

Gautam Bhan, *In the Public's Interest: Evictions, Citizenship, and Inequality in Contemporary Delhi*, Hyderabad: Orient BlackSwan, 2016. ISBN: 978-81-250-6232-5 (cloth)

From the late 1990s and through the 2000s, mass evictions of “slum” dwellers erupted like gruesome epidemics across the cities of India, reshaping—or scarring, as Bhan describes it—urban physical and social landscapes. Over 150,000 families were evicted in Delhi over two decades, nearly 100,000 families in Mumbai between 2004 and 2006, and over 35,000 in Chennai between 2005 and 2010. As this new order of things unfolded, and as communities, housing activists, social movements, lawyers, and academics resisted, fought, condemned, and lost battle after battle, the best outcomes saw tens of thousands of families swept like so much garbage into poorly-serviced, remote resettlement ghettos. But many more were denied alternative accommodation, as High Court and Supreme Court judges began to disparage state-sponsored resettlement as “encroachers being paid a premium for further encroachment” (p.3).

All this marks a moment of rupture in which the “urban turn” (Prakash 2002), breaking with the trudging developmentalism of postcolonial India, fronted the country’s metropolitan cities as engines of national growth and gateways to global capital. Several scholars analysed the resulting urban transformations as a new compact involving a financialised state (Ranganathan 2013), emergent “new middle classes” (Fernandes 2006), corporate-driven “social municipalism” (Nair 2005), aesthetic governance (Ghertner 2011) and bourgeois environmentalism (Baviskar 2002). This public-private pact carried a distinct hardening of attitudes toward poverty and its claims on the city.

In the Public's Interest asks how we got here. How did the violence of evictions come to figure as acts of public interest and “good governance” in Indian cities? How did the judicial innovation of the Public Interest Litigation (PIL), devised to democratize access to courts, turn into an instrument of exclusion? How did citizenship claims founded on constitutionally-recognized identities of caste, ethnicity, gender, and religion get erased by the singular epithet of “the encroacher”? Bhan answers these questions by mapping a convergence between two sites of

urban governance, the “Master Plan” and the court – the one typically written off as irrelevant or failed, and the other markedly understudied. Widespread narratives of the “failure of planning” have, argues Bhan, propelled and justified the advance of the judiciary to the forefront of urban governance in recent years, spawning a discourse of “planned development” as a reified, legalized norm.

The book makes several theoretically sharp and consequential interventions into a field of urban contestation that is morphing even as I write. Having been part of anti-eviction campaigns in Delhi in the mid-2000s, Bhan’s work is animated by a sustained commitment to the world of struggle, as well as to the task of articulating an intellectual framework for emancipatory policy-making and practice. It crafts a set of conceptual tools that prise open and reassemble the enquiry, and signal its implications. In what follows, I track two core arguments that interweave to form the book’s central contribution to urban studies in India and across the global South.

First, the book centers spatial illegality as a critical metric determining a wide arc of urban conditions in Southern cities, from personhood and its values, to claims of deserving and belonging, to the outcomes of lifetimes of labour in the city. Bhan exhibits official statistics to demonstrate that “the illegal construction of housing is, in fact, the dominant mode of production of housing and shelter in the city” (p.19). He argues that the self-built, negotiated, incrementally-secured settlement form, broadly glossed as “the slum”, and specified in this book by its local name, the *basti*, is only one instance of this larger landscape of spatial illegality. But he goes further; by carefully parsing the official housing categories that circulate across government documents, he demonstrates their differential valences within the loaded conceptual binaries of formal/informal, legal/illegal, and planned/unplanned.

Here Bhan dexterously unpacks the categories of informality and illegality to show how they are sometimes conflated, sometimes sharply distinguished, depending on the settlement type. For instance, the luxury “farmhouses” inhabiting the peripheries of Delhi, purchased through documented (“formal”) but unauthorized transactions, violate planning and zoning norms and lack legal title. Yet, they are considered “informal” rather than “illegal”, have never

been threatened with evictions, and often stand to get retrospectively “regularized” by the state. *Bastis*, for broadly the same set of violations, are named illegal, regarded as illegitimate, and remain under constant threat of eviction. Bhan proposes that the concept of “legitimacy” illuminates these unequal relations: “Legitimate housing or settlements can be illegal/illegal or formal/informal ... What defines them is their resilience against arbitrary evictions through either a de facto or de jure security of tenure that need not, and indeed often does not, derive from inclusion within law or the Master Plan” (p.20). The only way, then, for *basti* residents to become legitimate is to be evicted and resettled into cramped, squalid, and distant state-built tenements that qualify as “planned housing”. Their eligibility for such resettlement is determined, ironically enough, by the length of their residence as “encroachers”.

All this is to insist that Plans, planning practices, and authoritative textual orders have a powerful—although indirect—salience for the way that cities emerge. This part of the book is a meditation on what the Plan, as text, as practice, as politics, and as a technic of state order or rule, has to do with spatial outcomes in the city. The answers emerge from a conversation about maps—overlays of contemporary spatial contours of the auto-constructed city on a chronological series of Master Plans of Delhi. This analysis concludes that the “chaos of urban development” is indeed *an outcome* of planning. If Plans, in other words, do not actually control the spatial disposition of urban housing, they do in fact influence, limit, and determine it. They leave their traces on in the contemporary city, whether “in absence or presence, failure or success” (p.47).

Bhan contends that the Plan matters in two contrasting registers, the actual and the ideal. First, it works in unintended and indirect ways as a “bounding condition”, determining where auto-constructed housing emerges in the city over the span of decades. Second, it is a textual norm, elevated to an encompassing framework of order by the court, for whom “the Plan stands both as law and as ideal ... the benchmark of how the city must be ruled in order to escape ... crises” (p.25).

Meticulously detailed as this section of the book is, it nevertheless succeeds in outlining a theoretical and political agenda for engaging with urban planning. Bhan identifies openings and

opportunities not only in the interstices that plans create, but also in planning practice itself. The book offers a compelling response to the dilemma of how to chart a course for subaltern rights to the city within the intractably unmappable terrains of urban informality (Roy 2009). In other words, it suggests how to intervene where “it is difficult to plan yet where planning cannot be abandoned” (Sheppard et al. 2013:895, quoted on p.85). Plans and planning practice, Bhan insists, must be engaged with as a site of politics, “precisely because of the continuing relevance of what are considered its failures” (p.48).

The book’s second important contribution is in spotlighting the increasingly central role of the Indian judiciary in urban governance. It offers a detailed exposition of how courts have come to shape the built form, political vocabularies, and the imagination of cities in India over the past 25 years, particularly through the Public Interest Litigation. It tracks the transformation of the PIL from a judicial vehicle for including marginalized groups in avenues of justice in the 1970s, to one of criminalizing the poor through a rash of court-ordered evictions from the late 1990s on.

Bhan applies to the judicial domain an “analytics of government”. