Contentious Politics and Human Rights: Who Benefits?

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Abstract

This paper narrates the life history of Ratan Mandal who lives along with his family on the pavement and earns his livelihood by running a tea stall, also on the pavement, in the city of Calcutta, West Bengal, India. The story of his migration from the impoverished southern hinterland of the city in the 1960s, his selective re-telling of his break with the past, his sense of entitlement to the public property, amenities and resources that he managed after migrating to the city, his and his family's everyday transactions and negotiations with multiple actors, I argue, provide a general account of much of the mysteries of the informal sector— everyday strategies of its agents to eke out a living defying the existing notions of property and civic law. Ratan's life history provides a vantage point to unravel the internal hierarchies and the rule of domination and subordination within the informal sector. Taking lessons from Ratan's story, I attempt to show how, over the years, the pavement hawkers' movements to retain their business have marginalised the cause of informal housing on the pavement. The forceful upholding of the hawkers' cause in the last decade, following the state government's eviction drive in the year 1996, codenamed Operation Sunshine, and a consequent marginalisation of the cause of the pavement dwellers, prove my hypothesis that as soon as one particular argument of quasi rights (forcefully presented in the language of human rights) is privileged in mobilised politics, it begins to marginalise other such arguments in such a degree and manner that they begin to lose foot in policy and public discourses. The human rights movements in the city also privilege the cause of the hawkers. The everyday struggles of the pavement dwellers

remain unrecorded in any kind of archival form. This paper unveils how different claims of human rights (here, the claims of the pavement dwellers and the hawkers) are pitted against each other. In the ensuing struggle it is often seen that the claim of human rights becomes the powerful tool to fulfill the aspirations of the dominant group.

Introduction

The origin of popular sovereignty is derived from what is defined as the social contract school of the late 17th to mid 18th centuries. Popular sovereignty presupposes that no law or rule is legitimate unless it rests directly or indirectly on the consent of the individuals concerned; that is, of the people. One can cite numerous examples from history starting from the American War of Independence to the late 20th and 21st century "new social movements" to show how the notion of popular sovereignty proliferated across the globe. One of the defining features of these movements is that they share the understanding that in order to make a certain claim audible, there is no other way but to put it in the language of rights. That is why the last three centuries saw the worldwide proliferation of the rights-based discourses—civic rights, moral rights, legal rights, and, last but not the least, human rights. The last one is the newest addition to the parlance of rights having its genesis in the radical movements in the 60s and 70s of the century that we left behind. If we make a reading of these movements from a general history textbook, we will find that there is a perennial tension in the entire conceptualisation of rights. Its exponents have to undertake the double burden of making hegemonic universalistic claims (like the universal right for democracy in decision making) and particular group-based claims (like more voice for the less-developed, citing enumerative accounts, and locating a particular group in the ladder of development).[1] To put it differently, in an ideological plane the language of rights upholds expanded universal identities where all human beings are equals, having equal claims to

blossom their lives to the fullest extent, while its everyday version deals with the contracted identities based on class, caste, gender and race, for which we realise our rights by contesting some other rights. The present paper seeks to deal with this everyday tension surrounding rights. To give the study a structure, I have narrated the life history of a pavement dweller-cum-hawker (street vendor) named Ratan Mandal.

The Calcutta Pavement: Hawkers and Pavement Dwellers

The pavement of the city of Calcutta[2] is quintessential of a marginal "Third World" urban existence where one finds fuzzy intersections of divergent times and spaces of social groups bearing multiple identities and histories of negotiation with urban realities. It is the space of the pedestrians and the consumers, a market producing a mind-boggling sum of revenue, and it is also the space of the hawkers and pavement dwellers. The pavement is a part of a "spatial complex" that also comprises the fair and the bazaar, and together they constitute an unenclosed realm that provides a "meeting point of several communities." It is a space where the bourgeois notions of citizenship, publicness, privateness, property and civic law are contested by the everyday practices of the "squatting" groups. By using available governmental data the present section seeks to introduce the ethnic divisions within the city pavement.

