bringing attention to the issues that have arisen in the resettlement will ultimately impact future policies pertaining to housing; residents were gracious with their time and asked for nothing in return. Additionally, this thesis could not have been possible without the guidance and support from Sara Curran and Manish Chalana. Finally, I would like to thank Susmita Rishi. Her assistance with translations in the field and countless hours spent collaborating on ideas have been invaluable. Thank you.

Introduction

Election Season

On March 24, just weeks before the commencement of the first phase of the 2014 Indian General Election, the redevelopment of a relatively small squatter settlement, home to just over 3,000 families became a critical issue of contention in the New Delhi constituency.¹ Candidates from each of the major political parties challenging the incumbent Congress-run government of Delhi made allegations of a scandal in the management of the resettlement of Kathputli Colony, a squatter settlement located in West Delhi. Meenaski Lekhi, a national spokesperson for the Bharatiya Janata Party (BJP), demanded action on the matter, asserting that, “It appears that some sort of land scam is involved in the name of the artisans of the colony...In the name of redevelopment, prime land has been handed over to private companies at a very cheap rate. We demand a [Central Bureau of Investigation] enquiry into the matter.”² Although the specifics of the Kathputli development arrangement are concerning when considered individually, Lekhi further vilified Congress’s past precedent and policies pertaining to the housing of the poor, claiming “The Congress has over the past decade committed numerous acts of corruption against the people of this country.”³

This spat of allegations came about in the aftermath of the Kathputli Colony case being brought before the Delhi High Court by a group of residents prepared to pay the land costs equal to the amount paid by the private development firm⁴ that partnered with the land-owning agency in charge of the in-situ redevelopment of Kathputli (the Delhi Development Authority [DDA]).

¹ 3,000 is a number that has been determined by the DDA. This count has been questioned and a self survey is currently being conducted by residents of Kathputli Colony.

² “Meenakshi Lekhi alleges scam at Delhi’s Kathputli Colony” *The Times of India* 29 March 2014. Online.

³ “BJP alleges scam in Kathputli project, demands CBI Probe” *Hindustan Times* 29 March 2014. Print.

⁴ Raheja Developers Limited.

In total, nearly 13 acres of land are targeted for redevelopment in the project, of which Raheja will receive approximately 3 acres to construct apartments to be sold at market rates.⁵ In the Delhi High Court, residents also rejected the legitimacy of the redevelopment on the grounds of erroneous enumeration practices⁶ used in determining eligibility for resettlement as well as objecting to the stifling living conditions the proposed resettlement units would likely have on their livelihoods. Justice Hima Kohli of the Delhi High Court adjourned the matter on March 20, encouraging residents to take up their complaints directly with the DDA while recommending that the DDA take complaints into consideration and conclude their decisions on the matter within four weeks.⁷

After a failure to appeal for legal intervention and with national elections looming early in April, a stop notice on the eviction process in Kathputli Colony was issued by The Election Commission of India (ECI) in respect of the Model Code of Conduct, which prohibits moving residents until the completion of polling in Delhi. The stop notice was short-lived, however, and in accordance with the model code, upon the completion of polling, the DDA continued issuing slips officiating the resettlement agreement with residents and continued transitioning residents to the recently constructed transit camp in nearby Anand Parbat on the 28 of April.⁸

Delhi's First PPP In Housing

Using guidelines outlined in the Master Plan for Delhi 2021, Kathputli Colony was selected in 2008 to be the first in-situ slum rehabilitation project in Delhi. The Delhi Development Authority (DDA) envisaged partnering with private developers to construct flats

⁵ “Future Tense” *The Hindu* 9 May 2014. Online. See appendix 3 for developer renderings of the project.

⁶ See Appendix 6 for photos of the DDA enumeration system

⁷ *Bhule Bisre Kalakar Co-operative Industrial Society LTD. And ORS Vs. Union of India & ORs.* High Court of Delhi 20 Mar. 2014

⁸ “Puppet Master DDA has Kathputli on a string as shift resumes” *The Daily Pioneer* 29 April 2014. Online.

on the currently informally occupied land in order to rehouse the current inhabitants in structures that adhere to planning codes and regulation. The DDA awarded its first slum redevelopment project at 6.1 crore rupees (USD 1 million) and the obligation of the planning and future rehabilitation of the residents of the colony to Raheja Developers. By consolidating the sprawling informal structures of current residents into 14-storey buildings of flats, a portion of the land was to be made available for sale on the open market. Given that the PPP model has been heralded for its success in other major Indian cities such as Mumbai and Chennai, the success of the redevelopment of Kathputli was expected to lend additional credence to similar policies for the housing of the urban poor. Lessons learned from the redevelopment of Kathputli Colony could tangibly impact how municipal planners and authorities approached partnering with private entities in addressing the remaining 685 recognized squatter settlements in Delhi.

While resettlement in newly constructed flats on the same location that residents had previously inhabited may appear straightforward and might seem favorable for residents, implementation has been anything but; leaving many of Kathputli's inhabitants with anxiety and uncertainty regarding their futures (Banda 2013; Chalana & Rishi forthcoming). As of the end of 2014, a few hundred families have begun shifting to a nearby Transit Camp in order for private developer Raheja to begin construction.⁹ However, a large number of residents remain in their dwellings in Kathputli, suspicious that once they leave the premises they will lose any bargaining power they may currently have. With many residents having lived on the property since the 1950s(Sandal 1985; Chalana and Rishi forthcoming), some concern has arisen regarding motive and the sudden imperative of resettlement.

⁹ See appendix 5

Owing partially to the notoriety of Kathputli Colony, being that many of the current residents are artists and renowned street performers, the management of the Kathputli Colony case has been tracked closely by local and national media. Allegations of corruption and scrutiny over the determinants of eligibility for resettlement have led to the resettlement stalling, legal action being taken, and the recent involvement of national NGOs. Although a shrinking number of residents maintain that they have been entirely left off of the list that granted resettlement eligibility, many believe that an alternative redevelopment was possible and continue to question the motives behind the decision to redevelop the land.¹⁰

It is estimated that nearly 1 in 4 residents of Delhi live in squatter settlements or slums (MHUPA and NBO 2013). Over the past ten years, most of the resettlement or relocation attempts made by the State have moved squatter colonies to the periphery of Delhi, resulting in a concentration of slum populations on the outskirts of Delhi. Many criticisms have been brought against this approach to addressing informal urban spaces (Mukhija 2002). Many colonies resettled in these peripheral regions are severed from their livelihoods, unable to find means to support themselves and experiencing conditions worse than before being resettled (Rao 2011; Chalana and Rishi forthcoming). Each wave of demolitions and resettlements of the informal urban population in Delhi narrates the history of a systematic process of marginalization of the urban poor whereby they are shifted from the core of the city to its periphery, effectively perpetuating cycles of poverty (Sharma 2011; Legg 2006b). After resettlement, data reveals a considerable gap between the needs of the poor, and the services provisioned to them by authorities (MHUPA 2008). Rapid population growth and high density are causing tremendous

¹⁰ See Appendix 6 for photos of the DDA enumeration system

stress on existing resources, public facilities (e.g. water, sewerage, solid waste management, electricity) and public services (e.g. health, education and public distribution systems).

To date, a considerable amount of scholastic literature has focused on the impact of past planning paradigms on informal settlement residents in Delhi (Verma 2002; Legg 2007; Dupont 2008; Bhan 2013). Demolitions and resettlement indicate shifting attitudes and procedures employed by the state in order to address proliferating slums and informal spaces throughout the city (Dupont 2013; Rao 2011). The practice of resettling informal settlements, known as *jhuggi-jhopris* (JJs), in Delhi has a long and tumultuous past (Bhan 2013). Researchers have covered the machinations of state and the judicial decisions that have evolved and shaped the ways in which informal spaces are perceived and managed (Ramanathan 2013). The proposed resettlement on the same location (in-situ) aims to incorporate recent policies and national strategies that were adopted in the aftermath of past failures. Since the resettlement of the Kathputli Colony was conceived as a way of improving on past mistakes and employing best practices in terms of the PPP model, experience with its implementation will have immense significance to future attempts at housing the poor.

The implications of having a private developer involved in the provision of public housing, a service which had previously been understood to be the sole responsibility of the State, is important to note. Throughout discussions with residents in August of 2013,¹¹ many suggested potentially corrupt practices involved in the bidding process since the project began in 2007; had the DDA only wanted to privatize the land, residents of Kathputli argue that they could have obtained and matched the amount that Raheja had purchased the land for. Many

¹¹ Over 30 semi-structured oral interviews were undertaken over a period of 1 month. The author and fellow researchers conducted these interviews on site. Subjects were recruited using snowball sampling and the interviews recorded on tape. The interview data was transcribed and then mined for information.

residents were convinced that their political representatives were no longer able to protect them from eviction and that their situation would be leveraged for political purposes unlikely to benefit them.

The current resettlement proposal of Kathputli is not only significant because of the unprecedented circumstances under which redevelopment is set to take place, but also because of the very meaningful re-conceptualizations of citizenship manifest in the eviction of its residents. Since the new millennium, evictions were judicially sanctioned in conjunction with severe consequences levied against local authorities that failed to adhere to court rulings (Ramanathan 2005; Ghertner 2008; Bhan 2009). This thesis is therefore an exploration of the temporality of Kathputli Colony residents' current 'illegal' existence in Delhi as the proposed resettlement of all that defines the settlement looms in the near and ever-present future.

Citizenship, is a valued resource and valuable tool, and its wide dispersal across a population enhances the resilience and agency of the participants within a political system (Isin 1999). While legal entitlement to citizenship is a necessary condition, by itself it does not suffice for the individual to access the full potential of citizenship (Chatterjee 2004; Rao 2011). Other complementary factors such as rights, capacity, sentiments, and moral obligations enhance the one's sense of citizenship (Isin 1999). One may be legally entitled to citizenship, but not be fully aware of the rights that it entails; alternatively, one may be aware of citizenship but not feel in possession of the rights and substantive capacities that make citizenship meaningful, or in other words, having nationality without citizenship. I am interested in understanding how cities create, reproduce and maintain urban poverty. Specifically, I aim to understand more about what poverty does to social structures and what it does to collective notions of citizenship and belonging. I hope to explore how the deep connect that housing shares with poverty and

citizenship. In reference to his studies of slums in Mumbai, Arjun Appadurai (2001) argues that dwelling space has become “the single most critical site of this city’s politics of citizenship.”

This thesis will follow in his footsteps of tracing this complex relationship between housing and citizenship.

Research Question

How might the processes involved in resettlement and the contestations (or lack thereof) be shaping conceptions of constitutional citizenship and identity?

Justification of the Research Question

The DDA estimates that there are 290 slums currently located on their land, and “If [in-situ Public-Private Partnerships] takes off, we can take up similar projects,” DDA Vice-Chairman Bavinder Kumar said.¹² The in-situ PPP rehabilitation project inspired by the model used in Mumbai and Chennai was originally heralded as something of a panacea to the requirement of large amounts of land for site-and-service development projects and the lack of housing for the poor in Delhi. In the PPP model, residents are resettled upon a portion of the land currently occupied by the squatter settlement while the rest of the property is vertically developed for sale on the open market. Although the units provided for inhabitants of the squatter settlement are not immediately subject to market forces, it has been suggested that over time this can help transition informal developments into formal housing markets (Sengupta 2006). The Kathpuli Colony is scheduled to be the first of its kind and is a critical case study for the implementation of PPP in-situ rehabilitation in Delhi.

¹² “Kathputli plan a step towards making city slum-free, says DDA” *Indian Express* 28 February 2014. Online.

This thesis contains two sections followed by a conclusion. The first, chapter 3, establishes the legal, judicial and policy contexts for Delhi. Beginning with an exploration of the law-making violence inherent in the formation of the Indian constitution, the chapter then turns to tracing urban development laws and policy in Delhi, which ensure and actively maintain the violence of law in the lives of squatters. The chapter will conclude with an examination of a series of case law and what has been considered the ‘interpretative force of law’ vested in the judiciary branch in mapping illegality unto squatter settlements.

Chapter 4 will focus on ethnographic research and present the findings from qualitative interviews conducted with residents of Kathputli colony. The chapter will focus on the shifting conceptions of citizenship and identity that have since the adoption of a “culture of legality” in India. Though not exclusive to the PPP model for resettlement, the emphasis on market-based solutions and the emphasis on legal liberalism that this approach implies has very real and important implications for citizenship in post-colonial urban spaces.

Background

Slum-Free Delhi

In the 60 years since independence, the population of the National Capital Territory of Delhi (NCT) has grown at an astonishing average rate of nearly 5 percent per annum, doubling the national average of 2.34 percent (Narayana 2010). According to the Ministry of Housing and Urban Poverty Alleviation (MHUPA), in 2012 Delhi was home to 22 million people, making it the second most populous metropolitan area, second only to Tokyo amongst urban agglomerations globally (UN 2014). According to the National Census, the NCT of Delhi also has the highest population density in the country (CoI 2011). Along with this unprecedented rate of growth in Delhi, many of the larger cities in India have experienced an acute shortage of adequate housing intended for Economically Weaker Section (EWS)¹³ families (Bahn 2009). The 10th Master Plan for Delhi (MPD-2001) reported that growth had considerably outstripped the availability of formal housing supply by as much as 8.9 million units. As Delhi's population continues to swell due to massive influxes of migrants from outlying cities, towns and rural areas, the planning commission determined that this "implementation backlog" or unmatched provision of housing and basic amenities has led to the proliferation of "informal settlements" throughout the capital (MHUPA 2012).

Although some of the units constructed informally in lieu of housing administered by the state have eventually been granted legal status, the designation of legality has not been applied consistently. Research indicates that informality in housing status spans socioeconomic lines, however, nearly 90 percent of the housing supply deficit mentioned previously pertains to EWS housing (Bhan 2012). At the same time, property values continue to escalate so rapidly that even

¹³ Residents with an annual household income of Rs.1 lakh or approximately USD 1,600 can be classified as EWS.

with reports of rising GDP per capita (Mckinsey Global, 2010) poor urbanites can scarcely keep up with the price of housing (Ghertner 2010). Scholarship on urban informality in Delhi would caution against adhering to the topology as well as the validity of any official attempts of quantifying the informally housed population in Delhi (Baviskar 2003; Bhan 2013), however, generally speaking, it is estimated that between 26 and 50 percent of inhabitants live in what are deemed informal settlements in Delhi (Dupont 2008).

According to the Economic Survey of Delhi from 2001-2002 there were over 1,100 informal developments spread out across public lands. In addition to these so-called squatter settlements, or jhuggi-jhopri (JJ) clusters on public lands, there were 1,500 unauthorized colonies and 216 urban villages¹⁴. Based on the data collected for the survey, a sizable proportion of Delhi's urban population at the time was effectively living in some form of marginalized settlement. India's current master plan (MPD-2021) expresses distinct concern over the growing urban slum population, noting that despite sharp reductions in aggregate numbers living below the poverty line, the problem of slums has been worsening in Delhi.

Contrary to what appears to be the primary mode of housing development and the reality in Delhi, the development plan for Delhi seeks to make the city slum-free by 2020 in order to meet its aspirations of becoming a stronger player in the global city-circuit (Dupont 2011). Delhi is being reimagined by city leadership, planners, and private development firms as "a global metropolis and a world-class city" (Dupont 2008). This has led to the tremendous growth and development of infrastructure and other facilities offered by the government in the city; however, this growth continues to be experienced disproportionately (Rao 2011; Ramanathan 2013). As opposed to taking a more proactive role in providing for the poor, since the new millennium the

¹⁴ more on the variations of informality and illegality of housing to follow

government has taken to increasingly relying upon market mechanisms and private development (Weinstein 2008). The announcement of creating a slum-free Delhi by 2020 has not compelled the state to invest heavily in affordable housing (Bhan 2013). Ursula Rao notes from her studies in a resettlement site on the periphery of Delhi, Savda-Ghevra, that the interventions deployed over the past decade have by no means diminished poverty, but rather produce re-spatialized poverty (2010).

