

Chapter 3

‘Informal Moral Economies’ and Urban Governance in India

Ajay Gandhi

Abstract

Social science perspectives on postcolonial urban spaces tend to view the state’s power as monopolistic, citizenship as universal, and vast metropolises as governable through formal authority. Instead, through an ethnographic study of Old Delhi, I argue that in Indian cities, policing imperatives usually hinge on informal authorities instead of state objectives; that urban planning and legal orders become interwoven with illicit practices of bribery and patronage; and that seemingly non-negotiable state refusals to impart entitlements are softened through quotidian negotiations. A more nuanced understanding of the ‘informal moral economies’ at play in contemporary mega-cities is necessary in moving away from models that presume that institutional form dictates ground realities.

Introduction

In the Indian capital of Delhi, social panics swirl around the urban poor. Media narratives and urban folklore have long linked illegality and criminality with the informal proletariat. Police scrutiny and municipal displacement of slum-dwellers, roadside vendors, and domestics has become ever more evident. Poverty is seen to frustrate India’s emergence, not as a state responsibility, as during the post-independence period. The conflation of the poor with criminality also coincides with an urban security paradigm marked by segregation, private policing, hindrances on intra-city mobility, and xenophobia towards migrants from impoverished states and nearby countries. These narratives, circulated in fiction, neighbourly rumour, and police placards, centre on violent transgression, and the theft or harm the poor are imagined to enact (Adiga 2008). However, the governmental apparatus generally focuses on the banal elements of city life, ramshackle workshops and rickety slums foremost among them (Benjamin 2005). In this way, the residency, work, and mobility of the poor are rendered suspect through legal orders, bureaucratic decisions, and policing practices.

Though the machinery of the state is ostensibly focused on the urban poor, an analysis of Indian state policy, urban planning, and media discourse implies

that modernisation has resulted in much more displacement and discipline of the poor than actually exists. Cities such as Delhi have indeed witnessed fervent speculation, rezoning, and construction, part of a movement from a manufacturing to service economy, and adjacent boom in the property market. Yet long-standing practices of informal work, slum residence, and rural migration to cities continue, despite the converging interests of urban planners, foreign investors, and local politicians. Of course, the poor face many constraints and pressures in a highly unequal society. Yet against the planning polices, legal prohibitions, and cultural norms that effectively render them “superfluous men” (Arendt 1968) or “bare life” (Agamben 1998), the presence and agency of the urban poor is much greater than we would otherwise expect.

How do we account for this? Based on ethnographic fieldwork in Old Delhi, I argue for an explanation in the strength of ‘informal moral economies’ adjacent to the state apparatus. Well-worn patterns of running the city that are formally invisible allow the poor to negotiate illegality. By this I mean the unwritten but dense exchange of protection, favours, information, and money that often dictates how state policies are implemented or not implemented. European and American states have long had a strong disciplinary and reforming presence in citizens’ lives. In contrast, the Indian state’s historical deference to community sentiments and informal brokers, means that the urban poor have much more latitude vis-à-vis state institutions than one would otherwise assume. In practice, both low-level state parties, such as policemen, and the poor who are in contravention of laws and ordinance, manoeuvre around constraints to mutual benefit. I will address these issues by focusing on pavement-dwellers and street-hawkers in Old Delhi’s Meena Bazaar. This chapter will illustrate the negotiability of state disciplinary techniques, differentiated understandings of authority and legitimacy, and the patchwork of urban governance in contemporary India.

Background

In the last two decades, there has been a historic transformation in the Indian state’s engagement with the urban poor. The post-independence politics of paternalism and “vote-bank” populism has been eclipsed by an arena of vernacular politics marked by decreasing state entitlements and the entry of often violent informal authorities (Hansen 2001, Chatterjee 2004). With diminishing access to government posts and education slots, and a decline in state subsidies and rural services, the urban poor face increasingly precarious lives. Their work within the opaque informal economy and residence in illegal slums is seen by the state as threatening and thus as a problem inviting intervention. Such anxieties have become especially prominent in recent years, with large-scale attempts to re-engineer Indian urban space in line with the dictates of global capital (Roy 2003). In Delhi, urban planning, local policing, legal rulings, and municipal ordinances have increasingly come to bear on the poor as India’s economy has become liberalised and globally integrated.