A Calcutta Municipal Development Authority (CMDA) sponsored study done by Sudhendu Mukherjee (1975) on 10,000 pavement dwellers shows that most of its respondents had come from the southern part of the old 24-Parganas (the southern hinterland of the city), having lost all belongings in a serial occurrence of flood and droughts throughout the 1950s and the 1960s.

Since the late 1960s, the pavement space began to be occupied by the hawkers. Three successive studies on the pavement dwellers in the 1970s and 1980s mention that less then 6 percent of the pavement dwellers use

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1   Here it might be relevant to point out that Chatterjee (2004), although in a different context, draws upon the instance of the co-existence of universalist and particularist claims in Ambedkar (the architect of Indian constitution) to illustrate that such ambivalence is epitomized in the constitution of India itself, and this renders the promise of equal citizenship illusory.

2   In recent past, the city was officially renamed as Kolkata to give emphasis on the Bengali origin of the city. To me, it had been a mode of asserting a new Bengali-ness, re-inscribing the cultural dominance of the Bengali *bhadralok* (middle class). To assert my difference with this movement calling for cultural homogenisation, I have used the old official name of the city. The move to cultural homogenisation of a particular group in a multicultural city runs the risk of violent outcomes. The country witnessed a tremendous ethnic and religious tension during the renaming of Bombay to Mumbai (Hansen 2001).

the pavement space for hawking.[3] Another study on the hawkers done by K. P. Bhattarcharya and P. Dey (1991) asserts that most of the pavement hawkers were refugees of East-Bengal.

From these studies, what we obtain for our purpose is the fact that the city pavement has been occupied and privatised by two different groups for two different purposes: a) those who migrate from the hinterland of the city, work in different places, but stay on the pavement, and b) the urban poor who commute from the suburban refugee colonies and contribute to the informal market on the pavement.[4] The purpose of the paper is to explore the relationship between the aforementioned groups and their relative capabilities to deploy the language of human rights to justify their occupations. The poor percentage of the pavement dwellers taking part in the practice of the pavement hawking amply displays how the kin-caste network has governed participation in the informal market. In the following section, I will incidentally touch upon this issue to draw a political biography of a pavement dweller-cum-hawker.

The pavement stalls began to perform an important economic function by providing a low level but vital source of livelihood to thousands of people. The hawkers successfully justified their clearly illegal occupation by mobilising support among citizens and political parties.

In the mid-1990s, however, the tide turned. There was increasing pressure on the communist-led government of West Bengal to clean up Calcutta in order to attract foreign investment in growth sectors such as petrochemicals and electronics. The government support among the urban middle-class was falling sharply. Eager to participate in global economics, the ruling Marxist-Socialist coalition began to engage itself in a *Perestroika* of sorts. As a part of this process, in 1996, Subhash Chakrabarty, the State Transport Minister, was conferred the charge of clearing the Calcutta pavement. Over a period of two weeks, in a well planned and coordinated action codenamed "Operation Sunshine,"

municipal authorities and the police demolished all street-side stalls in Calcutta, cleared the sidewalks, expanded the roadways and planted trees. Middle-class residents hailed the move because their nostalgic city was being restored to its original beauty.[5] But within a few months, the hawkers began to reclaim their previous positions on the pavement and the state had to think of "mainstreaming" and "regulation" as opposed to eviction and rehabilitation. I argue that the movement that started a few months before Operation Sunshine had gradually institutionalised informality and paralegality by homogenising and systematically commemorating the events of Operation Sunshine as a statist assertion directed only against the hawkers.[6] In reality, the drive also evicted pavement dwellers.[7] Soon the threat of eviction disappeared and the hawkers' movement progressively promoted a regulated encroachment by displacing the other "non-economic occupants."[8] For this, it was important to privilege the cause of hawking out of some other claims like that of the right to dwell on the pavement. Interestingly, the human rights discourses that Operation Sunshine sparked off did not recognise the serial displacement of pavement dwellers. The pavement dwellers had vanished from any sort of archival form. One can empirically understand this fact by noticing the growing concentration of the pavement dwellers in four/five specific sites in the city.