Cities are growing increasingly spatially fragmented into expensive formal developments and informal areas marked by insecurity and acute deficiencies (Alsayyad and Roy 2006). Chatterjee (2004) asserts that many arrangements, which had made the existence of the urban poor more tolerable in the 1970s and 1980s acknowledged the need for affordable labor and, consequently, the informal spaces settled by the poor were tolerated and viewed as an inevitable consequence of third-world urban modernity.

Policies since the late 1980s, including the Jawaharlal Nehru National Urban Renewal Mission (JNNURM)¹⁵ and the Rajiv Awas Yojana (RAY)¹⁶ evidence a major shift in the role of the state, from being a provider of housing and amenities to being an enabler through the promotion of public-private partnerships, the reliance on market mechanisms, and the use of land as a resource (Harvey 1989; Sengupta 2005; Dupont 2008). These macroeconomic reforms were adopted along with political decentralization reforms, which transferred certain responsibilities to municipalities, and markedly changed the political landscape in major urban areas as well (Dupont 2011). With the induction of the private sector-as-developer in various public projects, urban land has become increasingly politicized as significant real estate developments continue to affect land prices and scarcity (Dupont 2013). In fact, as many scholars have suggested, the

¹⁵launched in 2005

¹⁶launched in 2010

proliferation of large tracks of informally settled land in urban areas allows the government a degree of flexibility in planning that would not have been possible had tenure or zoning been imposed on the areas (Roy 2009). In line with the ideals of globalizing cities, the implementation of urban projects, especially infrastructural expansion, urban renewal schemes, and 'beautification' operations, have resulted in forced evictions and the demolition of informal settlements, perpetuating cycles of poverty and failing to address the acute shortage of EWS housing (Dupont, 2011a & 2011b).

The connection between economic development and urban poverty is complex. For the majority of city residents, things have not improved. Today, larger numbers of city dwellers in these so called "world-class" cities live in marginalized informal settlements than ever before (Bhan 2013). Additionally, though these reforms provided billions of rupees, intended for investment in urban infrastructure and amenities for the poor, analysis of the actual spending indicates that funds have rarely been used in poor neighborhoods at all (Narayanan & Bhatia 2007).

These "world-class" aspirations do not seem congruent with the realities of a large percentage of Delhi's population (Dupont 2011). In local and municipal agenda-setting, demands for social welfare programs often times compete with economic development programs and are as often mutually beneficial as they are mutually exclusive (Roy 2009). As the population of Delhi continues to increase, exorbitant pressures on natural resources and preexisting infrastructure mount as the state rescinds more and more of its capacity to private firms. Meanwhile, as the availability of public resources continues to diminish, the urban poor are accused of being the culprits causing the squalor and urban decay in Delhi (Roy 2007; Ghertner 2012). The urban regeneration policies of the new millennium reiterate the linking of

infrastructure improvement with the removal of the urban poor (Appadurai 2000; Dupont 2008; Baviskar 2009).

Trends and patterns of urbanization are direct manifestations of the process of economic developments in urban space, particularly in the current phase of late capitalism and globalization (Appadurai 2002). Understanding the causes and consequences of these developments in terms of the changes in the distribution of socio-economic activities along with the success and failures of the interventions by the State and other organizations is imperative, both for the national and state governments and for international organizations.

Kathputli Colony

In the early 1970s, a group of itinerant performers from Rajasthan began settling on largely uninhabited public land in West Delhi's Shadipur region (Banda 2013)¹⁷. Conveniently located just 5 miles from the central business district of Connaught Place, the encampment appealed to the migrants because it remained outside the periphery of the settled urban space in Delhi, thus allowing the performers to do as they wished with the land. Over the 40 years that followed, street performers and artists who had up to that point precariously resided in various locations throughout the city relocated to the area, which would come to be known as Kathputli Colony¹⁸. Adherence to informal community expectations regarding ownership helped to consolidate a sense of de facto tenure, which was eventually further legitimized through auto-construction of brick dwellings. As new generations born into the colony and rural migrants continued to settle into the area the colony came to be home to approximately 3,200 families (Dupont 2013).

¹⁷ See Appendix 3

¹⁸ Kathputli is a type of performance art, generally assumed to have originated from the Rajasthani region. The performance revolves around a marionette style puppet.

The Kathputli Colony covers nearly 13 acres in a district of Delhi that has since been surrounded by urban sprawl and a line of the Delhi metro system, which conveniently connects residents with the rest of the city (Banda 2013). Although the namesake of the colony is derived from string puppets often used by some of the early settlers, it has since come to represent a much larger group of performers and artists hailing from regions throughout the sub-continent. Affiliation continues to play a strong role in determining livelihoods; professions are often passed down and shared along family lines for generations. Many residents of the settlement have taken to organizing themselves around their profession through forming various cooperatives. Most notable among them is the Bhule Bisre Kalikar (BBK), which along with the help of the Asian Heritage Foundation has aided in finding work for artists through a performing arts council established by the government of Delhi.

During the 1980s, Kathputli artists enjoyed international acclaim through their performances at the Festival of India in the United Kingdom in 1982 and in the United States in 1985 (Banda 2013)¹⁹. The amalgamation of backgrounds and professions has led to the identities of artisans taking on a somewhat mercurial meaning over the years (Banda 2013).²⁰ Many of the residents consider their primary source of employment to be their artistry or craftsmanship, which may or may not have been traditionally affiliated with the arts. The identity of the artists within the colony became particularly significant when community leadership attempted to distinguish hierarchical status and entitlement rights based on this differentiation. Like many other informal settlements in Delhi since independence, people in Kathputli are viewed as illegal residents and therefore live under constant threat of demolition.

¹⁹ Residents have been featured in films, magazines and newspaper articles.

²⁰ During interviews, professions of ‘artists’ within the colony included, but were not limited to: dancers, musicians, wood-workers, weavers & rope-makers, toy-makers, magicians, animal trainers, snake charmers, acrobats, singers, actors, traditional healers and puppeteers.

Dupont (2103) documents the fact that initially, this demolition was tempered by the constitutionally defined requirements that the government had failed to uphold. The slums in Delhi were seen as a product of a confluence of factors including national urbanization directives and insufficient production of low-income housing on the part of the Delhi Development Authority (DDA), neither of which were attributable to any wrongdoing on the part of the urban poor. Informally constructed colonies were understood as outgrowths of governmental failures. However, in the early 1980s it was determined that the growth of the informal settlements had to be addressed, and Kathputli colony, among many other informal settlements in Delhi, became the target for redevelopment (Chalana and Rishi 2014).

Redevelopment Plans

In 1986, the DDA proposed the resettlement of Kathputli residents to a region in the South of Delhi called Vasant Kunj. At the time, residents rejected the proposal on the grounds that the intended location was not as centrally located as their current settlement in Shadipur and therefore threatening to their livelihoods as performers in Delhi (Banda 2013). Again, in 1996, a second proposal for resettlement in Mehrauli was met with largely the same response. However, both offers provided residents with plots of land, which in retrospect many came to express their regret in not having accepted throughout the 80s and 90s. The mere bargaining power held during these discussions demonstrates part of the shift that has occurred in the status of residents of informal settlements such as Kathputli Colony.

After the DDA floated a tender in 2008, Raheja Developers were chosen to undertake the construction of flats to house the current residents as well as a proposed 54 floor skyscraper of luxury flats for the open market. The public private partnership with Raheja laid out a number of minimum guidelines for what was to be expected of the resettlement. 2800 EWS units required to be constructed was, each with a minimum of 30.5 square meters, including one bedroom, one

multipurpose room, one bathroom facility, and one kitchen (Banda 2013)²¹. As a means of addressing rehabilitation for the residents, the other amenities within the contract include a primary school, senior secondary school, multipurpose community hall, religious sites, police station, and a fair price shop amongst other more specific demands. In addition to these amenities, the developer is expected to lay all internal roads and operate them until “local authorities can assume control.” According to the plan, the DDA will temporarily relocate the residents for the duration of the construction to a transit camp about 1.5 km away in Anand Parbhat where transit shelters have already been constructed (Banda 2013).

Apart from the responsibilities relating to EWS housing, developers have been incentivized by the right to construct and sell up to 170 units at commercial rates with free- hold tenure status. Given that the property itself has garnered a good deal of economic value, this portion of the agreement used to attract private developers has created much of the initial anxiety and distrust amongst residents. The contract suggests a completion timeline of two years from the date of commencement of the project, which has since been adjusted to three to five years (Chalana and Rishi 2014). If the developer exceeds this time limit, the contract states that they will be liable to pay a sum equivalent to 0.5% of the total project money for a period of five years, although it is not yet clear how strictly this stipulation will ultimately be followed. The initially proposed two-year limit has been well exceeded so far due to many reasons. In October 2011, the State Level Expert Appraisal Committee (SEAC) ruled that the information submitted by Raheja failed to meet the Environmental Clearance guidelines and hence did not recommend the grant of an environmental clearance. In addition, the project faced setbacks initially due to a lack of location for the transit camp; later, due to a paucity of land at the original transit camp

²¹ See appendix 4 for floor plan

location, they began to construct at Anand Parbhat.

Many believe that resettlement and similar projects should be the responsibility of the state and that they should therefore not be associated with profiteering and enterprise. Former Delhi Chief Minister Sheila Dikshit affirmed his agreement with this stance, having stated that “this is a human problem and should be dealt with in a similar approach.”²²

Community: Surveying and Establishing Eligibility

Kathputli today is comprised of a number of different communities originating from throughout the Indian subcontinent—including Gujaratis, Bihari Muslims, Adivasis from Warangal District in Andhra Pradesh, and Maharastrians—whose homes are largely stratified within the colony along lines of the geographical origin of the residents. These lines are also economic: some residents of Kathputli live in more developed jhuggies—those made of brick, with electrical outlets connected to televisions and overhead fans—while others reside in more tenuous structures. It follows that for some the resettlement project represents a dramatic material improvement over their current living conditions; however, these economic disparities do not appear to play a significant role in determining the overall community sentiment toward the project (Banda 2013; Chalana and Rishi 2014).

Although residents feared the potential strain upon their livelihoods, overwhelming evidence suggested that residents had resigned themselves to accepting the terms of the resettlement in the flats, their principal objection relating to eligibility and the lack of formal or legal certainty the DDA and Raheja had provided them. There was a lack of accurate information about the project, especially at the early stage, especially lack of transparency regarding the list

²² “L-G says bring in private builders to develop colonies, Sheila disagrees,” *The Indian Express* October 22, 2012.

of eligible families and the financial conditionality required to access a rehabilitation flat. With respect to the redevelopment project itself, most residents appear to have accepted the representation of one Pradhan or community leader for each individual community – amounting to 12 pradhans in total. Mobilization within the settlement to defend the residents' interest vis-a-vis the town planning authority and the builder took time to start off and remained at a rather low-scale.

In the course of the fieldwork, Kathputli residents frequently expressed sentiments of powerlessness and detachment from processes of decision-making. They lamented that the DDA had made little effort to speak directly with the community, instead meeting only with Pradhans and frequently only on the latter's petitioning, to discuss the project. In August of 2013, several community-based organizations including the Bhule Bisre Kalakar Trust had written to the DDA seeking information regarding various aspects of the rehabilitation project. Many of the queries were returned to petitioners, with directions to seek information from other departments, indicating a limited capacity for communication with these organizations and growing resentment on the part of residents.

According to the DDA, eligibility for placement within the rehabilitation project is decided across several metrics. The most important of these is the residency cut-off date, before which a Kathputli resident has reasonable claim to property in the colony. Possession of documents that correspond to this date is crucial – these may come in the form of a ration card, a voter's I.D., and or a V.P. Singh token, each of which have been identified as documents required for proving residence in the colony.²³

Since the beginning of the resettlement project the cut-off date for initial residence in

²³ See Appendix 1 for a list of eligibility requirements

Kathputli has been extended twice. The initial reason for this extension was that less than a third of the total population in JJ clusters in Delhi had been eligible for redevelopment. While the cutoff decision was ultimately extended to June 2009, by way of a cabinet decision in February 2013, there is no clarity as to whether this will work retroactively. Furthermore, while procedures of enumerating the eligible have taken place, residents are still unsure of the results.

In order to determine eligibility, the DDA has conducted three surveys among the colony over the past three years. Each dwelling unit was provided with a number designation²⁴. The upper units were given sub-designations (for example: the units on the ground level were assigned a number such as 234 and upper units marked 234A, 234B). Exclusion from resettlement is not based just on the absence of valid identification papers but also whether the structure you live in is on the ground floor or on the upper levels. For the most part, this implies that renters and owners alike that live on the upper floors are excluded from rehabilitation. It is unclear where these residents are expected to go once construction begins.

Theory

Culture of Legality

Within the scholarly discourse pertaining to evictions, Walter Benjamin's work on the violence of law is often discussed at length. While Benjamin's initial work (1978) focused on criminal punishment, his theory elucidates the similar capacity for law to be violent in the context of resettlement. In particular, his work highlights the ways in which violations of the law become reprehensible and problematized. He articulates two forms of violence, which are effectively perpetuated by the practice of law. The first type of violence is that embodied in the process of law-making which reinforces the authority of the state over those within its sovereignty. Following the work of Foucault, Ghertner has discussed in length the capacity for

²⁴ See appendix 6

the law to not be democratic and the tendency for categories to determine and frame issues at hand. Law-making and the creation of regulations and policies gives authority to the state to impose various forms of control and instate legal subject-hood upon the population (Benjamin 1978).

The second form of violence that Benjamin (1978) discusses is that which is embodied in the procedures of enforcing laws, enacted by the subjugation of citizens to bureaucracy, regulations, policing and the system of criminal justice. Simply put, law-preserving violence is that which ensures the enforceability of a rule of law. According to Benjamin, this is a form of violence that “insures the permanence and enforceability of the law” (Benjamin 1978, 295). In the case of Kathputli, the rule of law by order of the judiciary and court decisions threatens residents with demolitions of their nominally illegal homes in unauthorized or illegally occupied spaces. The only way for residents to then escape this illegality is through state sponsored resettlement and an acceptance of their own illegality in so doing.

In applying Benjamin’s theory, we can see that the violence of law in urban India is operationalized through the Slum Areas Act 1956, nuisance and trespass laws, as well as through urban development practices in the making and enforcing of master plans and zoning regulations (Roy 2011; Datta 2012 ; Ghertner 2013). This violence produces slums and squatter settlements that exist outside of legal jurisdiction, whereby special rules, codes, legislations and judicial rulings mark them as illegal and hence requiring interventions that are starkly different from the rest of the city. In Delhi this is seen in the use of the Slum Areas Act to demarcate specific slums for legalization or improvement as well as the appearance of numerous schemes pertaining to slum improvement and resettlement launched by the state, which construct slums as exceptional and outside the law. The violence inherent in this law can also be seen in the manner in which

private property and nuisance laws are used to criminalize slums and squatter settlements and to legitimize their removal through the judiciary. In doing so, the state retracts its responsibilities towards those in need of housing and basic services in the city.

These processes reaffirm to squatters, on a daily basis, the precariousness of their homes and lives in the city. They reaffirm to squatters that a violence of law is enacted not just in its making, maintaining and enforcing but also through the “uncertainty regarding one’s right to habitation” (Chatterjee & Mehta 2007) in the city. Interviewed residents indicated that resettlement was never a desirable outcome, yet in a context where their everyday lives are now increasingly shaped by the violence of law and urban development they had come to accept resettlement as the only way out of continuous uncertainty, anxiety, and temporality.