For example, since 2000, the Indian Supreme Court and Delhi High Court have mandated the demolition of squatter settlements and informal sector workplaces based on their violation of environmental and public safety laws. The conjoining of the urban poor with illegal behaviour has thus become a key problematic in Delhi: concerning 'polluting and non-conforming industries' such as small-scale manufacturing workshops; 'unauthorised dwellings' such as squatter settlements (*jhuggis* or *bastis*) where the majority of the urban population live; and purportedly illegal migrants from Nepal and Bangladesh that are conflated not only with local crime but also national subversion from Maoist and Islamist elements. For the urban planners who aspire after a 'world-class' city, "these are the 'illegal' operatives catering to the Ghost that haunt the image of the planned and orderly city; for the elite, these are the touts, the land encroachers and builders, and land mafia of unauthorised construction; the slums staining the imaginary of the grand plan and thus to be cleared away" (Benjamin 2005: 251). This was evident in the fractious public debate surrounding Delhi's Master Plan, finally notified or made law in 2007. The new Plan, a template for construction in the years to come, privileges the interests of multinational corporations, property developers, and professional classes; the urban poor are to be cleared away or incorporated into the rationalised city.

Of course, the deployment of state mechanisms to discipline, contain and exclude the urban poor under the rubric of crime is not a new phenomenon. The conjoining of the urban poor with criminality has precedents in colonial planning and policing which, in Delhi, segregated respectable elites from areas such as Old Delhi inhabited by popular classes. From the late 19th century in nearby states such as Uttar Pradesh, police intervention against unauthorised constructions and informal work practices became commonplace, in the form of urban eviction, demolitions and raids (Gooptu 2001: 133-5). This was partly because the development of small-scale trade and enterprise in colonial India generated a highly itinerant mass of poor labour; the Indian police's primary job was law and order (*ibid.*).

The linkage between the poor and criminality has a more recent precedent in the authoritarian Emergency period of the 1970s, when slum removal and forcible sterilisation of the poor in Delhi were rampant (Tarlo 2003). That the vast majority of urban space in colonial and postcolonial India was unplanned and unregulated, forces us to consider that, rather than the urban planner's modernist dream of order, the slum, 'black town', and old city, represents the default site of urban sociality in postcolonial countries such as India.

Against the systematically organised and planned cities of America and Europe, Indian cities have a much more anarchic and unplanned character, showing the insufficiency of focusing on state discourses and middle class anxieties when tackling the urban condition. However illuminating in illustrating the circulating narratives of urban retrenchment, many urban studies inadvertently reproduce the gaze of the urban planner and thereby fail to reveal how state institutions in their operation deviate markedly from prescribed intentions. For example, historical

and contemporary research on India shows that policing imperatives are usually dependent on informal authorities instead of state parties for their execution; that urban planning and legal orders become interwoven with illicit practices of bribery and patronage; and that seemingly non-negotiable state refusals to impart entitlements such as voting rights, water connections and housing plots are softened by backroom concessions (Chandvarkar 1998, Gooptu 2001, Tarlo 2003, Chatterjee 2004). In the following, I will concentrate on theories of state power vis-à-vis the poor, in two respects. First, I will examine the realm of biopolitics and governmentality, and second, that of 'informal moral economies' and institutional norms, weaving in historical practice, the conceptual literature, and the empirical specifics of Old Delhi.

Biopolitics and Governmentality

Much historical and anthropological work has focused on how modern institutional mechanisms made subordinate groups legible. The best known theorist of this is Michel Foucault, who shows in his genealogy of 19th century professions, how authority imprinted itself simultaneously on the individual and population: "power had to be able to gain access to the bodies of individuals, to their acts, attitudes and modes of everyday behaviour...at the same time, these new techniques of power needed to grapple with the phenomena of population, in short to undertake the administration, control and direction of the accumulation of men..." (1980: 125). In this line of thinking, modern forms of governance found their most elaborate manifestation in the disciplining of groups such as criminals and the poor, and were predicated on positivist techniques of representation, and institutional forms of discipline (Agamben 1998). Further, western colonialism is understood to have been a vehicle for experimenting with biopolitical governance, through which institutions such as education and biomedicine enforced bodily discipline and spatial control (Mitchell 1988, Arnold 1993). Writing of the spatial organisation of colonial Cairo, Timothy Mitchell foregrounds the segregation of the civilised and the colonised: the city determines "itself as the place of order, reason, propriety, cleanliness, civilisation and power, it must represent outside itself what is irrational, disordered, dirty, libidinous, barbarian and cowed" (1988: 165).