Before embarking on some dry theoretical implications of my research, let me introduce Ratan Mandal, who both dwells and hawks on the pavement along Rashbehari Avenue, close to Gariahat Junction (centre of the southern part of the city).

A Biographical Account

Ratan is 67 years old. He had a small house and a few *bighas* (one-fifth of an acre) of agricultural land in Canning, in South 24-Parganas (the southern hinterland of the city close to Sundarbans). He had to sell

3   The study of Mukherjee, however, gives a conservative estimation of 3.5 percent of the pavement dwellers resorting to the profession of pavement hawking. Jagannathan, V., and A. Halder. "Income-Housing Linkages; A Case Study of Pavement Dwellers in Calcutta." *Economic and Political Weekly*. 23 (23), (1988). pp. 1175–78.
4   A sample survey points out that 68 percent of the hawkers in Calcutta happen to be people of East Pakistani origins. Biswas, S. Kolkatay Hawker Uchheder Prasangikata ebang Uchheder Prabhab (in Bengali), unpublished MA Dissertation (Calcutta: University of Calcutta, Department of Political Science. 1999).

5   Lahiri, S. *Operation Sunshine* (in Bengali). (Kolkata: Visvakosh Parishad, 1997).
6   Thus, the book *Operation Sunshine* defines its scope as an "anthology of articles on the removal drive of the illegal encroachers from the pavements in Calcutta." Lahiri, ibid. But, the book does not contain a single sentence on pavement dwellers.
7   Anandabazar Patrika, 25 Nov. 1996.
8   According to the diction of the Hawker Sangram Committee, the consolidation of fighting hawkers.

his meagre property to pay the debt that he incurred during a rainless summer in 1965. Ratan, like many of his countrymen came to Calcutta; clutching their tin suitcases they arrived at the Sealdah station. The motif of moving to the city and becoming a part of its underclass is so timeworn that even their folk songs have registered it. They come to the "city of cash," not to become city dwellers, but to tide over lean seasons, to pay back a loan, or to work as cash earner for a big peasant family. But Ratan's pavement dwelling, austerity and work as a *jogandar* (helper) did not help him much to re-establish his link with his village. He was already a family man with two little daughters and a wife. They all made up their minds to stay permanently on the city pavement. They first built a shack on the pavement near the Tipu Sultan mosque at Esplanade region (close to the Central Business District). But one night, two *dadas* (political bosses) of the region came and asked Ratan to evict from the pavement because they were going to clear it to settle the hawkers. Since then Ratan has been at Rashbehari Avenue. He had again built a small shack to protect his family.

Menial work in the city being regulated by close-knit kin/caste networks, he failed to manage a permanent source of income. From 1970, he began to witness how the pavements along the busy streets of South Calcutta were gradually becoming a highly thronged market place. He observed that the region from Gariahat Junction to the Lake Market was occupied by a group of young men who originally came from East Pakistan as refugees and settled at the nearby Keyatala neighbourhood. Those who either commuted from the villages close to Ratan's, or had earlier settled in Calcutta, occupied the other half of the pavement stretching from Gariahat Junction to Ballyguange Station. His small shack fell in the second half. Emulating others, he started a tea stall in front of his shack. Gradually it became a semi-permanent structure. One day, some of his fellow stallholders objected that he occupied more space than them since he not only hawked but also dwelled on the pavement. The logic was simple. If he only hawked there and dwelled somewhere else, then an unemployed youth could get a space to start hawking. Ratan shifted his place of dwelling to a pavement very close to the Keoratala Burning Ghat where he found many fellows like him.

It was a common practice among the people of our native place to come to this place in Rashbehari. One of my cousins settled in a shack in this area. We stayed with his family for a couple of days. Then I managed to erect a similar one.

In this way, this part of the street pavement became a zone of dwelling while the rest of it acted as a thriving informal market.

Ratan's life history attracted me because he is among the very few of the first-generation hawkers who occupied and used pavement to serve multiple purposes. The question that haunted me when I interviewed him was whether he would justify his dual occupation on the pavement in the same language.