With an imposed extra-legal status, residents of Kathputli currently exist in a space between the rule of law and its imposition or enforcement (Comaroff and Comaroff 2006). Residents continually discussed during interviews that this means that they experience a persistent feeling of impermanence and insecurity. This anxiety is quite different from that which had been associated with consolidating their stakes or claims to urban space. These are anxieties that arise from the consistent threat of being labeled illegal and the new precedent of demolition established with the judicial rulings of the early 2000s (Ramanathan 2005). The acceptance of considerable reductions to their quality of life including a complete loss of livelihood in order to achieve formal legal status has been well documented in the resettlement community of Savda Ghevra by Ursala Rao (2011). The anxiety and the recent emphasis on legal action can amount to residents accepting their illegality in order to receive legally secured homes, regardless of the social costs incurred.

Once their dwellings are understood within a legal context, many of the informal systems

of governance that up to that point prevailed within the colonies are disbanded. Governmental programs sponsoring in-situ upgradation and peripheral resettlement, which have been in operation in an ad-hoc manner and for short durations, have directly supported the initiative of the urban poor to hold on to their plots. Understandably, these poor people have come to enjoy a sense of perceived security, due to no major relocation or eviction having taken place during the two decades after 1977 (Bhan 2009; Chalana and Rishi 2013).

These trends along with relaxed attitudes among officials towards wide-scale violation of the Master Plan and related laws for decades has boosted the growth of slum populations in certain areas within the city. Without romanticizing the state of things, some scholars have discussed the intricate systems of organization and planning that are often present within informal housing and de facto tenure systems (Varley 1987). Furthermore, as James Holston (2008) has noted from his studies in Brazil, these informal spaces are frequently subject to a host of formal processes, and informal spaces are by no means always illegal, unregulated, or for that matter even untaxed. Informal and illegal are relational, cultural and social demarcations that can and should be understood for their political implications and potential usage towards particular political ends.

Residents in this case strive to be seen as legal and to reframe their entitlements and claims to space, and therefore they must accept resettlement as the only means of escaping identification with illegality. The law does not necessarily become a means of bringing about just outcomes so much as being the only means of continuing to reside and survive in Delhi. However, upon acknowledging their presence as illegal, they relinquish any of the bargaining power or leverage they may have held due to informal forms of ownership and tenure.

This so-called “culture of legality” (Comaroff 2006) pervades Delhi and has come to dominate the discussion regarding the demolition of squatter settlements. Once framed in this manner, the discussion shifts from being one about the public use and public value of space to being narrowly defined by legal categorizations. The informal systems, which had helped organize and determine ownership within settlements were completely disregarded when determining eligibility for resettlement as proof of tenancy. Instead, being the head of a household became the sole determinant of future entitlements.

Typology of Informality

“At the heart of the question of land tenure, at all times and in all countries, lies a paradox. Land is essential to all human activities, limited in quantity, immobile and permanent. Surely it is, by its very nature, a public good.” (Doebele 1987)

Land rights or legal tenure security (de jure) is one of the principal arguments pertaining to the illegality of squatter settlements. Unlike some other forms of slums and informal areas, squatter settlements, as noted previously, lack legal tenure to the land upon which they are situated. Privatization is not an innate quality of space. Land ownership by individuals is not necessarily a novel means of ordering space, but the preoccupation with this quality and the subjugation of other competing forms of claims to land has been fairly recent. The preoccupation with the law and the legal liberalism, what Comaroff (2006) refers to as the culture of legality, has made the distinction of informal and illegal particularly important. Laws take dominance over pre-existing order and legality takes on a whole new significance. The urban poor are then forced to forego the social capital they’ve built within their communities and question historically founded notions of organization.

Informality is understood as a system of spatialized practices (Roy 2003), wherein organization is achieved through parallel systems contrary to yet also produced by the modernist

planning paradigm (Roy and Alsayyad 2004; Roy 2005) as well as through the social networks and sometimes clientelistic relations that informal residents use to procure access to certain goods and basic utilities (Simone 2004). The transformation of urban governance associated with late capitalism defines and limits the potentials of future development (Harvey 1989).

According to a report by UN Habitat titled “The Challenge of Slums” (2003), slums do not formally exist. Modern planning paradigms fail to incorporate their presence within maps or represent them within the jurisdiction of public services. Officially, the brick and mortar structures that densely fill these areas do not exist within that formal void, or rather, they do exist but only in parallel to these formal arrangements as informal and unregulated systems of power and organization. De facto means of adjudicating and establishing security for inhabitants are entrenched in these squatter settlements, which often compete and overlap with each other.

Ananya Roy has been particularly notable in pointing out how informality is produced and maintained by the state as well as how state power determines what is subject to informality designations and what is not. This point is particularly important to understanding how and why relations between formal and informal entities are perpetuated and sustained through the violence of the law and urban development policies.

It is therefore imperative to distinguish between what is informal and what is deemed illegal. While informality and illegality may intersect along various lines within a given slum, they do not carry the same meaning. The UN Habitat Report (2007) has served as a seminal document highlighting the growth of slums worldwide and the separation of policy and practice. The report makes an attempt to elucidate the failures of the legal/illegal dichotomy by describing commonalities among informal spaces, but acknowledges that not all informal spaces are illegal and argues that informal spaces tend to become homogenized instead of being understood as

heterogeneous spaces, often with varying levels of security and need for intervention. The UN classifies slum typologies based on morphology, and really only JJ clusters are considered illegal. It is therefore important to understand the perceived rise in the prevalence of slums along with the ways in which the state categorizes them. Additionally, there are various manifestations of informality in modern planning paradigms, but it is only the squatter settlements wherein individuals occupy land they do not have legal rights to that have come to be viewed as ‘illegal’ in places like Delhi. Ultimately, informality can be a product of a multiplicity of different circumstances, but it is only once zoning and land orders become central to planning that ‘illegality’ becomes significant to informal residents of Delhi.

Since zoning and land use laws have become central to urban development and planning, the absence of these formal systems in a replicable form implies that they become targets of forced eviction from public land. There are a host of typologies of informality, with varying levels of illegality associated with them. Squatter settlements, which are denoted by the DMP as JJ clusters, consist of settlements built on public lands and exist outside formal processes. They tend to have low quality structures in addition to a general lack of services. Currently, it is suggested that nearly 20 percent of the population resides in these types of areas. JJs are considered both informal and illegal. Alternatively, slum designated areas are those that are denoted under statutory status following the 1956 Slum Area Act in India. These range from historic neighborhoods in disrepair to JJ clusters, granted eligibility for formal intervention in terms of infrastructural improvement or housing.

Unauthorized colonies can often be up-scale modern constructions that lack state validation, those that fail to adhere to building bylaws, or those built in zones not intended for residential constructions. Some unauthorized communities have also been retroactively granted

legality or regularized even though they had initially been constructed informally or illegally. Exceptions have been extended on numerous occasions by the DDA to formalize informal dwellings.

Type of Settlement	Estimated Population in 2006	Percentage of Population Total
Jhuggi-Jhopri Clusters	2.448	14.8
Slum Designated Areas	3.148	19.1
Unauthorized Colonies	.874	5.3
Resettlement Colonies	2.099	12.7
Rural Villages	.874	5.3
Regularized-unauthorized colonies	2.099	12.7
Urban Villages	1.049	6.4
Planned Colonies	3.909	23.7

Source: Delhi Development Report 2008 (Delhi Water Supply and Sewerage Project Preparation Study Report)

Table 1 presents a typology of settlements from the National Economic Survey of 2008/2009. The table reflects the complexity of informality in Delhi today. All of these areas can be categorized as slums, yet the ways in which inhabitants of these areas experience and engage with the law are starkly different. Since urban development has come to be governed by zoning and land-use laws, absence of formal land rights has often resulted in the forced eviction of squatters from public lands. Once the judicial branch determined that residents lacking formal claim to land were to be illegal as opposed to solely informal occupants of land, resettlement of residents to city peripheries of Delhi became considerably more common. As the status of squatters were redefined by the judiciary and thereby criminalized, their entitlement or access provided by living in the city was subordinated. The law effectively stripped and destabilized the order that had been established. In essence, the law has become what Benajamin (1978) calls “violent” toward residents. The state has the power to determine when and where a collective living arrangement is informal and what is not in addition to determining what forms of informality will thrive in Delhi (Roy 2005). Therefore, the ambiguity of planning is not a failure

of the state, but rather a feature of it, one which is actively employed to govern urban areas as a logic of resource allocation (Roy 2009).

Status quo between the formal and informal city is sustained through founding and maintaining violence of law and urban development policies. While informality and illegality often times overlap and intersect in squatter settlements, they are not synonymous. Informality, defined as the lack of legal or institutional formality, may refer to the ways that housing, services, infrastructure and employment are accessed outside of formal mechanisms. Informal settlements are not always unplanned or illegal. They do not always exist outside of formal processes either.

According to the Master Plan for Delhi, Kathputli Colony is a JJ cluster, which implies that, as a whole, regardless of the specifics of individual families, it is a colony of residents living on land they do not legally own. Although many residents were eligible for resettlement being that they had settled there before the cut-off date.²⁵ Eligibility becomes difficult to fully grasp as it shifts when various offers by government bodies are made, making the resettlement process increasingly opaque. Residents come to understand the inevitability of resettlement, but never within the exact terms of a timeline. According to Benjamin (1978), once the law has determined that their very existence was illegal, they must then live out their time until resettlement, knowing their identity as illegal residents, internalizing the implications, and narrowing the potential resolutions until they view resettlement as the only solution to escaping illegality.

Fracturing Citizenship

Within the Constitution of India, the right to shelter is indirectly recognized as a fundamental right that springs from the right to residence under Article 19(1)(e) and the right to

²⁵ Eligibility cut-off began as 1989, but has subsequently been revised.

life under Article 21. Until the 1990s, the courts often passed stay orders that prevented forced evictions of slum dwellers (Ahuja 1997) or passed judgments showing some understanding for the living condition of the poor and the responsibilities of municipal authorities that summoned the latter to provide civic services to slum dwellers (Ghertner 2008). However, since 2000, the courts have actively reversed a span of progressive judgments through a series of anti-poor sentences, especially in Delhi (Ramanathan 2006, Ghertner 2008). Supreme Court rulings in Indian cities have labeled slum dwellers as illegal and as pickpockets inhabiting unauthorized structures on urban land and thus ineligible for any compensation or resettlement by law. This valorization of the intentions of squatters masks the real and everyday exclusions in the lives of those who are resettled (DuPont 2013).

Some scholars have noted the implications that a culture of legality may be having on conceptions of citizenship, relations with the state, and ideas of the ‘public good’,

Such transformations have generated profound uncertainties about many aspects of citizenship which only recently seemed secure: uncertainty about the community of allegiance, its form of organization, manner of election and repudiation, inclusiveness, ethical foundations, and signifying performances; uncertainty about the location of sovereign power; uncertainty about the priorities of the right and the good; uncertainty about the role of cultural identities increasingly viewed as defining natural memberships. (Holston and Appadurai 1996: 188)

Since the latter half of the twentieth century, democratization has been heralded as a means of generating equitable institutions and overcoming the inefficiencies of centralization. This process, in conjunction with the use of nationality as a means of establishing citizenship,

has theoretically brought about new potential for inclusive social orders (Marshall 1950). Paradoxically, the espousal of this paradigm for governing relationships among individuals with each other and those between individuals and the state as having the potential to disrupt established formulas of rule and class which consequently produce social and political instability have been thoroughly documented as well (Isin 2007; Benhabib 1996). States have used citizenship as an identity which situates and subordinates all other forms of identity, including religious, familial, gender-based, ethnic, and cultural, within the framework of a uniform body of laws and legal institutions (Holston and Appadurai 1996).

Just as this process has aimed to produce national identities, it also seeks to remove ties to other identities or memberships in the pursuit of universal citizenship. Some scholars have addressed the tendencies of equal citizenship to homogenize the substantive differences amongst minorities, thereby enforcing assimilation and oppressing alternative or subaltern cultures and ideologies (Pateman 1989; Roy 2011). In India, the social and political struggles of individuals and groups have actively employed this framework in order to articulate claims on the state with reference to rights entailed in citizenship regimes. Contemporary democracy therefore challenges the natural rights or preexisting hierarchies by positing the legitimacy of claims based on use, practice, productivity, settlement and custom – which in theory and by law – privilege no single ideology over another (Holston 2011).

Although one of the essential aims of national citizenship has been to dismantle the historic primacy of urban citizenship, due to the convergence and concentration of interactions in cities, it remains the strategic arena for the development of citizenship (Holston and Appadurai 1996). Cities conflate identities of territory and contract with those of race, religion, class, culture, and gender to produce both progressive and reactionary political movements. In Delhi,

the nation itself is no longer the sole arbiter of citizenship (Roy 2003). As a result, the project of a national society of citizens, specifically liberalism's twentieth-century version, appears increasingly discredited. Although the nation may maintain the shroud of citizenship, the substance has been so changed that the emergent social morphologies are radically unfamiliar and in effect force a reconsideration of the basic principles of membership.

Movements to address the prevalence of poverty, the proliferation of deplorable conditions in urban slums alongside skyscrapers, and increasing disparities in income can force the state to respond to new social conditions of the working poor. These movements create new kinds of rights outside of the normative and institutional definitions (understood as formal) of the state, as new citizenships and economic identities (working classes) are brought under the formula of right. This ultimately amounts to much more than a mere expansion of beneficiaries of socio-economic rights—it is a reconceptualization of citizenship. Rights become understood as an aspect of social relatedness as opposed to an inherent and natural property of individuals. Consequently, citizenship has resurfaced as a central format of struggles for justice and social well-being.

In Delhi, ownership of property in the post-colonial context has increasingly become an essential component of, and claim to, various levels and kinds of social membership. People who do not own property are made to appear invisible, politically powerless, and economically irrelevant. This is hardly surprising given that property rights, and the capacity to own property to the exclusion of others, are central pillars of modern legal liberalism and lie at the heart of social contract theory governing people's relationships to each other and the state.

Interviews revealed that residents of the squatter settlement now realize that struggles for legitimacy cannot be achieved through political patronage or informal means, but rather must be

through explicit engagements with the formal legal processes of the state. Law has become a resource for seeking certain rights, while past precedent is argued as a means for bargaining to begin with. In other words, past precedent is used to justify a legitimate place at the urban table, as formal laws are increasingly adopted. At this very moment, residents of Kathputli are caught using what has now become illegal means in order to access legal rights.

Evidence (sample, sites, approaches)

Methodology

All of the interviews informing the research presented here were collected during a three-week period in August of 2013 from the residents of Kathputli colony. In total, nearly 30 interviews were conducted during this time. The majority of the interviews were one-on-one although not necessarily private; discussions on the topic often provoked passersby to join in or listen. Since all but one of the interviews were conducted in Hindi, I relied heavily upon the assistance of fellow researchers Susmita Rishi and Manish Chalana, who translated during the interviews when possible.

Interviews consisted of 8-10 questions pertaining to the resettlement and their individual history in the colony. Many of the questions were open-ended or had follow-up questions, which provided residents with opportunities to expound on the particulars of their experience or share additional insights on the matter.

I was fortunate to have joined a research team that had already developed working relationships with a number of individuals within the colony who ultimately acted as guides through its narrow passageways. Due to the sensitivity of the subject matter, sampling was reputational and respondent-driven. Each day, contacts would identify individuals within the colony who held political clout within their region of the colony, often clout associated with their

geographical origins. This method was used in conjunction with purposive sampling, where we sought out respondents based on age, gender and occupation.