Echoing these approaches, research on India has posited the marginalised, poor, or seemingly deviant to be the intended artefact of colonial sociology and law, which employed positivist techniques to locate them in time and space. The aim of these methods was to fix classes, tribes, and other groups whose itinerancy, lack of productivity, and refusal to submit to the imperatives of liberal rationality threatened the prevailing order (Gooptu 2001). The conjoining of the poor and criminality occurred in the 19th century through an evaluation of one's disposition and community affiliation, rather than any specific offence: "there were police instructions relating to 'bad-livelihood', 'vagrancy' and 'criminal tribes' which would draw upon such associations between a wandering lifestyle,

low social status, and criminality” (Singha 1998: 44). The primary target of these interventions in the postcolonial period were slums and old cities, where itinerant communities living illegally on public land and working informally coalesced, becoming synonymous with disreputable and criminal behaviour in the wider imagination. As in Mitchell’s work on Cairo, the prevailing attitude amongst Delhi’s professional classes towards unruly slums and floating labourers is anxiety and disdain, their ‘dirt’ and lack of hygiene and order a threat to one’s modernist self-image (Waldrop 2004: 102). The laws mobilised to discipline the poor include parts of the criminal procedure code, and prevention of begging acts, which prohibit hawking, street entertainment, and collecting alms (Harriss-White 2005: 889). Indeed, the criminalisation of such banal aspects of work, residence and mobility means that economic and political precariousness reinforce one another:

targets of preventative detention set for the police require the regular rounding up of homeless and destitute people. Lack of assets, access to law, and/or literacy means many fail to secure bail or redress through courts. Upon release, some of those not destitute beforehand become so after indeterminate periods of detention. The threat of eviction or detention for long periods creates incentives for collusive relations of avoidance involving pay-offs. Institutionalised relations of extortion increase the costs of destitution (Harriss-White 2005: 884-5).

Though these realities persist, academic literature tends to ascribe overwhelming efficacy to the state’s institutional modalities, with the planner omnipotent in knowing and fixing their subject (Dhareshwar and Srivatsan 1996). This research presumes that the state is a totalising disciplinary machine able to achieve biopolitical perfection in fixing its subjects and disciplining their bodies. This interventionist form embodies Max Weber’s notion of a rationalist-bureaucratic form that becomes dispersed throughout society (1978), a self-sustaining machine that goes from lesser to greater intervention in subject’s lives. In the Indian setting, this is exemplified by Lawrence Cohen’s argument of ‘as-if’ modernity in India: bureaucratic elites echo a colonial notion of ‘the masses’ with passion but not reason, and development is organised around a transformation of sense in a population constituted as inherently lacking rationality (2004).

It is my argument that we must not over-determine the state’s desired inscription onto subject’s bodies. The history of everyday policing in colonial India shows that however omnipotent the state seemed, technologies of rule such as lists of “bad characters” and “criminal tribes” were performances of order to other bureaucrats rather than representations of a total awareness of targets. Indeed, the haphazard rounding up of the poor at politically expedient intervals showed that the “criminal” was a tag applied to those who beforehand were constituted as unsavoury: “it was by working from a position not of imperfect knowledge, but relative, and often absolute ignorance, that the police succeeded in creating, or perhaps, more accurately, in reinforcing their own image of a class of ‘bad characters’” (Chandavarkar 1998: 162). This is evident in contemporary scandals

involving ‘encounter-killings’, the police term for surprise or random shootouts that retrospectively turn out to be staged assassinations.