Ratan was one of the many pavement dwellers outside the Keoratala Burning Ghat, who had the Voter ID Card and a host of other documents that are proofs of existence. Of course, the Voter ID is his trump card. "Every time there are elections, the candidates promise us we will get houses. All we ask for is a house in a location from where we will be able to earn a livelihood," said Ratan. His present "house" is a tent with four logs supporting a black tarpaulin sheet. The family sleeps on the floor in makeshift beds and there is a mud oven made by his wife just outside the tent. Ratan points out that those who cannot afford to sit in peace under their own "roof" and eat their food cooked by their wives are unfortunate. Late at night he often witnesses pitched battles among rival sleepers for a sleeping lot. There are organised rackets, involving gangs, cops and the local *mastans* (ruffians) who auction off the available sleeping places to potential sleepers. The collection of *tolla* (protection money) and its division among contending parties often leads to serious troubles involving gun fights, murders and arrests. Ratan paid a hefty sum to the racket and the police when he settled there. Still he has to pay a weekly *hafta* (weekly sum to be given to the ruffians). But that's not the end of the story. His everyday life is riddled with fears of demolition of his shack by some passing policemen, pressures, insecurities and deep-seated anxieties of loss of *ijjat* (honour) of his daughters and granddaughters.

Ratan's plight of dwelling reminds me of Appadurai's point about dispossession under conditions of urban anomie and severe scarcity of space, which has to do with "habitus defined by Bourdieu as the notion

of inner space," linked unalterably to one's own body.[9] Appadurai's notion of "bodies that are their own housing," would signify a radical breakdown in habitus in response to what can be called after Benjamin as "the state of emergency" which is "not the exception but the rule" in the life of the oppressed.

Given the situation, what do they actually do with their Voter ID Card? There are at least 400 persons such as Ratan who have a Voter ID Card. All of them have surprisingly furnished the same address.

Calcutta Corporation officials, verifying the election rolls, recently discovered that some of the houses in Chetla region had an unusually high number of voters. When they crosschecked, they found that several pavement dwellers had simply picked the door numbers closest to their settlements. In some cases, they had given the addresses of shop, residences or even the governmental buildings. Ratan said that political organisations helped them get the Voter ID Card. They used to alert them when photographs were being taken at the nearby schools. Observing his interest on his own Voter ID Card, I asked what purpose it served for him. He replied:

> Voter ID card is the permanent index of my citizenship rights. Since I am a citizen of this country I have the right to take over a vacant pavement space. If one is a citizen, one cannot be homeless. During the course of Operation Sunshine I lost my stall and this house. But soon the tide receded and I reoccupied the land. The ID card, I believe, ensures my right to dwell on the pavement.

Ratan's loss of landed property in the village and his break with his own past had deregistered his name and designation from the registers of government. He could no longer be classified as a "landless peasant" or "marginal agricultural labourer." As the state-produced documents, such as the works of Sudhendu Mukherjee[10] and Jagannath and Haldar[11] show,

up to the late 1980s the state took segmented interests to document the life and labour of the pavement dwellers. Even in some of the Bengali literary works, as well as in the ethnographies of Moorehouse (1971) and Mukherjee,[12] they received much attention. But from the early 1990s their existence began to question the very foundation of the Communist rule in the State of West Bengal, as their growing number indicated the failure of the much celebrated land reform project of the government. Although they are not registered "landless," they are, after all, the landless and unemployed band of peasants migrating to the city to become absorbed in the informal economy of the city. As a result, from the 1990s pavement dwellers became an uncategorised group. But these unidentifiable, ungovernable groups have been given the right to vote. And from this comes the subaltern notion of rights over the public. While for the state, the constitutional notion of citizenship provides the notion of equality by which it seeks to propagate a theory of equidistance, for the urban poor it gives the right (*adhikar*) to appropriate something that does not belong to any person but to an impersonal authority—the *sarkar* (government). In West Bengal there is a very popular joke. The story goes like this: the rail police once caught a person trying to steal a ceiling fan from a vacant train compartment. When interrogated, he flatly denied the allegation of stealing by arguing that he was only realizing his own share of *sarkari sampatti* (public property). In its own hands the public assumes a fluid character. To identify such negotiable and fluid public realm in which occupation implies ownership, Kaviraj[13] coins the term *"pablik"*—an interlingual term that captures how the original English word is pronounced in colloquial Bengali. The "quasi claims" (that Ratan makes), embodied in various informal practices, can be seen as instances of the *"pablik,"*[14] a territorialised negotiability of public norms and meanings.