Sample and Survey Questions

The questions posed covered a gamut of topics exploring respondents' relationships with their dwelling. Since we were particularly interested in understanding the ways in which individuality was identified through space, many of the questions inquired about the subjectivities produced by their dwellings.

The initial set of questions aimed to determine if respondents held any knowledge about whether or not their current dwelling unit and the duration of their residence there correlated with the proposed resettlement. In other words, we wanted to understand more about how current space translated into state sponsored resettlement. Questions included:

- How long have you lived here? Tell us about your family history and how you came to live in Kathputli?
- Do you own the dwelling within which you live? Who are your neighbors? Where does your extended family live?
- What do you know about the plan to rehabilitate the colony? How and when did you find out about it?
- So with the rehabilitation scheme of the DDA, do you know much about it? What do you know? How many apartments/flats do you expect will be given to the community/your family?
- How did the DDA determine who gets apartments?
- What happens to the people who don't get apartments? Where will they go?

In the first series of questions, we often learned that there was a great deal of uncertainty and distrust with the resettlement scheme. Although statutorily guaranteed resettlement, many felt that requirements associated with proving eligibility and inequalities created by the uniform

provision of resettlement flats failed to account for their relative wealth or the representative value of their current dwellings were unreasonable. The next objective was to understand more about the process community engagement and what steps, if any, had been taken to increase involvement in the decision-making. Additionally, we sought to understand how value was determined within the informal areas; not just use-value but also land covered and location:

- What has been the role of the people in the decision-making process? How were you involved personally?
- Do you know what the apartments look like? If yes, then how did you find out?
- Here in Kathputli you live in a single or double-storey structure, but you are being rehabilitated into high-rise apartment buildings. What are your thoughts on this change? Do you think life will change? In what ways?
 - What will you do differently?
 - What would be the ideal solution?
- So do you know if these apartments are free or if you pay for them? How much? Are they leased or freehold?
- Would it be preferable to be settled in a place like Savdha Ghevra or the apartments?
- From the DDA's point of view, this land does not belong to residents. Why should you be entitled to anything at all?
- What, if anything, do you like about living in Kathputli? What things need to be fixed or are problematic for you?

These questions yielded a good deal of what we came to understand about identity in relation to space and informality. Additionally, they also evidenced a good deal of turmoil and contention between residents. Oddly enough, it became evident that residents were directing much of their resentment in the resettlement process not toward the governmental bodies overseeing their resettlement but toward one another and questioning the eligibility of other marginalized residents. Over time we learned of various attempts by Raheja Developers and the

DDA to contact various colony leaders in secret, leading to distrust and divisive politics within the colony. The next set of questions aimed at understanding this relationship:

- Is there unity amongst residents here? Do you think you all have similar goals/outlooks?
- So all these meetings have been taking place with the officials, with DDA, with Ajay Makhan, why are things not moving forward?

Site

Kathputli was selected as a case study site because it evidences the initial steps of implementation of an in-situ slum rehabilitation project under public-private partnership, the first of its kind in Delhi. For this reason, the research is primarily exploratory in nature, extrapolating new ideas and questions for the future of resettlements in Delhi. The research was also descriptive in that it clarified the sequence of stages in the project and documented the history of the colony itself.

Strengths and Weaknesses

The timeframe in which the interviews were conducted is both its greatest strength and its greatest weakness. Although the most recent plan for resettlement was proposed in 2009, notices of impending evictions and demolitions were posted during the time of the interviews, thereby evoking a renewed sense of anxiety for residents. By conducting open-ended interviews, much was revealed to us about the impacts of informality and illegality on residents.

Since the intent had been to capture the sentiment of the squatters themselves, we did not focus much on other parties involved. Creating a stakeholder map and interviewing all other NGOs, CBOs and governmental officials would greatly enhance the research.

Citizenship is also a fairly diffuse concept. Though we frequently have a visceral response to the idea of citizenship, often times we associate it with broad and sometimes

conflicting concepts. For this reason, citizenship was a challenging topic to address directly.

Many of the interviews and discussions contained ideas such as rights, entitlement and belonging that often times served as proxies for citizenship.

Law and Policy of Resettlement

Between 1998 and 2011, at least 100,000 homes were demolished in Delhi, effectively displacing over a million people around the city under 'slum clearance' schemes (Bhan 2013). Less than a quarter of these evicted residents were provided with alternative resettlement sites or compensation for their former residence. The few fortunate enough to be eligible for resettlement were often relocated to dwellings with conditions that were grossly inadequate (Rao 2011). Services were significantly under code and the majority of the sites were unrealistic distances from opportunities for employment. Whether resettled or rendered homeless, many of these evictions perpetuated cycles of poverty – leaving the urban poor in noticeably worse situations and often times stripped of what savings and assets they had accumulated (Rao 2013). These evictions mark an important paradigmatic shift in the urban politics of Delhi, specifically how the urban poor are adjudicated, identified and governed (Ghertner 2005). This shift explains both the rising frequency of evictions as well as their reception and portrayal in the media.

Unlike past evictions, this recent surge has not been the result of central planning directives or municipal initiatives intended to reorganize urban space. In fact, over the last three decades, the High Court of India, one that has historically been known for being sympathetic to the poor, has ordered the evictions (Bhan 2013; Baviskar 2003; Ramanathan 2005). Whereas the decision to evict individuals had previously been the almost exclusive domain of Delhi's various landowning agencies, specifically the DDA, these agencies had little to do with determining the legal and political status of such informal settlements. Consequently, the policies and procedures associated with evictions were neglected as demolitions were carried out in an altogether different manner. Many of the colonies that were demolished during this period were targeted by public interest litigations (PILs) filed in the Delhi courts by neighboring non-poor resident

welfare associations (RWAs) claiming that the existence and appearance of these slums compromised their rights as citizens (Ghertner 2012, Sundar 2011). PILs that have impacted squatter settlements have focused on Article 21 of the Fundamental Right, which declares that “no citizen can be denied his life and liberty except by law”, and the exceptional status of squatters has been repeatedly evoked in order to prioritize middle-class or property-owning rights.

In other words, though inhabited by rights-bearing citizens, the space that these slum dwellers lived in became illegal and therefore eligible for demolition by evoking ‘nuisance’ and ‘environmental’ concerns (Roy 2009). Being that many of the demolished colonies were located on public lands, this marks an important development in the way public resources are viewed in light of ‘public interest’. Since the majority of those evicted from their homes were determined to be illegally occupying public land, they were then considered to be outside of the jurisdiction or legal purview of existent policies and protections pertaining to resettlement.

How then do we account for this shift in the legal definition of informal occupation and public interest? Some have attributed this shift to the power of a growing middle class and a consumer-driven economy (Roy 2003; Mawdsley 2009; De Angelis 2010). Others have pointed to the world-class aspirations of politicians and their commitment to the image of Delhi as the window into India (Dupont 2004). As (Ghertner 2011) suggests, the mechanisms through which the change is taking place are themselves changing. The PILs through RWAs are a new form of addressing public interest concerns and they employ an altogether different justification for eviction than those of the past. However, these evictions without resettlement or compensation are indicative of a larger critical shift in the ideological underpinnings of Indian urban politics and in particular how the poor are represented, governed and adjudicated. In order to more fully

understand this shift, a series of cases since the 1980s will be explored in order to demonstrate how the judicial system of India has taken a markedly more aggressive and less sympathetic approach to the urban poor. In particular, these cases evidence an altered understanding and ethically-based subordination of the rights of the poor and a shifting governmentality likely rooted in market liberalization, legal formalism and the diminishing role of the Nationalist Development state during the 1980s and 90s.

Defining Slums

In the sense that an individual other than the titled landowner has built tenements without the consent of the legal holder of the land, informal squatter settlements in Delhi are by no means a novel phenomenon (Legg 2006). Informal space and settlements in a city as old as Delhi have a complex history and the way that we define and categorize them today is largely dependent upon the evolving conceptualization or perceived role of the state in administering land. The term “squatter settlement” is in fact a western-initiated and imported concept, derived from the writing of Charles Abrams and John C. Turner, and employed in India during and immediately after the Habitat Conference of 1976 (Jan-Baken, 2003). It may only be applied once there is a unifying or acceptance of a formal notion of rationalizing and organizing urban space according to a plan for development. Although intended to provide an orderly means of development and growth, upon transplanting the zoning ordinances and systems of growth management of a planning paradigm into India, a gap was forged between the official map and the actual lived space, rendering illegal the majority of the preexisting dwellings. Though some have the ability to adjust to this change, the poor often do not. According to a study from 2006, 75-80 percent of space usage at the time of the study infringed upon zoning laws and could have technically be considered informal.²⁶ What

²⁶ Mathur Committee Report 2006

we see then is both poor and wealthy citizens living in informal arrangements after modern planning techniques were adopted (Bhan 2009), yet it is only the poor who are now being targeted. In light of this, the legality of slums is but a construct of western theories of planning and therefore lacks any inherent legal status. Understanding how these areas became defined and then governed after independence is fundamental to the current drive towards demolition.

Until the early twentieth century, British colonists and elite public officials of Delhi assumed an attitude of tolerance toward informal land tenure and urbanization. Informal, migrant or transient settlements were considered a natural and in some ways desirable dimension of the process of industrialization. The migrant or reserve labor force that was generated by the emergence of the economic demands of the industrial city in the early nineteenth century was assumed to be a natural development (Potter et al., 2004, Escobar, 1995). When it came to planning and rationalizing the systems of production for exporting purposes, colonial powers insisted on importing ideas of property and public interest, while generally ceding authority in family matters to customary or canonical law of dominant religions²⁷.

In the decades of state-planned growth after Independence, nationalist developmentalism dominated the Indian political economy (Legg 2006). The welfare state growth model had a centralized, inward-looking economic outlook where the state theoretically provided all services, while the private sector and foreign capital were largely restricted. Faith in the cause and the development project of the state unified castes, sects and a multiplicity of other divisions that had existed in India (Baviskar 2003). Until the 1960s, there was little contention over displacement, since large infrastructure projects were understood by all to be an inevitable part of a larger development enterprise that would ultimately benefit all of society by sheer virtue of their citizenship. Industry housing, transportation, higher education and even consumption were all

managed directly by the state (Legg 2006). Nehruvian Developmentalism conceived of heavy investment in technology, infrastructure, and education as a means to achieve the collective goal of catching up with the West. Urban planning was to be secured through master plans, forged with the help of foreign experts, who were to impart modernity and build egalitarian communities through technologies of rational planning (Hull 2011; Sundaram 2010).

In the context of many Asian countries, the building of cities and their economies has led to the growth of informal cities that cater to the services required for a planned city. Cities attract a large, often informal, workforce for development without creating the required facilities for laborers to inhabit, hence the emergence of informal settlements of workers and service providers (Hull 2010). Squatting or informal land tenure served an important role during initial stages of industrialization. The reduced housing costs in effect subdued the wage demands of rural migrants. Although there were no guarantees of a better life in urban areas, migration to cities often provided mutually beneficial circumstances for wage laborers and factory owners and employers (Fernandes 1998). Additionally, the abundance of unused land in urban areas, whether publicly or privately held and often lacking alternative uses, allowed migrants to find relatively centralized living locations and see huge welfare benefits compared to rural locales (Escobar 1999). Even when land was privately owned, the government simply turned a blind eye to illegal subdivisions, production of crowded rooming houses, and other illegal commercial arrangements as the substandard situations often appeared acceptable to the poor as well as to those in the private sector that had become reliant upon their subsidized cost (Burgess 1978).

The urban poor aspired to fuller citizenship by seeking to utilize the various economic, educational, and social opportunities that existed in cities. They were the lowest of the national workforce, but they were Indians working for Indian national identity. As Delhi's history would

indicate, slum dwellers were largely laborers who constructed large parts of the city for those who could afford to employ their labor; they were the workforce who contributed to the glory of India by constructing the monuments and stadiums for international sporting events (Benjamin 2008). Certainly not insignificant factors in the calculations of politicians, slum-dwellers were an integral and substantial portion of the voting population. Beyond merely accepting their presence in urban areas, the original Master Plan for Delhi guaranteed 25% of urban land to development projects for the poor (Ghertner 2005). Ultimately, the promise of these massive development projects would turn out to be largely rhetorical as low-income housing remains consistently undersupplied in Delhi (Bhan 2009).

In this context, the urban poor were understood as the foundation of India's drive to modernize. Immediately after independence in 1947, the ubiquity of slums was considered a major national concern and one of national interest. Parliament enacted the Slum Areas (Improvement and Clearance) Act of 1956, a pioneering law that included measures intended to prove the old housing stock in certain cases and demolish dilapidated buildings in others.

The attempt to address and prevent the proliferation of squatter settlements also led to the enactment of specific laws and court judgments treating them as illegal encroachments and a cognizable offence. The Slum Areas Act also further delineated between notified and non-notified slums, or those likely to generate a new line of exclusion regarding eligibility in the provision of basic services. According to the 1956 Slum Areas Act, the government was responsible for "...the protection of tenants in such areas."²⁸ Once a settlement was determined to be a 'slum', it categorically entitled residents to an improved dwelling unit and a formal claim to the city. As some scholars have pointed out, during this era slums were aestheticized in

²⁸ India, *Slum Areas Improvement and Clearance Act, 1956*

a different manner (Roy 2011). According to the law, a slum area is one where “buildings in that area: (a) are in any respect unfit for human habitation; or (b) are by reason of dilapidation, overcrowding, faulty arrangement and design of such buildings, narrowness or faulty arrangement of streets...” Once these conditions have been identified, the area must then be notified as a slum. Their dwellings were also understood as proper housing that needed assistance instead of as illegal encroachment structures. The laws in Delhi intended to deal with slums provided for the re-induction or resettlement of the tenant in the premises after the repair or reconstruction of compromised or dangerous structures. However, none of the 1956 Act applies when the tags of “illegality” or “encroachment” were attached to a set of habitations.

By the 1970s and 1980s, faith in state-led development and growth had been shattered by poor economic growth rates and the slow decline of poverty. After a domestic economic crisis led to the adoption of liberalization and economic reforms in 1991, the story changed. National economic growth at rates between 7 and 9 percent have consistently held since the late 1990s and the Indian economy has expanded rapidly at the same time as lowered restrictions have opened up its markets and its people to an incredible influx of consumer goods and services, media, and images of the world. The “licensing Raj” has given way in urban India to a rapidly growing service-and-consumption-centric economy, intent on claiming its place on a global stage.

Until the 1990s the courts often passed stay orders that prevented forced evictions of slum dwellers (Ahuja 1997), acknowledging the lack of alternatives and the depravity involved with the living condition of the poor in addition to the lack of fulfillment of responsibility on the part of municipal authorities. In some cases, the failure of municipalities led to specific cases in which the government provided civic services to slum dwellers (Ghertner 2008). Reversing a span of progressive judgments, the Supreme Court and high courts later passed a number of anti-poor

sentences in the 2000s, especially in Delhi (Kothari et al, 2006; Ramanathan 2008) Nonetheless, views that are more favorable to the right to shelter for the poor reappeared in recent judgments and policies regarding slums (Dupont 2009; Ghertner 2008). Faced with the extent and persistence of sub-standard and squatter settlements, the governments and town authorities have implemented various types of ad hoc interventions: provision of basic services as part of larger poverty alleviation programs; resettlement on alternative sites, with housing or merely site-and-service programs; and in-situ rehabilitation.

In an effort to address differences within national territories, liberalism replaces the notion of common good with the *priority of right over good*. Along with democratization came the notion of legal liberalism, which used legal institutions to reconstitute and codify citizenship. In giving primacy to formal ‘western’ legal institutions, the potential of privileging one identity or definition of ‘the good’ over another was believed to have been eliminated (Isin 1999).

In elevating the priority of right, liberalism in effect opposes the regulation of society using communal ends or needs, which ultimately has the potential to forgo individual rights for the sake of the general welfare. Citizenship is no longer based upon constitutive ends but rather upon procedural means of justice, which ensure that no particular end is privileged over another. This is intended to enable citizens to pursue their own ends. Criticism spurs from the fact that this new contract relies in theory and in practice on a notion of shared allegiance with fellow citizens, which in reality it renders more difficult. Without prior formative attachments and commitments to family, culture, ethnicity and religion, people cannot achieve the moral depth that the liberal compact requires.

National Urban Housing and Habitat Policy 2007

The National Urban Housing and Habitat Policy 2007 states its goal as “Affordable Housing for All” in the country. It promotes various types of Public Private Partnerships and

pays special emphasis on the urban poor, intending to promote sustainable development of housing in the country with a view to ensuring equitable supply of land, shelter and services at affordable prices to all sections of society. The policy focuses on multiple stakeholders—the private sector, the cooperative sector, the industrial sector for labor housing and the services and institutional sector for employee housing. To attain the overarching goal of affordable housing for all, emphasis is laid on urban planning, increasing supply of land, use of spatial incentives like additional floor area ratio (FAR), transferable development rights, increased flow of funds, effective solid waste management and use of renewal sources of energy. Encouraging integrated townships and special economic zones (SEZs), the policy calls for reservation of 10-15 per cent land in every new public and private housing projects or 20-25 per cent FAR whichever is greater to for EWS and LIG housing through appropriate spatial incentives.

The private sector would be permitted assembling land within the purview of master plans. The policy also sets action plans for urban slum dwellers with a special package being prepared for cooperative housing, labor housing and employees housing. The primary choice would be to give provision of shelter to urban poor at their present location or near their work place. The approach taken will be in-situ slum rehabilitation and relocation will be considered only in specific cases. The policy would also promote micro finance institutions at state level to expedite flow of finances to urban poor. The current budget allocates aside Rs. 3973 crore for the different projects addressing the needs of housing for the urban poor. The role of housing and provision of basic services to the urban poor has been integrated into the objectives of the Jawaharlal Nehru Urban Renewal Mission (JNNURM).

*Olga Tellis Vs. Bombay Municipal Corporation*²⁹

In July of 1981, the Bombay Municipal Corporation (BMC) and the State of Maharashtra undertook a massive eviction and demolition campaign in an attempt to uphold its discretionary duty to remove “obstructions and projections in or upon streets, bridges and other public spaces.”³⁰ In this landmark case, the BMC claimed that slum dwellers and pavement dwellers throughout the city were creating congestion in public spaces and therefore imposing upon the rights of citizens of Bombay to walk on sidewalks. The pavement dwellers meanwhile contended that they had come to the city for purposes of employment, and if they were to be evicted, it would amount to depriving them of their livelihood. Livelihood was linked to the right to life itself, which was guaranteed by Article 21 of the Constitution of India. In the court’s ruling, they affirmed the right to employment, and an eviction without consideration of an alternative would be a deprivation of livelihood; “...the right to livelihood is an important facet of the right to life.”³¹ Even though the BMC was constitutionally correct in their position, Chief Justice Yeshwant Vishnu Chandrachud recognized that the decision to migrate from rural areas to Bombay was not an easy one. In so doing, slum dwellers deserted ‘their hearts and homes in the villages that struggle for survival.’³² The chief justice referred to Article 39(a), in his opinion which affirmed that livelihood was indeed a right of any Indian citizen. Chandrachud went on to say that the urban poor do not “...claim the right to dwell on pavements or in slums for the purpose of pursuing any activity which is illegal, immoral or contrary to public interest. Many of them pursue occupations, which are humble but honourable.”

²⁹ *Olga Tellis v. Bombay Municipal Corporation* (1985) 3 S.C.C. 545

³⁰ Khotari, J. “Right of Housing: Constitutional Perspective on India and South Africa” (June 2001)

³¹ *Olga Tellis*, *supra* note 11, paragraph 56

³² *ibid* paragraph 79

According to historian Bhagwan Dua, Chief Justice Chandrachud was elected while the Janata Party was in power, which had taken power from Congress shortly after The Emergency from 1975-77. Chandrachud presided over the Habeas Corpus hearings of Indira Gandhi, which likely tempered his disposition toward squatters.³³ Yet, Regardless of the rights affirming rhetoric of the Chief Justice, ultimately, Chandrachud admitted that Article 21 of the constitution did not amount to “an absolute embargo in the deprivation of life or personal liberty.”³⁴ The court could not stop the demolitions, but they did insist that the agency responsible for the eviction make a substantial effort to resettle the displaced. The pavement was unequivocally public property and was therefore never intended for private use. Regardless of any alternative use, it was held that the pavement dwellers were not to be privileged over the “legitimate and lawful” uses of public space of other citizens. Furthermore, “if a person puts any public property to a use for which it is not intended and is not authorized so to use it, he becomes a trespasser.”³⁵

Meanwhile, in another Supreme Court case in 1985, *K. Chandru vs. State of Tamil Nadu*, the court held that the right to life conferred by Article 21 is wide reaching and “...does not merely mean that life cannot be extinguished or taken away...no one can live without the means of living, that is, the means of livelihood.” As for resettlement of those who were to be evicted, “Since Madras has a late monsoon, we direct the pavement dwellers in the city will not be evicted before December 31, 1985 [3 months after reaching their verdict].”³⁶ Furthermore, “The State Government will do its best to provide alternative accommodation to those amongst them who are able to show that they were living on pavements before June 30, 1977.”³⁷ In this verdict,

³³ Dua, B. D. *Presidential Rule in India: A Study in Crisis Politics*. United States. 1979. Print.

³⁴ *ibid* paragraph 56

³⁵ *ibid* paragraph 59

³⁶ *K. Chandru Etc.Etc vs State Of Tamil Nadu & Ors* on 10 July, 1985 paragraph 108

³⁷ *ibid* paragraph 108

we see two legal precedents in dealing with evictions; first, a cut-off date for proving occupancy and second, a meaningful time buffer provided to slum dwellers before demolitions would take place.

In these judgments, we see a complex, but crucial link developing between ‘honorable’ slum dwellers and ‘trespassers’, even as the court sympathizes with the plight of the poor. The judgment also reflects the attempt of the court to ground the right to shelter within the fundamental rights framework, while yet allowing the state the power to clear the streets and spaces in the interests of urban order.

*Lawyers' Cooperative Group Housing Society vs Union of India*³⁸

In the 1990s, the judiciary of India started to evaluate the urban space occupied by the poor in a noticeably different manner. In an eviction case, not unlike the ones mentioned previously, Justice Bhupinder Nath Kirpal said that, “It appears that the public exchequer has to be burdened with crores of rupees for providing alternative accommodation to Jhuggi [slum] dwellers who are trespassers on public land.” Kirpal’s statement indicates that the responsibility of resettlement was overly burdensome and inequitable for taxpayers and the state. Kirpal’s opinion also included a direction that if resettlement is done, those resettled should not be given the land on leasehold, but on license “with no right in the licensee to transfer or part with possession of the land in question.” Not only were squatters identified as trespassers, and therefore not deserving of the states’ expenditures, but they were not responsible enough to be resettled on property that could freely be exchanged. Though it can be argued that this prevents the urban poor from exposure to potentially harmful market forces, it was implemented as a means of preventing those who were resettled from profiting directly from squatting.

³⁸ Lawyers' Cooperative Group Housing Society vs Union of India CW No 267 and CM 464 of 1993, Delhi High Court.

*Almitra Patel v. Union of India*³⁹

In February of 2000, while addressing a PIL on the management of solid waste, the Supreme Court made a judgment that has been cited regularly as justification for future evictions. As the capital of the country and the window to India for the rest of the world, Delhi “should be its showpiece”, however, “no effective initiative of any kind” has to date been effective in “cleaning up the city.” Continuing on the ruling from the case from 1993, rather than portraying informal settlements as a last resort for shelter, “[slums were] large areas of public land, usurped for private use free of cost.”⁴⁰ In fact, that ‘cost’ was being imposed on society, and continuing to mandate resettlement was unjust. In evaluating the refuse produced by squatter settlements, Justice Kirpal said that this could only be expected when “a large number of inhabitants live in unauthorized colonies, with no proper means of dealing with domestic effluents, or in slums with no care for hygiene.”

In Kirpal’s most quoted line from the verdict, he states that rewarding these systematic encroachments is like “giving a reward to a pickpocket.”⁴¹ Kirpal’s fellow Justices echoed this sentiment in a contemporaneous case, *Hem Raj Versus Commissioner of Police*⁴² in saying “...when you are occupying public land, you have no legal right, what to talk of fundamental right, to stay there a minute longer.” In other words, these decisions confirmed the ruling from the *Olga Tellis* case in the rights of certain individuals trumped others and other rights were forgone upon occupation of public land. The adoption of a discourse of illegality of slum and pavement dwellers undermines the validity of their claims to shelter.

³⁹ *Almitra Patel v. Union of India*, (2000) 2 S.C.C. 679.

⁴⁰ *ibid*

⁴¹ *Almitra Patel v. Union of India*, (2000) 2 S.C.C. 679.

⁴² *Hem Raj Versus Commissioner of Police*

During the early post-millennial decisions, the courts have refrained from holding the government responsible for its failure to provide low-income housing. Though the urban poor were technically entitled to 25 percent of urban area, the fact that there was a shortage of developed housing for the poor was neglected. When they did acknowledge state failure, they no longer interpreted it to mean that resettlement was therefore necessary. Almitra Patel and the other cases of the early 2000s mark the judicial moment when slum dwellers were officially identified as being 'illegal' and when cleaning up the city and preserving the 'public interest' was to be the primary task of the governmental agencies. In 2006, these decisions were cited when the Delhi High Court refused to stop demolitions even though most households in the settlement had no alternative resettlement sites. No more delays were permissible, the judges argued, because the land has "...uses that cannot be denied"⁴³, and the more settlements are removed, the "...more they come." When asked where the poor were meant to reside in the city if not in informal settlements, the judge said: "If they cannot afford to live in Delhi, let them not come to Delhi." The "promise of free land, at the taxpayers' cost, in place of a jhuggi"⁴⁴ was depicted as "a proposal, which attracts more land grabbers. In fact, it was "slum creation" and not "slum clearance" that was occurring in Delhi.

Conclusions

Case law from the Supreme Court of India throughout the past three decades has at times indicated a nuanced understanding of the systemic inequalities that face the urban poor of India. Definitions and the corresponding limits they put on who belongs, and on what terms have repeatedly been the subject of verdicts. In the Olga Tellis case, we see a sympathetic judiciary seeking a suitable outcome for all parties involved. At other times, namely the Almitra Patel

⁴³ Maloy Krishna Dhar vs GNCTD WP 6160 of 2003, September 21, 2005, Delhi High Court

⁴⁴ *ibid*

decision, the Supreme Court has shown considerably more contempt for slum and pavement dwellers. Some observers suggest that this trend toward a less accommodating judiciary means that notices of eviction and the hearing rights afforded to slum dwellers through PILs have been reduced to nothing more than a formality. In fact, many would argue that the creation of public interest litigation hearings, which were intended to provide a voice to the poor, have actually worked to the detriment of the slum dwellers in Delhi. These evictions were also prompted by decisions of the court and were not ordered by the city's planning authorities, its developmental authorities, or the city, state or central governments that jointly govern the national capital.

In 2009, the High Court of Delhi passed a significant judgment in the ruling of the *Sudama Singh and Others Vs. Government of Delhi* case. The four petitions filed in the case sought intervention of the High Court to relocate and rehabilitate slum dwellers from various clusters in Delhi. The petitions sought relocation to a suitable alternative location and provision of land with ownership rights pursuant to demolition of their dwellings. In a surprising verdict, the court established that the right to adequate housing must be read into the Fundamental Rights of all Indians.⁴⁵ The court emphasized in their decision that “Adequate housing serves as the crucible for human well-being and development, bringing together elements related to ecology, sustained and sustainable development. It also serves as the basic unit of human settlements and as an indicator of the duality of life of a city or a county's inhabitants”⁴⁶ In addition to making the crucial link between development and secure dwelling units for the poor, the court also referenced global standards, based on international legal instruments, thereby reminding the government of its international legal obligations. Additionally, the decision reiterates the important human rights principle of ‘indivisibility of rights’, which maintains that all human

⁴⁵ Paragraph 52

⁴⁶ *ibid* paragraph 26

rights are inter-related and must be addressed holistically. Any judgment must thus address rights to housing, livelihood, health, education, water, security and freedom of residence. Though this eviction case was one reaffirming instance amongst many others from the last 10 years in Delhi, it could be the beginning of yet another critical shift in thinking toward poor urban populations. Along with national policies that have been instituted to address resettlement, a new era may be in the process of being ushered in to repair some of the damage done throughout the 90s and early 2000s.

In February of 2000, while addressing a PIL on the management of solid waste, the Supreme Court made a judgment that has been cited regularly as justification for future evictions. As the capital of the country and the window to India for the rest of the world, Delhi “should be its showpiece”, however, “no effective initiative of any kind” has to date been effective in “cleaning up the city.”⁴⁷ Continuing on the ruling from the case from 1993, rather than portraying informal settlements as a last resort for shelter, “[slums were] large areas of public land, usurped for private use free of cost.”⁴⁸ In fact, that ‘cost’ was being imposed on society, and continuing to mandate resettlement was unjust. In evaluating the refuse produced by squatter settlements, Justice Kirpal said that this could only be expected when “a large number of inhabitants live in unauthorized colonies, with no proper means of dealing with domestic effluents, or in slums with no care for hygiene.”

In Kirpal’s most quoted line from the verdict, he states that rewarding these systematic encroachments is like “giving a reward to a pickpocket.”⁴⁹ Kirpal’s fellow Justices echoed this

⁴⁷ *Almitra Patel v. Union of India*, (2000) 2 S.C.C. 679.

⁴⁸ *ibid*

⁴⁹ *ibid*

sentiment in a contemporaneous case, *Hem Raj Versus Commissioner of Police*⁵⁰ in saying “...when you are occupying public land, you have no legal right, what to talk of fundamental right, to stay there a minute longer.” In other words, these decisions confirmed the ruling from the *Olga Tellis* case in the rights of certain individuals trumped others and other rights were forgone upon occupation of public land. The adoption of a discourse of illegality of slum and pavement dwellers undermines the validity of their claims to shelter. Additionally, the decision reiterates the important human rights principle of ‘indivisibility of rights’, which maintains that all human rights are inter-related and must be addressed holistically. Any judgment must thus address rights to housing, livelihood, health, education, water, security and freedom of residence.

Ignoring past case law, judiciary determined that squatting on public land was an act of ‘trespassing’ and therefore required action on the part of the state in order to ensure that the Fundamental Rights of the public who purportedly suffered from threats to their right to life via the degradation of the environment caused by squatters.

Though the case itself had serious implications for judicial precedent, it also contributed a good deal to the growing perception of slums as spaces of ‘illegal encroachment’ which had become widely adopted without the urban poor discourse. Led to the Delhi High Court calling municipal authorities into contempt for not having upheld the law. The decision therein transfers onus onto authorities to address what became a criminal offense instead of what had been a failure on the part of the state to provide the necessary housing and infrastructure to sustain a growing urban population.