Indeed, re-stating biopolitics’ ambitious promise matters little if it fails, as the Emergency period in 1970s India showed (Tarlo 2003). Indira Gandhi’s suspension of democracy was undertaken to centralise powers of governance and provide the decisionist structure needed to overcome a paralyzed political culture. The government’s suspension of civil rights was allied with programs that impelled sterilisation of the urban poor in order to obtain resettlement plots in Delhi. What should have been the perfect demonstration of the state’s biopolitical inscription on marginalised bodies, however, was quickly disabled. As Tarlo shows, this occurred through the state’s dependence on informal mediators such as *pradhans* and *dalals* (brokers), the counterfeiting of documents, claiming false entitlements without undertaking sterilisation (2003: 119), and obtaining resettlement plots through connections with the bureaucracy or by encouraging someone else to undertake the operation (2003: 149).

Thus, our task is to clarify both the frustration and success of governmentality and the place of what I have termed “informal moral economies”. Historically, the evolution of state mechanisms targeting deviance in colonial settings such as India diverged from the European state that became the normative model for theorising power. For example, in Weber’s well-known formulation, a state comes into being when its “administrative staff successfully upholds the claim to the *monopoly* of the *legitimate* use of physical force in the enforcement of its order” (1978: 54, emphasis in original). Yet undoubtedly, Weber’s theoretical focus, as well as that of Foucault in the 20th century in his work on governmentality, is influenced by the unique character of the French and German states, which developed into comprehensively integrated and powerfully influential bureaucracies, much like Japan.

In much of the colonial world, however, western powers cobbled together a patchwork of existing bureaucratic forms, with different gradients of success and comprehensiveness, and with a much more limited ambit in terms of the effect of state power on those within its purview. The colonised were not to be ‘citizens’ as much as ‘subjects’, and governmental power was not obsessed as much with individual bodies and psyches as the efficient management of ethnic and religious communities through investiture in community big-men and ‘traditional’ authorities. In the Indian setting, the pre-colonial period had been marked by multiple, overlapping forms of authority; rather than Mughal and Sultanate armies having a monopoly on the means of coercion within their territory, as in the Weberian ideal, *zamindars* (landowners) and other factions had legitimate claims to the maintenance and use of weapons, for purposes ranging from protection against bandits to resolving land disputes (Kolff 1990). Further, as in the African setting, the British East India Company’s initial attempts at governance and policing coalesced around ‘traditional’ policing structures, and the incorporation of ‘indigenous’ leaders, watchmen, guards and private armies into the governing apparatus of the Raj after the 19th century (Fisch 1983).

Thus, during the later consolidation of colonial rule in the 19th century, the prominence of informal authorities was not the result of a dysfunction in state planning, but rather flowed out of practices of investiture:

colonial officials often tried to invest those they perceived as neighbourhood leaders with power and influence which they never possessed [...] it represented the forlorn attempt by policemen, magistrates, and civil servants to place their faith in any existing structure of power which might maintain order (Chandavarkar 1998: 192).

Except for the few Indians incorporated into the colonial bureaucracy and endowed with something akin to the citizenship given to the European subject,

ordinary Indians were not seen as individuals, or single subjects. The elementary unit of governance was communities, *jatis*, religious categories or sects whose inner affairs, practices, and beliefs were governed by passion and irrational impulses and therefore to be left to adjudication by authorities within those communities. The problem of public order, especially in urban areas, where supply of disciplined labour was a persistence concern, remained the main concern of the colonial police (Hansen 2005: 177).

This pattern of investiture in community representatives remains a profoundly important element of governance in Indian cities, as represented in the figure of the *dada*, *periyar*, or *pradhan*, self-styled brokers and big-men whose prominence is gained by their command of resources and connections, capacity for both generosity and violence, and ability to get things done (Hansen 2005: 184-5). These figures challenge the idea of the centralised state or of law as being the sole sovereign authority, and instead open up conceptions of legality; what in everyday life is considered transgressive or legitimate does not map on to the universalising imperatives of state law. The prominence of the *dada* or *pradhan* in adjudication and protection in India has a long history. The limited ambit of the colonial police and existing practices of investiture meant that in popular areas,

the locations of power within the working-class neighbourhoods were diffuse, fluid, and subject to intense rivalry and conflict [...] *dadas*, literally elder brothers, were men who had acquired a particular reputation for toughness, sometimes precisely by asserting their own public role through the enforcement of justice and the protection of their friends, neighbours, and clients [...] there was nothing static about these local structures of power. It was within and around them that most of the functions of policing, the maintenance of order and the mediation of conflicts were conducted (Chandavarkar 1998: 191, 195).

More recently, some have marked a historical transition from a political culture built on discrete classes organised around the demand for social entitlements from

the state and paternalistic policies towards the dispossessed masses, and towards a trend towards 'Dadaism' in the 1980s. In cities like Bombay, *dadas* are informal brokers of resources within neighbourhoods and embody a "style of exercising political and social power and protection invoking images of a masculine, assertive, often violent local strongman, whose clout lies in self-made networks of loyalty rather than in institutionalised action" (Hansen 2001: 72).

In Delhi, *pradhans* often occupy the role that *dadas* do in Bombay, communicating on behalf of often impoverished communities, obtaining water and electricity connections and ration cards, but also meting out punishment such as expulsion and fines for perceived transgressions (Tarlo 2003). Slum-dwellers that are continually transgressing law are not simply subject to asymmetrical biopolitical relations. Rather, they are through their *pradhan* able to negotiate with institutional authorities for the means of sustenance. For example, the occupation of urban space or practice of an outlawed trade often translates, paradoxically, into legitimate entitlement. The key mechanism is ownership of state documents validating one's claim, though often, they are counterfeit documents obtained through illicit channels. Even in communities that periodically have their slum razed and are harassed by policing authorities, legitimacy is cobbled together with officialdom through applications for ration cards and the building of water connections (Jha et al. 2002).

In the urban renewal campaigns routinely inflicted on Old Delhi's Meena Bazaar area since the 1970s, we see the proliferation of *pradhan* and *dada*-type figures, who as elsewhere in urban India, exercise their connections and influence on behalf of the marginal. For example, the Meena Bazaar contains at least two hundred hawkers selling everything from roasted meat to aphrodisiacs to plastic toys. Most of these hawkers, almost all men, lack formal paperwork from the municipal corporation. In the absence of this, they have forged different layers of protection from police raids. Foremost among them are connections to *bade admi* or *bada log*; these 'big men' can be rich merchants, aspiring politicians, or religious figures, who for various reasons take up hawkers as their jurisdiction. Hawkers often do not know these men personally, relying as they do on intermediaries who actually procure and cement patronage. Thus, they are often known elliptically, as this or that *masboot adme* or *thos adme* (strong, tough, powerful man). Given that municipal officials and policemen's careers can be dampened by running afoul of connected people, many such state representatives will turn a blind eye to the proliferation of hawkers in the Meena Bazaar, despite innumerable legal judgments and municipal directives to beautify the area.

At night, the Meena Bazaar is given over – quietly and illegally – to a network of men who rent sleeping places and bedding for some of the thousands of migrant workers who work in the old city's wholesale bazaars. This network also facilitates prostitution and drug selling to these men, as well as the junkies who roam the area. Despite complaints from residents and NGOs, the daytime transformation of an illicit hawking zone into a nighttime racket for sleeping and carousing continues unabated. Once again, the reason has to do with the long-standing Indian

practice of investiture and mediation vis-à-vis formal authorities. It is said that the network is overseen by a local man whose uncle was a municipal councillor. This man is referred to as a *rasookh adme*, an Urdu term for one with the right political connections. *Rasookh* stands for influence, for an ability to get things done, so that in the Meena Bazaar, when problems emerge between hawkers or their benefactors, it is not uncommon to hear blustering and threatening words to the effect that one can activate *rasookh* with the police. In these ways, the *bade adme*, *masboot adme*, *thos adme* and *rasookh adme* crucially shape the persistence of ordinarily illegal activities by hawkers, workers, and various intermediaries in Old Delhi's Meena Bazaar. A descendent of the colonial reliance in India on informal authorities such as the *dada* or *pradhan*, this figure is the main reason why the state cannot actualise its abstract goals. For all of their self-interest, such figures can only emerge and remain prominent to the extent that they benefit those lower down the food chain. Through such intermediaries and informal brokers, the urban poor, far from succumbing to rationalisation, manoeuvre with policemen, municipal councillors, and ward officials to carve out a dwelling and subsistence.