The move from "public" to *"pablik"* is of critical importance in unearthing unanticipated forms and spaces of public action, what

9   Appadurai, A. "Spectral Housing and Urban Cleansing: Notes on Millennial Mumbai." *Public Culture*. 12 (3), (2000): pp. 627–651.
10 Mukherjee, S. *Under the Shadow of the Metropolis: They are Citizens Too*: *A Report on the Survey of 10,000 Pavement Dwellers in Calcutta*. (Calcutta: C.M.D.A. Publications, 1975).
11 Jagannathan, V., and A. Halder. "Income-Housing Linkages; A Case Study of Pavement Dwellers in Calcutta." *Economic and Political Weekly*. 23 (23), (1988): 1175–78.
12 Mukherjee, S. *Under the Shadow of the Metropolis: They are Citizens Too*: *A Report on the Survey of 10,000 Pavement Dwellers in Calcutta* (Calcutta: C.M.D.A. Publications, 1975).
13 Kaviraj, S. "Filth and the Public Sphere: Concepts and Practices about Space in Calcutta." *Public Culture*. 10 (1), (1997): 83–113.
14 Ibid., 108.

Holston[15] has called "sites of insurgent citizenship." While Ratan's story and squatting in general is more appropriately interpreted as popular politics rather than as insurgency or resistance, the *"pablik"* can be geography of intense contestations. Ratan's other existence as a hawker relates him to a more organised domain of mobilisational politics that seeks to project another set of *"pablik"* claims. Ratan recollected his verbal altercation with the policemen on the night of 24 November 1996:

> Let them arrest us all. There isn't enough space in their jail to hold all of us. We vote and therefore why should we have to quit? We had started our business to feed our families. Among us are the refugees of erstwhile East Pakistan and landless people from the South Bengal. Having lost everything, we had come to the city to eke out a living. We live below the poverty line. It is because we render a cheap service that the poorer people of the city and those who commute can survive.

If we analyze Ratan's argument we find that refugees, landless, below the poverty line—all are demographic governmental categories. This is the ground on which Ratan defines his claims. He does not also forget to point out the value of labour that he renders to the poorer groups of the city. And it is here, I argue, his other claim of living on the pavement gets diluted as the majority of the pavement dwellers are day labourers and household help. The utility of a day laborer and a hawker is not the same in the city's political economy that finds its recent rejuvenation in the flourishing service sector industries.

Again, pointing to his small stall, Ratan chanted:

> We clean the pavement, occupy only small part of it and pay regularly to the police and our organization. So long we are able to blackmail the political leaders and bribe the policemen we have no fear.

Such organised struggles are strikingly absent in defending his squatting on the pavement.[16] If Ratan's *"pablik"* dwelling is a constellation of quasi claims, a space where he is eternally vulnerable, I see the *"pablik"* created by the hawkers as capable of interrogating the notions of public property and civic law. A reading of Ratan's life history provides the opportunity to understand how, in Calcutta, the pavement, a public space per excellence, has become a site of *"pablik"* claims, and also how, out of so many *"pablik"* claims, the hawker's cause has been privileged so much so that the drive to evict the hawkers began to be perceived by the city middle-class as a welcome starting point for recovering the "public" from *"pablik,"* re-inscribing space as subject to civic control.[17]

In the next section I will make an attempt to see the "public" in Calcutta as a process—a silent encroachment of the *hoi polloi*.