⁵⁰ *Hem Raj Versus Commissioner of Police*

Instantiation of Citizenship claims

“....when I am abroad, I am a traditional Indian Artist, the pride of India. On the ration card, I am a below-the-poverty-level person. To the DDA, and everyone around Delhi, I live in Kathputli slum. I am a slum dweller. To these politicians I am a voter. Who am I? I do not know!”⁵¹

Introduction

Although in theory, full access to rights depends on membership to the nation state; in practice that which constitutes citizenship substantively is often independent of its formal status (Rajagopal 2006; Holston and Appadurai 1996). In other words, formal membership in the nation-state while ensuring formal rights is increasingly neither a necessary nor a sufficient condition for substantive citizenship. Beyond formal citizenship, individual identities are comprised of a multitude of substantive components; civil, political, socio-economic, and cultural. The concerns of establishing a national society of citizens and a national agenda become ostensibly less tangible as disparities of interest and access to resources diverge (Holston 2009). Though the urban poor make little explicit reference to rights of citizenship, they frequently discuss privileges or entitlements attached to their individual identities as Varun’s quote at the beginning of the chapter exemplifies (Sundar 2011). For these residents, a condition of formal membership without much substantive citizenship characterizes their existence. Certain rights are only conferred upon those with specific ‘formal or ‘legal’ status (Eckert 2011). Therefore, the differentiated citizenship⁵² or rights exclusions caused by being a ‘slum-dweller’ appear to citizens less as a failure of legal institutions and more as a moral failure. The widespread though

⁵¹ RS12, Interview by Susmita Rishi and Patrick Flajole, Oral Interview, 17 August 2013, Kathputli Colony, Delhi, *Understanding Shifting Patterns of Urban Informality in Delhi, India* project.

⁵² Differentiated citizenship is the granting of certain group-based rights that aim to create substantive equality in citizenship based on different histories, aspirations, and circumstances.

not universal, ownership of property restricts political citizenship to propertied individuals, while denying ownership as a citizen's right. Difference in this understanding stigmatizes certain identities instead of promoting an understanding of how circumstances can be the product of the values of the system (Das 2011).

The violence embodied in the uncertainty of habitation further perpetuates the myth and valorization of resettlement (Dupont 2013). This is because squatters, planners, and development professionals all know that the political patronage of the 1980s and 1990s that largely provided informal security and led to the rise in squatter settlements has now shifted to a state obsession with the rule of law (Ramanathan 2005; Bhan 2009). In this context squatters can no longer rely on informal assurances made by slumlords or politicians; rather a force of law produced and perpetuated by the state and judiciary is determining their future in the city. Thus while state-orchestrated slum demolitions are common across Delhi, the uncertainties and anxieties surrounding squatters' future home in the city is often circulated as a "politics of hope" (Datta 2012). This politics highlights not as a loss but as gain – a legitimate and legal future home in the city via the demolition and relocation of squatter homes to resettlement colonies in the city fringes (Chalana and Rishi 2014). Squatters are under no illusion that resettlement means the loss of their current homes in the city, but in a context of a 'culture of legality' it appears as their only option.

Founding Violence

After independence, citizen rights were organized around two different legal norms- the fundamental rights, which were considered to be legal and enforceable and were modeled on the United States Bill of Rights and include various universal and differentiated rights in social, cultural and political sphere (Galanter 1983). Alternatively, there are the Directive Principles of

state policy, which were intended to be non-binding and focused on socio-economic and cultural guidelines for state and legislative policy. Right to shelter was however left implicit through the Directive Principles. Shelter was therefore neither legally enforceable, nor guaranteed right to all citizens.

Founding violence of the Indian Constitution is exacted through the recognition of right to property as a Fundamental Right, meaning that those without legal rights to their land or homes could be justifiably removed by the State without further compensation. Although modern in the adoption and guarantee of equal rights through the Fundamental Rights, the Constitution produced socially and legally differentiated citizenship in public life where individuals were entitled to certain rights via their membership to structurally determined communities of identities (Roy 2003).

The intent had been to strike a relationship between ‘a set of ideal and formal rules’ and social practices; between ‘law’ on the one hand and ‘culture’ on the other’ (Khilnani 2005) Schedules Castes/Tribes were also allotted a 22.5 percent reservation of seats in Public Sector education and employment, as well as reservation in many state-funded development programs (Kaviraj 1991). Those identified as marginalized and oppressed in Indian society were meant to achieve development and progress through the State. Representation of those historically excluded from public debate and political life was expected to lead to material and economic transformations.

Modes of urban development can also be considered to be part of the founding violence of the Indian Constitution. Development was seen to be instrumental in bringing about justice. Justice was believed to be the eventual result of certain governmental policies that disproportionately benefitted and empowered the impoverished masses of India. Authors of the

constitution focused on removing social inequalities through law, but left the responsibility of formulating policies around economic inequalities on the state. Housing for the urban poor was to be dealt with through national and urban development plans. After independence, the National Planning Commission began formulating five-year plans. For the most part, they have been reactive in their approach to planning and dealing with EWS housing. The aim was to manage planning and growth of Indian cities.

By the Third Five Year Plan, the intention was to control the perceived haphazard and unplanned growth of cities like Delhi (Bhan 2013), but what made this growth haphazard or unfavorable? Attempts to enforce an orderly masterplan have led to many of the violent confrontations with squatters. Violent enforcement of master plans through demolition of squatter homes and resettlement of squatters, shapes everyday experiences of the power of 'law'. Law understood by urban poor through everyday experiences of the power of 'law' is then constructed through delaying of demolitions using bribes to corrupt agents of the state or in order to hasten/receive favorable judicial rulings (Datta 2012).

Law was used as a way of changing society, and it actively employed the constitution as the ultimate treatise on law. (Galanter 1988) The Indian Constitution also embodied the idea of judicial supremacy, in that the judiciary could strike down any law or policy proposed by the state deemed 'unconstitutional'. Although the Constitution delineates law-preservation and policies across institutions, the judiciary (in particular the Supreme Court) now had the final say in the interpretation of law and legal documents. Therefore in the interpretation of Article 21⁵³, various courts have ruled on the side of squatters in stating that no person will be deprived of their property apart from by law (Ghertner 2012).

⁵³ Right to life guaranteed by the Indian Constitution.

Some South Asian scholarship debates whether or not the state has survived in popular imagination, particularly among the working classes as the repository of social justice and rights (Kaviraj 1991; Alsayyad 1993). The State continues to be imagined as a distinct entity detached from political parties, bureaucracy or governance and a moral repository of rights in everyday life. This imaginary has led to what Chatterjee (2004) calls ‘moral rhetoric’ to demand ‘justice, equality, dignity, assistance’ from the ‘state’, even if the State can no longer realistically deliver any of these. However, this discourse pertaining to rights is significant even if the State cannot be imagined as the sole guarantor.

Many residents evoke the Constitution as the treatise of law and justice, which has been misinterpreted and wrongly enacted. It is not that the Constitution could be inherently flawed, rather the interpretation by politicians and institutions of the State. State policies and practices unfavorable to lower castes are understood by the poor to be unconstitutional since they go against the positive notions of discrimination adopted in the constitution. Ayona Datta (2012) during her work in a squatter settlement in Delhi found that low-caste participants were increasingly referring to housing and basic services as entitlements afforded through particular constitutional subjecthoods – as Scheduled Caste/Scheduled Tribe and minority communities. In order to stake claims, participants recognized that they would need to enact their identities according to those prescribed in the Constitution (Das 2011). Constitutional identities then became a performative force in the lives of those who must live by its regulations, procedures and categories (Sundar 2011).

Identity Politics

One of the most distinct contestants to the liberal citizenship notion has been groups organized around identity. Frequently these identities are those which liberalism relegates to the

private sphere, taking for example the objectives and popularity of the BJP party in India. Identity-based groups affirm the significance of a right to difference as an integral and indispensable component of the modern citizenship formation. Though uniformity is intended to bring members of the nation-state closer together, these groups argue that in reality, the majority must assert their difference in order to claim substantive citizenship. Although different treatment (caste status for example) can produce inequality, equal treatment (when conceived of as same-ness) discriminates against the values and identities that people find to be most meaningful to their personhood.

In recent times, according to the inequality of urban areas, the politics of difference has become significant and produces incompatibility with any notion of universal equality as the formative notion of citizenship. In effect, difference-based politics demand different treatment on the basis of their right to retain and realize their full potential and unique qualities, contributions, and historically formative practices (Holston & Appadurai 1996). Difference-based politics essentially argues that populations have been denied full opportunity because their values and identities produce different motivations and values for space for instance use-value versus exchange value in the case of squatter settlements (Roy 2007). Though the state proclaims value-neutrality by utilizing a system of uniform rights and a commitment to a legal system, difference is subdued along with their authentic and 'natural' character. The resultant claim upon others and the nation-state to recognize special qualities and accord 'special' rights in order to ensure their survival and well-being is the foundation of difference-based politics (Holston 2009).

Without doubt, the impact of identity politics or the politics of difference, is divisive and is having an impact on urban areas and definitions of national citizenship. By demanding the right to pursue their definitions of the good and proper life in the public sphere, these 'difference-

based challenges' question the liberal democratic conviction that the public arena should articulate all interests according to conditions that subscribe to none in particular. The politics of difference has become so intense because it proposes a basic change in the historical role of citizenship: it indicates the increasing disarticulation of formal citizenship as the principal norm for coordinating and managing the simultaneity of modern social identities in highly differentiated societies.

In 1989, V.P. Singh and the Janata Dal Political Party assumed leadership and began a process of legalizing squatters in Delhi with an emphasis on addressing the needs of scheduled castes/tribes and castes which had traditionally been marginalized or experienced systemic deprivations (Ghertner 2012; Dupont 2013). Although caste-based privileges have been written into the Indian Constitution within the Fundamental Rights, it was at this time that Kathputli Colony residents began engaging with their constitutional or public identities in order to appropriate public land, differentiating themselves from other slum dwellers. Singh came to power on a manifesto based on caste-reservations and was thus heralded by many of the urban poor who understood his political platform as a harbinger of security, opportunity and rejuvenated identification with caste identity. Singh began a scheme of issuing identity cards to squatters in the city based on caste, which encouraged the urban poor to categorize themselves or make claim to identities that may or may not have played significant roles in their everyday urban existence in order to receive: I.D. cards for voting rights, food ration entitlements, and hence for many of the urban poor, a legitimate sense of urban citizenship (Chalana and Rishi 2014). The token allotment system was adopted in Delhi, wherein each squatter home would become entitled to resettlement from the state in case of demolition. The token system provided a very unique, substantive sense of permanency to urban denizens. Documents offered a degree of

legitimation not previously experienced, while also becoming the only route to imagining a 'legal' existence through resettlement.

At the time, the Singh regime indicated a monumental shift in the perception of citizenship by squatters, but also in the way urban space and land were understood. Current dwellings and space in the city- regardless of whether or not they were understood to be legal, had an economic or exchange value. The V.P. Singh token went much further than simply bringing certain benefits defined in the Indian constitution, it gave squatters an 'official' claim and value tied distinctly to their current dwelling units and current space. Though homes that were bought and sold may not have carried legal validity, receipts of transfer and notaries could be sought to validate exchange (Datta 2012). From a market perspective, these transfers of titles through informal systems led to increased liquidity in the urban poor housing market. Owners of dwellings within informal settlements were said to have attained a degree of *de facto* security through the token, however, it remained unclear how much of this security was supported by law.

According to Datta (2012), legal ambiguities persisted and made buyers and sellers uneasy of transactions. It was an unprecedented system of allocating state benefits with unknowable results. Though Singh tokens led to marginal and incremental investments in infrastructure of homes for some, others still felt the legal ambiguities of their status to be significant enough to deter investment for fear of demolitions.

The outcome of this process initiated by the Singh regime became indicators of what Chatterjee (2004) calls citizen and population. The squatter 'population' was employed as an enumerative category in the pursuit of developmental goals championed by the V.P. Singh regime. 'Citizen' was the substance or the symbolic meaning that residents attached to these

documents. With a claim to occupying a certain space within the city- regardless of its affiliation with planning directives, squatters were now entitled to participate and engage actively with the political sphere. This in turn led to informal dwellings accommodating more segmented groups of the urban poor as some who received V.P. tokens were now able to afford legal ownership whereas new or speculative buyers were more readily able to purchase these V.P. Singh endorsed dwellings (Banda 2013). Dwelling units began to occupy two simultaneous spatio-temporal aspirations – one in the present where people needed an immediate place to live; and the other as an investment in a legitimate future in the city.

Preferences for kin/likeminded individuals to share responsibilities and partition units that had been acknowledged through V.P. Singh led to community development and group aspirations. With a claim to occupying a certain space within the city- regardless of its affiliation with planning directives, squatters were now entitled to participate and engage actively with the political sphere (Ramanathan 2013). Many scholars have debated the significance and implications of squatters becoming the targets of political patronage. Some have argued it leads to corrupt political behavior (Rao 2011). Some have argued that it provides an avenue for the poor to negotiate and attain benefits from politicians by mobilizing party votes in order to gain a range of informal assurances from parties in return (Chatterjee 2005).

Vote-banking and political patronage led to new strategies of partitioning dwellings and increased sense of security- even to those without tokens, it led to populations migrating and settling in unregulated or illegal plots of land like Kathputli:

“When I moved here, I used to rent near here. When V.P. Singh won, he had said that if you help me win from here, then I will give you land here. Everyone voted for him. So once he won, I came here.....within one month of winning, he gave us ration card, token, everything. The police wouldn’t let us make mud structures here. They would arrest us if

we did. He said that I am giving you this number; now no one can stop you from making more permanent structures here....this is all thanks to him.”⁵⁴

Political patronage and the V.P. Singh era gave ‘India’s traditional plurality a different kind of psychological basis. Instead of being a burden in contemporary times, culture has become a means of monitoring politics’ (Nandy 2002). It was during this V.P. Singh regime that cultural difference, as a legally framed subjecthood became a way of monitoring the politics of entitlements to the legal city

‘Culture of Legality’

However, since 2000, residents of Kathputli Colony, as in other informal settlements have realized that their struggles for legitimacy cannot be realized through informality or political patronage, but must be acquired through explicit engagements with formal processes of the state and law (Datta 2012). At the same time, the illusion of security that this political patronage brought, was hard to let go. Deeming their settlements illegal has meant that their identities as urban citizens is called into question, and their practices of everyday life are being threatened through the violent enforcement of the law (Datta 2012). A rudimentary knowledge of the law has become increasingly imperative in ‘illegal’ slums, in order to negotiate this violence. In order to receive identity cards and the various other ‘grey’ documents that can be used to make a case for tenure legalization, residents must prove their temporal associations with the city through their dwellings. However, in so doing, they must first acknowledge their own illegality, and thus “own” their identities as “illegal” citizens. Not only does municipal authority understand their presence differently, squatters themselves have normalized their illegality. No

⁵⁴ RS32, Interview by Susmita Rishi and Patrick Flajole, Oral Interview, 19 August 2013, Kathputli Colony, Delhi, *Understanding Shifting Patterns of Urban Informality in Delhi, India* project.

longer would the law be engaged to increase the security of their current dwellings; the law could only be engaged for the possibility of resettlement. There would be no incremental improvement or informal systems of tenure security in the future of Delhi.

Findings

In the interviews and our informal discussions, it became clear that residents understand that while a normative rule was being used to demolish and redevelop their settlement, there was the interpretation of the rule itself was subjective. Residents were desperate to escape the space of exception that they found themselves in; subject to the will and interpretive power of the judiciary (Ghertner 2012). Rao (2011) suggests that they desired to become normalized citizens, with equal rights, entitlement and permanency, as well as being viewed as part of world-class Delhi. Residents of Kathputli Colony conceded that in the current circumstances, they won't be able to achieve this normalcy and living in the colony was in fact, degrading and becoming less habitable as time went on. They thus accepted the imposed 'illegal' identity in order to escape the illegality they have found themselves in.