Informal Moral Economies vs. Institutional Norms

The literature on law has revealed how legal and institutional norms have significant ramifications on India's marginalised populations (Galantar 1989). Bernard Cohn outlined the critical features of colonial governmentality in the formation of Indian subjectivity, maintaining that practices of codifying and representing were crucial to the colonial nation-state; the imperatives of classification and categorisation of the Indian social world so that it may be better controlled resulted in the British 'investigative modalities' of rule (1996). These included the 'surveillance modality' with techniques such as fingerprinting, whose "ideal was to create a systematic means of recording and classifying a set of permanent features that distinguished an individual" (Cohn 1996: 11), especially those populations such as criminals beyond the bounds of civil power.

However, this work has mostly concentrated on shifts in state policy from the vantage point of those running legal and policing institutions. Thus, this research often leaves un-problematised the categories of law, legitimacy and authority in their iteration as lived social notions. The language of law within liberal states has highly specific readings of both suffering and justice, for example, that are not shared in wider society. In the Indian setting, in instances of large-scale communal violence and suffering such as the 1947 Partition, when the state interpreted silence as the refusal to articulate suffering in its terms, politicians and the judiciary created "a verbal discourse which legitimises the position of the government as guardian of the people and the judiciary as protector of the rule of law" (Das 1995: 159). The appropriation of suffering occurs in bureaucratic speech and the compulsive ordering of law, such as the use of euphemism and generalities that refuse to call suffering into existence. For this reason, the Partition's traumatic incidences of

violence against women resulted in “no public space created in which society could confront the event, in which it could hear from women the nature of their experiences or from men a defence or acknowledgement of the forces that led them to commit such unspeakable crimes” (ibid., 192).

If from the vantage point of law, complete social experience cannot be properly articulated, we can problematise the question of what is legal and illegitimate in social terms by examining the disjuncture between legal frameworks that invite intervention, and those acts that are deemed outside the purview of the state and law, and thus as social or moral problems to be handled in community terms. For example, communal violence involving Hindu, Muslim, and Sikh parties at various moments in the post-independence era has often been glossed as: the result of a skewed historical or demographic condition; natural reactions of an aggrieved constituency; or simply as a means of politics, as shown by the complicity of politicians and policing authorities in such violence (Hansen 2001).

In another example, the attempt by colonial and post-colonial governments in India to instantiate the legitimacy of ‘love-marriage’ as an individual contract has been undermined because of long-standing practices of community self-regulation and autonomy (Mody 2002). Though legally, civil marriage is part of the state’s bestowal of rights upon citizens, the public disdains love-marriage as a contravention of community responsibility and propriety over its subjects. Therefore, in practice, “the law is administered and indeed appropriated to make court-marriages difficult, dangerous and shameful affairs” (Mody 2002: 240). Such practices include informal elements within state institutions, such as touts whose formal standing is negligible but whose command over law and access to advocates and judges is deemed critical to expediting one’s case; as well as official actors such as peons and police investigators, who may or may not carry out the prescriptions of the state depending on their evaluation of the stakes involved. In marriage, then, as in communal violence, certain acts (love-marriage, retribution for perceived community insults) are deemed part of the inner domain of community practice that the state and law should not, and often does not, affect. Legitimacy and authority here does not overlap neatly with legality, but rather hinges on the precedents and authorities within the community. In some ways, this continues the tension evident in the colonial period, when the British formulation of criminal law sought to universalise a public which was subject to the state’s reforming imperatives, but which time and time again in practice “was not the enlightened public yet to emerge, but a traditionally conceived one, to be reassured of the continued salience of caste and rank in procedures of governance” (Singha 1998: 310).

We can extend these insights to cities, where the imbrication of informal and formal authority in poor areas is crucial to how goods and services are accessed, proper behaviour policed, and homes and businesses legitimised or threatened with demolition. In the context of Calcutta, Roy discusses ‘unmapping’ and ‘urban informality’, arguing that the highly tenuous nature of state inscription and the overlapping claims to land produce a situation of apolitical ambiguity regarding

settlement (2003: 138). Here, creative state fiddling with accounting and mapping and the temporary poaching of land and resources, constitute a kind of “*urban populism* indicating clientistic strategies of popular mobilisation and disciplinary control” that undergirds state-poor relations (Roy 2003: 140).