Nature of the Struggle

Concerns of survival draw the likes of Ratan into a kind of unceasing struggle marked by what Bayat calls "individual direct action."[18] Initially, Ratan's encroachment on the public land appeared to be an insignificant act. His occupation was not likely to attract the attention of the government, which had been busy in groping with other macro issues such as the refugee problem (caused by the partition in 1947 that divided the province of Bengal into East Pakistan and West Bengal), new political challenges with the emergence of left radical politics in urban and rural Bengal in the backdrop of the food movement, the war with Pakistan and so on. In this situation, Ratan represented a band of dispossessed people who occupied and began to use the public space as a matter of moral right. Migrating to the city had been an empowering experience for Ratan. In an era of a declining one-party system and a gradual growth of coalition politics the floating populations of the city became electorally

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15 Holston, J. "Spaces of Insurgent Citizenship." In Sandercock, L. ed. *Making the Invisible Visible: A Multi-cultural Planning History.* (Berkeley: University of California Press, 1998).

16 The hawkers initially made their stake over a small unit sometimes by evicting some other illegal occupants who had already reduced the pavements into extended bustees. Without indulging in showdowns with the prior occupants who were either destitutes or seasonally migrant labourers, the hawkers usually paid a sum of money to them and asked them to go somewhere else. Sometimes they also bribed the police to clear their chosen site.
17 Lahiri, S. *Operation Sunshine* (in Bengali). Kolkata: Visvakosh Parishad, 1997.
18 Bayat, A. "From 'Dangerous Classes' to 'Quiet Rebels': Politics of the Urban Subaltern in the Global South." *International Sociology,* 15, (2000). p.333.

important. Ratan had been successful in using his position as a rational voter to justify and strengthen his moral claim on the pavement. How to characterise Ratan's individual encroachment?

Although various forces had incessantly disrupted Ratan's dwelling, his initial encroachment had a seemingly insignificant character deemed to be unworthy of policy attention. Still, Ratan's individual endeavour is part of a bigger struggle marked by atomised and prolonged mobilisation with episodic collective action devoid of clear leadership and a transformative ideology. What the agents of this mundane struggle do is simple and direct. Gradually they cause molecular changes that in the long run, to invoke Gramsci[19] "progressively modify the pre-existing composition of forces and hence become the matrix of new changes." Unlike organised social groups such as the students or the employees in the organised sector, the floating social clusters such as migrants, refugees, unemployed, squatters, and street vendors lack the institutional capacity to exert pressure by withdrawing their contribution to the functioning of the state. They are, thus, "structurally atomised individuals" who, as Bayat[20] argues, take part in the street demonstration only if they are mobilised by outside forces. Otherwise everything goes on quietly.[21] But, this slow and noiseless movement of the informals might turn into

an organised collective action overnight when the state begins to note their concentration (when it becomes sizeable) as a threat to the existing notions of property and civic law, which it is supposed to maintain. As soon as the threat of eviction becomes imminent, the threatened groups begin to mobilise their shared moral and material causes that they have already developed in the course of sharing the same space to form a consolidation. The history of the hawker's movement in Calcutta shows that they had been able to consolidate themselves (blurring the distinctions of belonging to different unions) to foil the governmental attempt at clearing the pavement. As I have shown earlier, they did this by privileging their specific use of the pavement as a veritable step towards self-employment.[22] The threat of eviction in 1996 brought many hawkers in the city together into an umbrella union called the Hawker Sangram Committee (consolidation of the fighting hawkers).

As soon as the movement achieved success in resettling the hawkers, it began to change its fundamental character that had been based on exclusivity. The Hawker Sangram Committee began to project itself as a platform of a wide cross-section of urban poor—the prostitutes, the squatters and so on. Interestingly, it refused to register its name either under the Trade Union Act or the Societies Registration Act. Rather, it sought to be identified with a wider anti-globalisation peoples' movement that developed from the *Narmada Bachao Andolan* (Save the River Narmada Movement). While trying to understand this kind of merger of autonomous movements with various claims, one must not forget the very specific and short-term, target-oriented beginning of the hawkers' *sangram* (fight) that sought to displace the pavement dwellers if necessary to justify and consolidate its own claim. The merger of the hawkers' movement with the people's movement in the post Operation Sunshine decade gave it greater visibility, vibrancy and publicity in the national and international levels. But it does hardly explain how the Hawker Sangram Committee has been able to keep its original support

19 Gramsci, A. *Selections from the Prison Notebooks*. trans. and ed. Hoare, Q. and G.N. Smith. (New York: International Publishers, 1971)

20 Bayat, A. "From 'Dangerous Classes' to 'Quiet Rebels': Politics of the Urban Subaltern in the Global South." *International Sociology*, 15, (2000): p.333.