However, it was clear in the interviews that the residents did not inherently believe in the descriptions of the colony as dirty, unsanitary and unlivable. While there was widespread objection to one community leader deeming their condition similar to that of a maggot living in a sewer, when writing to the authorities, however at the same time, they themselves repeatedly talked about the deplorable living conditions in the settlement as a reason for resettlement in the interviews. Since the middle-classes and the judiciary had deemed the colony as "spaces of dirt", the residents engaged the State through the same rhetoric, without an inherent belief in it.

Kathputli residents often cited aesthetic or functional reasons for having been deemed illegal. Often, they were unclear that the law being engaged to make their existence illegal

pertained to their presence on property they did not officially own. Often times, residents would admit that the functionality of development in the colony was informal, but more often than not, they still believed that the freedoms that they had been afforded by producing space the way that they had (ability to expand, accommodate livelihoods and cultural methods/organization), was preferable to alternatives. Even though much of the literature has endorsed the notion of indivisible rights, and the significance of addressing more than the shelter of their current units, residents often alluded to a host of other attachments to space and to their current accommodations.

Attempting to fit residents into a cookie-cutter uniform existence without acknowledging unique circumstances forces them to lose significant parts of what had made them whole. Residents no longer referenced personal documents to establish legitimacy of occupancy; they instead only referred to these documents when attempting to justify their entitlement to resettlement – no matter where resettlement may be. Anxieties associated with gray documents that proved legality were embodied in the unanimous demand for formal declaration by the DDA of survey results. Though many made claim to having all of the proper documents, which informally proved their eligibility for a DDA flat, the unclear surveying and enumeration made it difficult for residents to clearly identify what would grant them legal entitlement to a flat⁵⁵.

Residents insisted on being provided with documentation that expressed the intentions of the DDA/developers before moving – though technically this was no more legally binding than any of the papers that they had held in the past. Early settlers who had in the past refused resettlement are either no longer present, or have lost the will to fight because they no longer see resistance as a path to legitimacy. Constant threat of demolition and uncertainty from politicians and authorities has led them to be risk averse and settle for less in order to escape the threats and

⁵⁵ See Appendix 6 for photos of numbering system

exceptional status. Disillusionment was widespread regarding political patronage and political promises. Younger generation appear to be more willing to seek alternative political promises and legal action:

“I have explained to these people that these politicians can’t help us. I have met with a lawyer who can help us. All we have to do is meet with him. He will only charge money if we win the case...I have also met with the people [from the new party] and they are ready to help us. They will send 5000 people to sit with us in protest but we have to agree to stand our ground.”⁵⁶

Residents repeatedly discussed the amount of uncertainty and insecurity they had with their future. Though they expressed frustration with the inadequacy of their proposed future dwellings, often they questioned the rational of their government, still others feared how their new flats in the high-rise buildings would impact their identities. Many residents disparaged the government for the confusion brought on by the procedures and techniques used in determining eligibility and legality; effectively stifling their potential to define, develop and advance their current and future identities as urban citizens.

The ongoing demolition drive has incited legal violence and prompted the urban poor to seek alternative and sometimes novel sources of security and legality in order to maintain their urban existence. Though residents are skeptical that the law will prevail justice, they recognize that accessing the law may be their only legitimate means of advocating on their own behalf. Group identities formed around differentiated citizenship, which had previously ensured political patronage and therefore access to ‘legal’ recourse, are now proving largely ineffective and, they must prove their eligibility and status as citizens based on other identities. Along with accepting

⁵⁶ RS43, Interview by Susmita Rishi and Patrick Flajole, Oral Interview, 25 August 2013, Kathputli Colony, Delhi, *Understanding Shifting Patterns of Urban Informality in Delhi, India* project.

the designation of being 'illegal', many of the urban poor are also engaging with what had previously been subsidiary identities in order to negotiate with the post-colonial neoliberal state.

Additionally, the lack of a strong beneficiary involvement is a significant source of inefficiency. In the case of Kathputli Colony, delays and anxieties can be avoided by following NSDP guidelines that specify that community-based organizations (CBOs), Non-Governmental Organizations (NGOs), and other civil society organization are involved in implementation. Though there has been a strong NGO involvement in Kathputli Colony late in the eviction process, the benefits of community involvement will likely be most evident earlier in the process.

When talking about the resettlement process and rights, it became evident that even amongst leaders in the community, there was a lack of accurate information pertaining to the resettlement.⁵⁷ At the time of our interviews, the list of eligible families and the financial conditionality of the resettlement flats was widely debated. This lack of information led to internal disputes and disunity amongst residents, which led to a sense of powerlessness. Residents with multiple factors of division (e.g. social, regional, cultural, economic, professional and political), and the lack of a unifying and strong leadership.

While not all residents had been living in the colony since the V.P. Singh era, most were aware of how politics and informal arrangements had governed their tenure security in the past. Although many of the residents recognized the importance of legal recourse and using the courts to defend their claims, they also saw the legal system as a tool for the government, one which unevenly advantaged those in power,

⁵⁷ Partially due to the transparency practices of the DDA.

*“We want your help. We want to find a way to challenge the DDA in court. We don't know how to do that. We are illegal. We don't know if we can go to court to challenge the DDA....”*⁵⁸

The designation of their dwellings as ‘illegal’ impacted their conceptions of their identities and their rights as national citizens. As opposed to having the traditionally defined rights and the differentiated entitlements guaranteed by their constitution, residents felt trapped by their illegal status.

There is an absence of any standard or uniform definition or designation of slums as well as in the system of periodic data collection within the state. The last survey of slums in Delhi was held in 1994 and the Municipal Corporation of Delhi (MCD) identified 1,080 JJ (slum) clusters and 480,929 jhuggis, which were housing approximately 2.5 million persons. In 2001, the census mentions that Delhi's slum population is 1.9 million, which appears to be a gross underestimation. This inevitably has led to the exclusion of a multitude of different substandard settlements and communities. A correlation can be found between the states' proportions of notified slums and slum amenities. Rationalizing the slum notification process is therefore an important step to providing access to basic services to slum dwellers.

Conclusion

It is evident from this research that resettlement is not an outcome that squatters link in any way to justice. Rather, they see resettlement as an entitlement from the State which when achieved would acknowledge their inclusion as urban citizens within the legal city. To this end squatters use resettlement as a resource and as a route to make claims for a right to the city, although this claim itself is subject to proving their worthiness to the State amidst the impending

⁵⁸ RS9, Interview by Susmita Rishi and Patrick Flajole, Oral Interview, 21 August 2013, Kathputli Colony, Delhi, *Understanding Shifting Patterns of Urban Informality in Delhi, India* project.

demolition of their homes. Thus while the violence of law produces precarious living conditions for some in the city, the same law is often used as a resource by slum-dwellers to bargain with the state for resettlement. They do this not just through informality and informal networks, as argued by many scholars, but by gaining a working knowledge of the law through explicit engagements with formal and legal processes, through active engagements with development-based NGOs, and through the legal subjecthoods offered by the Indian constitution to campaign for their rights and entitlements to legitimate housing in the city. In doing so, such slum-dwellers empower themselves through law as active citizens while ironically aligning themselves with the very violence of law which they seek to overcome in their daily lives.

Many of the informal or in-situ strategies used heretofore to address slums were reactionary and looked only at the symptoms of proliferating slums instead of examining the roots of the problem that was producing such widespread informality. These informal strategies have also created alternative forms of self-governance and citizenships. Faced with the extent and persistence of sub-standard and squatter settlements, governmental authorities have regularly implemented various types of interventions, such as: provision of basic services as part of larger poverty alleviation programs; resettlement in alternative cities, with housing or site-and service programs; and in-situ rehabilitation. These types of programs have garnered a significant amount of scholarly attention on the subject, yet these strategies in reality have only concerned a small section of slum dwellers, whereas many others among those termed squatters were evicted without any compensation; thus they addressed only the symptoms of housing poverty without attempting to touch the roots of the problems.

During the interviews with Kathputli Colony residents as relayed above, some discussion of speculation and profiteering from the resettlement arose. One resident believed that the

majority of those squatting in Kathputli had property elsewhere and were not reliant upon the resettlement. This begs the question: who are the winners and losers of the PPP model in resettlement? In-situ upgradation is favored by those who consider that the life style of slum-dwellers and their livelihood pattern must be preserved.

The process of urbanization can often be an exclusionary process, in which the urban poor find no formal place for participation. The archaic ways in which cities are planned and governed have to be discarded in order to make urban development inclusive. It is the government's job to provide basic services, infrastructure, and social amenities in slums. But to make it sustainable, all infrastructural development should involve participation from the local community in construction and maintenance.

The 12th Five Year Plan of the Planning Commission envisages a rights-based approach to addressing issues of slums and urban poverty alleviation (i.e. right to shelter, right to services, and right to employment)(Chalana and Rishi 2014). In the long-term, this is the way to go. However, the study has raised some very unsettling questions for which there are no ready answers. How many migrants can a city accommodate? Is it feasible to give land rights to all people that migrate to a city? While we struggle with the above questions, it has to be accepted that rural-to-urban migration is a natural, inevitable and irreversible process. Many governments have failed at trying to slow it down, divert it, or stop it. Similarly, slum demolitions fail, too. Governments that use mass, forced evictions and demolition only made matters worse and in none of these cases have they stopped new slums from forming. The economic and social disruption costs of resettling slum-dwellers to city outskirts are too high. The governments therefore have to adopt a more humanitarian front while dealing with the urban poor. They must

maintain transparency and accountability, and make the government machinery approachable in case any citizen has a grievance.

In defining the space and existence of squatters as illegal, the judiciary effectively shifted the understanding and interpretation of social norms. It was “not that illegality suddenly became apparent but, rather, that the terms by which it – and those who lived within it – were represented and recognized changed” (Bhan 2009: 136) Power of law is derived from the ability to institutionalize social norms and turn them into law – something perceived to be subjective. Not only would municipal authorities understand their presence differently, squatters themselves normalized their illegality.

As we can see in Kathputli, there is a need to recognize the limitations of improving continuously growing, high-density, informal settlements lacking both sound infrastructure and formal settlement plans. Such settlements are not only hazardous for public health, but represent the most inefficient patterns of urban development. Future attempts to achieve sustainable improvements are likely to have very high costs and may not be technically or politically feasible propositions. As density among informal settlements continuously increase, appropriate timing concerning regularization in the development cycle of a settlement becomes critical.

Providing for those deemed ineligible for resettlement or any form of state compensation remains an important concern. These are the residents of slums and squatter settlements who cannot show any proof of living in Delhi’s squatter settlements before the cut-off dates, those renting rooms in slums, and those without any documentation of their identity as Indian citizens. Such individuals comprise entire populations who are new arrivals to the city, or circular migrants, those who do not possess the correct documents, and who do not have the means to buy these documents on the informal market. These are the populations not counted in slum

surveys and who remain outside the radar of NGOs and of most urban development policies of slum improvement. While the first people to settle in these squatter settlements in the 1970s and 1980s have been slowly empowering themselves through knowledge of their legal and legitimate entitlements, it is those without any such claims who usually lose out on state-sponsored resettlement. Continually moving from one demolished home to another in the city, they live under flyovers, next to railway tracks, along sewage canals, and on road verges.

So while the politics of hope around resettlement continues to gain ground, we should also ask fresh questions around the violence of law enacted on the lives of those living on the precarious edges law and citizenship: What are the different ways that those considered unworthy of state resettlement respond to a violence of law? How are the links between resettlement and entitlement maintained by those deemed unqualified by the state? How is justice perceived through the frame of violence of law and urban development? The answers to these might help us in exposing the myth of resettlement and present its ideological links with the neoliberal state.

Appendix 1: Revised Guidelines of GNCTD for allotment of EWS houses to Slum dwellers- eligibility and procedure

- Cut-off date of residing in the jhuggie is 4th June, 2009
- Name should be in the Electoral Roll on or before 4/6/2009 and at the time of survey.
- Should possess valid ID proof (Any one of 11 documents) at the time of survey.
- Allotment of Flat on lease hold basis for 15 years, to be converted into Free hold thereafter.
- Allotment made in the joint name of husband and wife.
- Nominal beneficiary contribution of 70,000/-approx.
- 100% subsidy for SC J.J. dweller.
- Authentication of Beneficiary through Aadhaar Card.

http://mhupa.gov.in/W_new/Presentation_Delhi_State_27_05_2013.pdf

Eligibility Conditions:

- i. The beneficiary JJ dweller must be a citizen of India and not less than 18 years of age.
- ii. The annual income of the family of the JJ dweller should not be more than Rs. 60000/-,(Rupees Sixty Thousand) as is also the criteria under Basic Services to Urban Poor, Government of India.
- iii. The JJ dweller cannot claim the allotment of a flat as a matter of right.
- iv. The name of JJ dweller should figure in the joint bio-metric survey conducted by DUSIB with the representative of the land owning agency concerned. Based on the joint survey/bio-metric survey done by the DUSIB and land owning agency, verification of documents and determination of eligibility, the eligibility list will be finalized by a Committee comprising of the Deputy Director (SUR), Food Supply Officer, Tehsildar, Assistant Electoral Registration Officer of the area concerned and Officer of the land owning agency of the cluster.
- v. The JJ dweller will be entitled for one residential flat only even if he/she is occupying more than one jhuggies.
- vi. No flat shall be allotted if the Jhuggie is used for commercial purpose.
- vii. The Jhuggie being used for both residential and commercial purpose can be considered for allotment of one residential flat only. In case the ground floor of the jhuggie is being used for commercial purpose and other floors for residential purpose, that will entitle the JJ dweller for one residential flat only if such commercial and residential parts are occupied by the same person.
- viii. In case of multi-storeyed jhuggie occupied by the same person or different persons for residential purpose, the allotment will be considered to the occupant of ground floor only.
- ix. Allotment will be made in the joint-name of the husband and wife occupying the jhuggie, Bio-metrics alongwith photos of both husband and wife and members of family will be prepared and maintained by Slum & JJ Department.
- x. The cut off date of residing in the jhuggie for making a JJ dweller eligible for allotment shall be 31.12.1998. The name of the JJ dweller should be in the voters' list as on 31.12.1998 and at the time of survey and he/she should also possess ration card issued on any date pre 31.12.1998 or thereafter, up to the date of survey.
- xi. The allotment of flat will be subject to the result of pending decision and outcome of the SLP (Civil No. 3166-3167/2003) in the Hon'ble Supreme Court of India and all other similar cases

- relating to Slums relocation pending in the various courts.
- xii.** In case a JJ dweller expires after the survey but his/her legal heirs are in possession of jhuggie with all the required documents of eligibility as stated above, the claim of his/her, widow/widower, could be considered for allotment of flat. However, such allotment would be subject to completion of all other conditions. In such case, only one flat will be allotted.
 - xiii.** The allotment of the flat will be made by DUSIB on license basis, initially for 15 years which may be extended. The license is not transferable in any manner whatsoever except in case of death of the licensee. The licensee shall not rent out and part with the possession of the flat and the same will be exclusively used for his/her family members only.
 - xiv.** The licensee shall use the flat for residential purpose only.
 - xv.** Neither allottee nor any of his/her family member(s) should own any plot/pacca house, full or part in Delhi.
 - xvi.** The allottee shall abide by the terms and conditions of the allotment of flat on license basis and shall pay the license fee/ ground rent as to be determined by DUSIB in a reasonable manner and shall continue to pay the same timely.
 - xvii.** DUSIB has the right to cancel allotment of the flat and to takeover the possession of such flat in case the stipulated terms and conditions are violated by the allottee. In such event, such allottee cannot claim any compensation; whatsoever and such allottees shall handover the peaceful possession of the flat to the licensor.
 - xviii.** In case it is discovered that the allotment has been procured by misrepresentation, suppression of facts or fraud and producing fake documents, etc., the allotment shall stand cancelled and possession of the flat shall vest with the licensor without paying any compensation to the allottee. This shall be without any prejudice to any criminal action called for.