Similar processes are evident in Delhi in the process of ‘regularisation’, a form of “legalisation set in motion by inhabitants...seeking public improvements of basic infrastructure and services”, such as water and electricity connections, and paved roads (Benjamin 2005: 245). This form of ‘quiet politics’ is the means by which influential parties representing poorer constituencies can seek to create facts on the ground (concrete houses, voting cards for labourers, electricity substations) that become so integrated with the formal apparatus of state bureaucracy and service provision that they are difficult to remove, though they are technically illegal (ibid: 247). In the cramped but lively residential area around Old Delhi’s Meena Bazaar, for many decades now the subject of reform initiatives, a retired resident explains why the *mohalla* is chock full of banned cycle-rickshaws, illegal electrical connections, and outlawed hawkers. Commenting on the fused if seemingly diverging interests of local custodians and state parties, he talks of municipal councillors playing a ‘double-game’: giving fealty to the Master Plan, while facing loud and insistent pressure on behalf of constituents. He notes, “the politicians have to show that they are trying to clean up the city. But the politicians don’t do anything – if they do, then they will not get votes (*toh fir vote nahin milenge*). And if we file a complaint against encroachers, then action will be taken against us (*toh woh hamare against mein action lete hain*). And the encroachers are like Mafiosi, they can commit violence (*aur yeh log bhi goonda hain – mar-peat karsakte hain*). So we don’t say anything (*nahin bolte hain*).”

From the perspective of politicians, constituencies whose patronage is ensured in this way become reliable votes in elections, while for the bureaucracy, existing laws are circumvented quietly to raise revenues that might otherwise be lost if such groups were deemed illegal: “interventions are set in motion via ‘administrative orders’, and councils justify such actions on ‘humanitarian’ grounds” (Benjamin 2005: 246). For politicians, municipal bureaucrats, development authorities and police officers, a recurring form of ‘quiet politics’ from poorer communities that are in other moments subject to raids and demolition, are the petitions, protests, hunger-strikes, *morchas* (marches) and physical hounding (*gherao*) that can result in the provision or continuance of services. Indeed, those living on the wrong side of law in India, such as squatters and street vendors, negotiate ‘paralegal’ processes that bend formal bureaucratic doctrine (Chatterjee 2004). Despite their material deprivation, once mobilised collectively, they nevertheless make entitlement claims on the state by making visible their biopolitical vulnerability.

The mutual inscription of the informal and formal as concerns the poor and everyday illegality, can finally be understood in the circulation of favours, money, gifts, and alcohol between state parties and residents. The best such examples are *ghus*, one-off payments in return for a specific favour or because of a single violation; and *hafta*, the weekly or monthly circulation whereby vendors, slum-

dwellers, shop-keepers, and criminals give bribes to municipal authorities and the police in order to acquire patronage and protection, meaning most often their complicity in illicit forms of commerce and residence (Verma 1999: 267).

In Old Delhi's Meena Bazaar neighbourhood, *hafta* and related forms of payout, such as from politicians to residents during campaigning, is understood as an amorphous circulatory system that makes the city function. Here, corruption, far from being a hindrance to the machinery of life, is rather seen as a crucial lubricant. Distributing blankets, alcohol, and money is part of the necessary act of 'asking for support' (*vote mangte hain*); local big men acquire the 'help' of police, who in turn 'eat' their share (*madad milrahi hain police se, jo paisa khathe hain*). Small homes serve as workshops for producing counterfeit goods (*nakhli chiz*), such as fake jeans, while restaurants and provisions shops are often talked of as proffering adulterated (*milawat*) grains, milk, and spices. Authorities know of such illicit activities, and a system is already in place to ensure the continuity of affairs.