21 What I emphasised earlier, encroachment or encroachment-led displacement did not occur radically. It took place so silently and gradually that it created serious ambiguities in the process of governmental enumeration. Thus, in 1974, the Calcutta Enforcement Police and C.M.D.A undertook two surveys on the city's pavement dwellers independently. While the former gives the total number of pavement dwellers as 105,000, the later records the total number as about 200,000. This gap implies the failure of the state agencies to penetrate completely into the lives of the targeted population groups. None of them, however, even cursorily referred to the hawkers as a substantial category. But during the time of Operation Sunshine in 1996, it was declared by the state government that the total number of hawkers occupying the city's pavement surpassed 100,000 (Anandabazar Patrika, Novemver 25, 1996). In this declaration, however, there was little room for other encroachers of the pavement. But as we have learned from Ratan's lived experience, Operation Sunshine also destroyed the semi-permanent dwellings on the pavement. This again validates my point of homogenisation.

The abrupt realisation of the state that the number of the hawkers had crossed its limits of endurance also proves the strength of what Bayat calls individual direct action. As this takes place discretely, the state fails to comprehend their nature until a critical mass is attained. When the critical mass is reached, the state begins to acknowledge it as a threat. Even before Operation Sunshine, there were scattered efforts to regulate street vending since the late 1980s. Attempts were also made to evict them gradually through the creation of alternative arrangements for them. But after the 1996 Assembly election, the Left Front began to abandon them. The next election was a distant future. Before that, it wanted to fracture a substantial vote bank that could go against its interests at any time. Operation Sunshine was such a moment.

22 I interviewed some of the hawkers who bore the brunt of the eviction process. They justified their act of encroachment and the consequent displacement led by them on a moral ground that combined an invocation of Articles 19(1)g (ensuring the right to carry out trade and business on pavements) and 21 (which says that everybody has the right to earn his bread) of the Indian Constitution, stating the state's failure to provide a job for them, and the non-economic use of the public space by those whom they displaced.

base intact among the hawkers for over more than a decade and also why governmental and trans-national organisations accept it as a legitimate platform of the hawkers. To understand the process, let me depict how the Hawker Sangram Committee began to institutionalise informality on the pavement.

Institutionalising Informality

Apparently the state failed to free the city pavement of its illegal occupants, as we have seen in the story of Ratan. It failed due to several reasons: it failed because its most effective organ—the police—had already established a give-and-take relation with the hawkers. A successful eviction could have stopped its lucrative earnings from the hawkers. It failed because both the ruling party and its opposition earned a lot by placing them there. When the operation was on, the Hawker Sangram Committee warned that its members would cease to vote in favour of the ruling party. The Corporation election, by then, was around the corner. It was from the apprehension of losing a substantial vote bank that the ruling party MLAs raised their voice in the Legislature. It was to earn their confidence that the opposition party began to pamper the hawker leaders. In the Corporation election, which followed Operation Sunshine, the opposition party defeated the ruling coalition of the state by capitalizing on this vote bank. As a result, just before the next Corporation election in 2005, the state Chief Minister declared a permanent halt to the process of eviction.

Apart from political blackmailing of this kind, the Hawker Sangram Committee serves two purposes that make it very difficult for the state to dethrone it. This organisation has adopted a conscious strategy of self-enumeration and self-surveying. Its members are taught a variety of methods of gathering reliable and complete data about the livelihood of the hawkers. Not only has it placed self-surveying at the heart of its own archives, the organisation is keenly aware of the power that this kind of knowledge and ability gives it in its dealings with the state and multi-national organisations. Without the intervention of the Hawker Sangram Committee, it is hardly possible for the developmental agencies to know exactly who the hawkers are, where they live, or how they are to be

identified. All of this information is necessary for the state to normalise the practice of hawking and to chalk out an action plan for their rehabilitation. In this way, the organisation, which emerged as an anti-eviction movement, becomes a satellite of the state engaged in regulating hawking on the pavement.