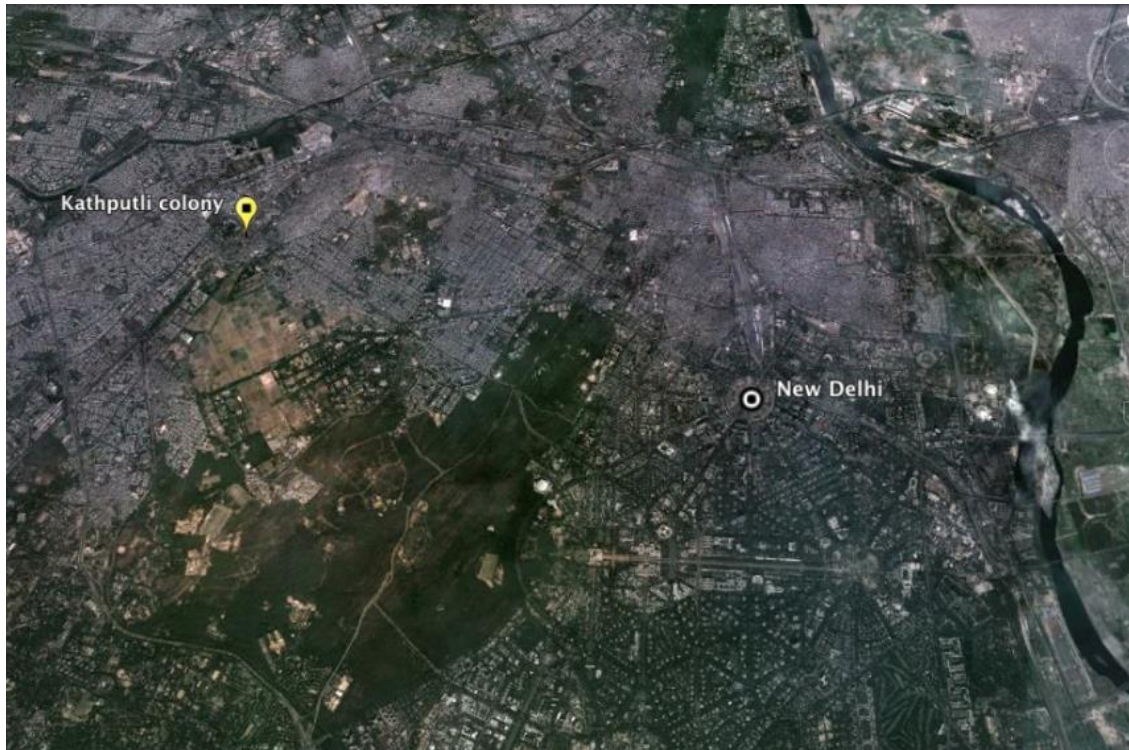
http://delhishelterboard.in/main/?page_id=128

Appendix 2: Raheja Rendering of Future Development in Kathputli Colony



V-shaped shadowy buildings in the background are proposed location for the resettlement flats.

Appendix 3: Map of Delhi and Location of Kathputli Colony



Appendix 4: Floor Plan of Proposed Resettlement Units



Appendix 5: Transitional Camp Units



Appendix 6: DDA Numbering System



References

- Alsayyad, Nezar, and Ananya Roy. (2006). Medieval Modernity: On Citizenship and Urbanism in a Global Era. "Space and Polity" 10.1. 1–20.
- Appadurai, Arjun. (2001). Deep Democracy: Urban Governmentality and the Horizon of Politics. "Environment and Urbanization" 13.2 23–43. Web. 22 Sept. 2013.
- Balibar, Etienne. (2010). At the Borders of Citizenship: A Democracy in Translation? "European Journal of Social Theory." 13.3: 315–322. Web. 19 Nov. 2013.
- Balibar, Etienne. (2013). Propositions on Citizenship 98.4 (2013): 723–730. Print.
- Baviskar, Amita. (2008). Pedagogy, Public Sociology and Politics in India: What Is to Be Done? *Current Sociology* 56.3 (2008): 425–433. Web. 9 Aug. 2013.
- Baviskar, Amita. (2003). Between Violence and Desire : Space , Power , and Identity in the Making of Metropolitan Delhi.. Print.
- Benhabib, Seyla. (1996). Toward a Deliberative Model of Democratic Legitimacy. *Democracy and Difference: Contesting the Boundaries of the Political*. Princeton, NJ: Princeton UP, 1996. Print.
- Benjamin, Solomon. (2008) Occupancy Urbanism: Radicalizing Politics and Economy beyond Policy and Programs." *International Journal of Urban and Regional Research* 32.3 : 719–729. Web. 9 Aug. 2013.
- Benjamin, Walter. (1978). Critique of Violence. In *Reflections: Essays, Aphorisms, Autobiographical Writings* by W. Benjamin and P. Demetz, New York: Schocken Books, 277–300
- Bhan, Gautam. (2009) This Is No Longer the City I Once Knew'. Evictions, the Urban Poor and the Right to the City in Millennial Delhi. *Environment and Urbanization* 21.1 (2009): 127–142. Web. 9 Aug. 2013.
- . (2013) Planned Illegality: Housing and the 'Failure' of Planning in Delhi: 1947-2010. *Economic and Political Weekly* xlviII.24 n. pag. Print.
- Bhan, Gautam, and Swathi Shivanand. "(Un)Settling the City." xlviII.13 (2013): n. pag. Print.
- Chatterjee, Ipsita. (2011) Globalization and the Production of Difference: A Case Study of the Neoliberal Production of Hindu Nationalism in India. *Comparative Studies of South Asia, Africa and the Middle East* 30.3 621–632.
- Chatterjee, Partha.(2004) *The Politics of the Governed*. N. p. Print.

- Chatterji, R. And Mehta, D. (2007). *Living with Violence: An Anthropology of Events and Everyday Life*. New Delhi: Routledge
- Comaroff, Jean, and John Comaroff. (2006) Law and Disorder in the Postcolony* *Social Anthropology* 15.2 (2006): 133–152. Web. 22 Sept. 2013.
- Das, Veena. (2011) State, Citizenship, and the Urban Poor. *Citizenship Studies* 15.3-4: 319–333. Web. 22 Sept. 2013.
- Datta, Ayona. (2012) *The Illegal City: Space, Law and Gender in a Delhi Squatter Settlement*. Farnham: Ashgate, Print.
- Dupont, Véronique. (2007) Conflicting Stakes and Governance in the Peripheries of Large Indian Metropolises – An Introduction. *Cities* 24.2: 89–94. Web. 22 Sept. 2013.
- . (2004) “Socio-Spatial Differentiation and Residential Segregation in Delhi: A Question of Scale?” *Geoforum* 35.2: 157–175. Web. 22 Sept. 2013.
- Dupont, Véronique D.N. (2011) The Dream of Delhi as a Global City. *International Journal of Urban and Regional Research* 35.3 : 533–554. Web. 9 Aug. 2013.
- Eckert, Julia.(2011) Introduction : Subjects of Citizenship. 37–41.
- Ghertner, David Asher. (2010) Calculating without Numbers: Aesthetic Governmentality in Delhi’s Slums. *Economy and Society* 39.2 185–217. Web. 9 Aug. 2013.
- . (2011) Gentrifying the State, Gentrifying Participation: Elite Governance Programs in Delhi. *International Journal of Urban and Regional Research* 35.3 504–532. Web. 9 Aug. 2013.
- . (2012) Nuisance Talk and the Propriety of Property: Middle Class Discourses of a Slum-Free Delhi.” *Antipode* 44.4 (2012): 1161–1187. Web. 9 Aug 2013
- . (2005) The Nuisance of Slums : Environmental Law and the Production of Slum Illegality in Indiar.” n. pag. Print.
- Gidwani, Vinay K. (2006) Subaltern Cosmopolitanism as Politics. *Antipode* 38.1 7–21.
- Harvey, David et al. (1989) From Managerialism to Entrepreneurialism : The Transformation in Urban Governance in Late Capitalism 71.1 3–17. Print.
- Holston, J., and a. Appadurai. (1996) “Cities and Citizenship.” *Public Culture* 8.2 187–204.
- Holston, James. (2009) “Insurgent Citizenship in an Era of Global Urban Peripheries.” 21.2: 245–267.

- . (2011) Contesting privilege with right: the transformation of differentiated citizenship in Brazil. *Citizenship Studies*, 15(3-4), 335–352.
- Isin, Engin F. (1999) “Citizenship, Class and the Global City.” *Citizenship Studies* 3.2: 267–283. Web. 22 Oct. 2013.
- Kaviraj, S. (1984) On the crisis of political institutions in India. *Contributions to Indian Sociology* 18.2, 223–43.
- Kaviraj, S. (1991) On state, society and discourse in India. In J. Manor (ed.), *Rethinking third world politics*, Longman, London.
- Legg, Stephen. (2006a) “Post-Colonial Developmentalities: From the Delhi Improvement Trust to the Delhi Development Authority.” In *Colonial and Post-Colonial Geographies of India*, edited by Saraswati Raju, M Satish Kumar, and Stuart Corbridge, 182–204. New Delhi; Thousand Oaks, Calif.: Sage Publications.
- . (2006). “Governmentality, Congestion and Calculation in Colonial Delhi.” *Social & Cultural Geography* 7 (5) (October): 709–729. doi:10.1080/13698240600974721. <http://www.tandfonline.com/doi/abs/10.1080/13698240600974721>.
- Marshall, T.H., (1950). *Citizenship and social class and other essays*. Cambridge: Cambridge University Press.
- Narayana, M. R. (2010) "Impact of Economic Globalization on Urbanization: A Comparative Analysis of Indian and Select Global Experiences." *India Quarterly: A Journal of International Affairs* 66.1: 91-116. Print.
- Pateman, Carole. (1989). *The Disorder of Women*. Stanford: Stanford University Press
- Purcell, Mark. (2002) “Politics in Global Cities: Los Angeles Charter Reform and the New Social Movements.” *Environment and Planning A* 34.1 23–42. Web. 20 Oct. 2013.
- . (2013) “The Right to the City: The Struggle for Democracy in the Urban Public Realm.” 43.3 311–327. Print.
- Rajagopal, B. (2006). Pro-Human Rights but Anti-Poor ? A Critical Evaluation of the Indian Supreme Court from a Social Movement Perspective, 157–186.
- Rao, Ursula. “Ethnos Making the Global City : Urban Citizenship at the Margins of Delhi.” November (2011): 37–41. Print.
- Ramanathan, U. (2005). Demolition drive. *International Environmental Law Research Centre. Economic & Political Weekly* 2908-12(2 July 2005), p. 3607
- . (2006). Illegality and the Urban Poor. *Economic and Political Weekly*, Vol. 41, No. 29.

- . (2013). Ostensible Poverty , Beggary and the Law. *Economic and Political Weekly*, Vol. 43, No. 44.
- Roy, Ananya. (2003) Paradigms Of Propertied Citizenship: Transnational Techniques of Analysis. *Urban Affairs Review* 38.4 (2003): 463–491. Web. 20 Oct. 2013.
- . (2009) Civic Governmentality: The Politics of Inclusion in Beirut and Mumbai. *Antipode* 41.1 (2009): 159–179. Web. 9 Aug. 2013.
- . (2008) Post-Liberalism: On the Ethico-Politics of Planning. *Planning Theory* 7.1 (2008): 92–102. Web. 9 Aug. 2013.
- . “Slumdog Cities: Rethinking Subaltern Urbanism.” *International Journal of Urban and Regional Research* 35.2 (2011): 223–238. Web. 9 Aug. 2013.
- . “Strangely Familiar: Planning and the Worlds of Insurgence and Informality.” *Planning Theory* 8.1 (2009): 7–11. Web. 9 Aug. 2013.
- . “Urbanisms, Worlding Practices and the Theory of Planning.” *Planning Theory* 10.1 (2011): 6–15. Web. 9 Aug. 2013.
- Sandal, Veenu. “India’s Traditional Folk Artists Fight for a Place in the Future.” *Smithsonian* 16, 3 (1985): 44–53.
- Sengupta, U. (2006). Government intervention and public–private partnerships in housing delivery in Kolkata. *Habitat International*, 30(3), 448–461.
doi:10.1016/j.habitatint.2004.12.002
- Sharma, R. N. (2011). Changing Facets of Involuntary Displacement and Resettlement in India. *Social Change*, 40(4), 503–524.
- Sundar, Nandini. “The Rule of Law and Citizenship in Central India: Post-Colonial Dilemmas.” *Citizenship Studies* 15.3-4 (2011): 419–432. Web. 9 Aug. 2013.
- Varley, A "The relationship between tenure legislation and housing improvement: Evidence from Mexico City" *Development and Change* Vol 18 Sage 1987.
- Weinstein, Liza. (2009). Democracy in the globalizing Indian city: Engagements of political society and the state in globalizing Mumbai. *Politics and Society*, 37(3), 397–427

Reports:

- Delhi Development Authority (2010). Master Plan for Delhi 2021. Government of India.
- Delhi Development Authority (2010). Master Plan for Delhi 1981. Government of India

Delhi Development Authority (2010). Master Plan for Delhi 2001. Government of India.

MHUPA. 2007. "Policy Sets Goals of 'Affordable Housing for All' with Special Emphasis on Urban Poor". New Delhi, India: Press Information Bureau, Government of India, Ministry of Housing and Urban Poverty Alleviation.
<http://pib.nic.in/newsite/erelease.aspx?relid=33884>.

———. 2008. "Provision of Basic Services to Urban Poor: ULB Level Reform". New Delhi, India. http://www.jnnurm.nic.in/wp-content/uploads/.../Mandatory_Primer_6- PBSUP.doc .

———. 2009. "Rajiv Awas Yojana Guidelines for Slum-Free City Planning". Delhi.

———. 2011. "Draft Model Property Rights to Slum Dwellers Act, 2011". Delhi, India: Ministry

MHUPA, and NBO. 2013. "Report of the Committee on Slum Stastics/Census". New Delhi, India.

Ministry of Housing and Urban Poverty Alleviatin (2009) *India, Urban Poverty Report 2009: Ministry of Housing and Urban Poverty Alleviation and United Nations Development Programme*. New Delhi: Oxford UP. Print.

Planning Commission, G. of I. N. D. (n.d.). Five Year Plan (2002-2007).

Rajiv Awas Yojana(Ray). "Slum Dwellers Act" (2011): 1–19. Print.

"Tolerated Encroachment: Resettlement Policies and the Negotiation of the Licit/Illicit Divide in an Indian Metropolis." *Cultural Anthropology* 28.4 (2013): 760–779. Web. 11 Nov. 2013.

UN-Habitat (2003) *The Challenge of Slums: Global Report on Human Settlements, 2003*. London: Earthscan Publications, 2003. Print.

UN-Habitat (2007). *Global Report on Human Settlements 2007: Enhancing Urban Safety and Security*. ISBN 978-1-84407-475-4. Zerah,

UN-DESA. *World Urbanization Prospects 2014: Highlights*. S.I.: United Nations Pubns, 2014. Print.