The state does not lack the means to intervene or knowledge of the parties participating; rather, the space is a well-orchestrated circuit, involving and implicating formal authorities and local goons equally. The reason that one may think of this as part of an 'informal moral economy' is that it functions as a kind of gift-economy: the circulation of goods and services, illegal or quasi-illegal, demands another kind of circulation: the regular payments of *hafta* to authorities, and the *ghus* or one-off bribes for extraordinary favours or one-off infractions. Only when the movement of money stops does the circuit of commerce stop; the point is to keep the flow going, and so the imperative for all parties is to maintain a smooth circulation, to avoid the jams resulting from periodic disagreement or resentment or impropriety. A police constable, lowest in the police food chain, says that the important thing is to seamlessly insert oneself within existing networks of money and sanction – rates are fixed, and calculated precisely, to the point that one does not even need to ask for money. Rather, it is understood, as a kind of tacit knowledge. As the constable says, "you don't even have to do anything, the money comes by itself to you" (*aap to kuch nahin karne padta hain, woh to apne-aap ke paas pounch jata hain*).

This connivance of the police in illegal affairs is not a recent development, but rather has a longstanding provenance, notwithstanding the common-place narrative of the Indian state's recent descent into corruption. In colonial Bombay, for example, it was common to exercise one's "authority as policemen informally to gain the compliance of pimps and prostitutes, tailors and moneylenders and variety of intermediaries involved in the [prostitution] trade. Sometimes they cuffed their collaborators into profitable, if unequal partnerships" (Chandvarkar 1998: 200). The release of the poor picked up under the aegis of communal tension, urban hygiene and criminality, and their continued residence within squatter settlements is often facilitated by *hafta* and also the purveying of other services, such as the procurement of women for policemen (Dhreshwar and Srivatsan 1996: 215-16). What *hafta* signals is the multiple, overlapping registers of authority and legitimacy that operate in the city. These are legible to low-level

urban authorities, and intelligible to those on the street and in the margins, who must master other forms of reading and traversing the city, trafficking in non-evident forms of authority, and currying favour with the right kinds of fixers (Hansen and Verkaaik 2009). This occurs much to the exasperation of higher-level policy-makers and politicians indebted to the fantasy of order, for whom these forms of connivance between legal and illegal realms frustrate India's modernity. This is registered in terms of anxieties centred on the insular, seemingly feudal 'nexus' of interests tripping up state plans (Cohen 2008); the 'vested interests' who cannot selflessly think beyond their own well-being; the 'rackets' formed by collusion between entrepreneurial parties; or the land and commodity 'mafias' seen to dupe the naïve public (Benjamin 2005). Ironically, it is precisely the improvised, overlapping layers of authority and negotiation which make the city so apparently ungovernable and illegible – and which rendered the authoritarian Emergency period a failure – that enable the conditions in which the poor subsist.

Conclusion

This chapter has grown out of an attempt to understand how we may think of the gap between political and policy pressures on the urban poor in Old Delhi, and their ability to negotiate or manoeuvre. At first glance, if we want to employ discourse analysis and examine the state intentionalities at play, this linkage may be understood as another example of the efficacy of governmental techniques in disciplining the marginalised. Instead, I have argued that we must probe historical arrangements and contemporary practices further to excavate the actual social life of the urban poor and everyday illegality as it is enacted.

In so doing, I have made two main points. First, rather than the poor being passive targets of disciplinary operations, such as legal rulings, municipal plans, and policing practices, I have argued that we must foreground the place of "informal moral economies" privileging negotiation and agency within institutional arrangements that are nevertheless unfavourable towards the poor. The unwritten moral economy involving informal community leaders, as well as formal institutional authorities such as bureaucrats, court representatives, and the police often acts in ways that are counter to larger state intentionalities. Second, I have argued that conceding to the law the overwhelming efficacy it often ascribes to itself is, in actual social practice, not correct; this is not a result of the failure of the Indian state, which is indeed violent and impinges on the poor in many ways, but partly a result of the colonial legacy of governance by investiture, and partly the result of 'informal moral economies' that work within and adjacent to formal institutions. Illegal and illicit actions as framed by the law and its primary backers, such as the middle class and bureaucrats, are not universalised and reified notions shared throughout urban space. Rather, the question of what is legal or not, cannot be seen as everyday operative terms in the same sense as that preserved by law. In the context of this chapter, illicit housing and commerce among the

urban poor, what we could term banal forms of illegality, are written into both de facto governance schemes but also the formalised institutional practices of the law in such a way that questions the self-seeking primacy of the written law, and its adherence in everyday life.

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