The state has recognised the Hawker Sangram Committee as representing the authentic voice of the hawkers, in lieu of which the Committee has introduced certain disciplines among the hawkers. Those who accept them are the normal and conformist hawkers, while the others are to be known as dissenters; the implication being that the others will be denied a hawking license when the mechanism starts operating. The Committee also acts a mediator between the hawkers and the police for settling and collecting the monthly bribe from each hawker.

By reducing the purpose for the eviction drive of the hawkers, the committee has been able to invent a discourse that constructs the pavement as a space of the hawkers and their lower middle-class and poor consumers. The cause of the pavement dwellers, employed elsewhere, was thus suppressed. The state also makes it a point that it is only by evicting or regulating the hawkers that it is possible to reclaim the pavement for its public use under civic surveillance. I argue that the hawkers' movement has been successful in giving a centrality to its *"pablik"* claim by marginalising some other *"pablik"* claims like that of the pavement dwellers. This strategy of the hawkers has proved to be a successful counter-discourse to negotiate with growing middle-class claims for a sanitised public space. The interesting thing is that the entire discourse of the Hawker Sangram Committee thrives on the very argument of human rights.[23] It has been successful in projecting the hawkers as agents ensuring the right to food for the poorer section of the city and therefore deserving regulated encroachment. This form of argument ultimately leads to a further marginalisation of the marginalised ones.

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23 The Hawker Sangram Committee does this by citing Articles 19(1)g (that conditionally legitimises hawking on the pavement) and 21 of the Indian constitution, which ensures the right to earn a livelihood. I argue that the Hawker Sangram Committee's use of the language of rights precluded the possibilities of other right-based assertions (like that of sleeping on the pavement) to surface in public discourses.

Conclusion

Through a focus of the multiple forms of power that coexist on the pavement, this paper focuses on the ways in which social practices and interactions in public space are struggled over in everyday life. More recent post-structural literature in Asia, Latin America and South Africa have expressed similar concerns by unraveling the ways in which excluded groups resist and struggle over different socio-spatial exclusions.[24] But, while valorising the "agency" of the affected groups, this literature has paid less attention to comprehend the internal power play between and within the concerned groups. The paper sought to address this gap in the literature by delving deep into the discourses of human rights that these groups produce. A contextualisation of Ratan's narrative gives us the idea that the discourses of human rights are power-laden and should not be perceived, in its present form, as an "enlightened" instrument in the hands of an "enlightened" leader to build a better world. Before embarking on such a task it is all the more essential to understand the danger of uncritically deploying the term in every sphere of life. As this paper establishes, if "I" use the notion in its present form in my city to mainstream the margins, then I will fall in the trap of further marginalising the margin of the margins.

To me, a creative leader is he/she who has the capability and spirit to explore leaders from the affected communities rather than providing them with prescriptions.

Note on Methodology

My research methods were qualitative. I triangulated information gathered from archival work, open-ended and semi-structured interviews, and participation observation. I interviewed members of policy circles, attended policy-making workshops, and met the hawkers and pavement dwellers, residents, pedestrians and local shop owners. Further, I used participation observation in demonstrations, protests, marches, rallies and different public meetings with different affected groups.

My research used micro-qualitative data. In India, the micro-macro divergences are common. In other words, studies using large-scale, macro-quantitative data and those using small-scale, micro-data yield radically different narratives of change. As a result, my study might not be in conformity with large-scale census data. To give an example, in the national poverty debates of the 1970s, while macro-indicators showed increasing poverty, local level studies pointed to substantial improvements. Again, the situation was reversed during the debate over the success of the Integrated Rural Development Programme (IRDP) when macro evaluations claimed stunning benefits and village-level studies demonstrated ineffectiveness.[25]

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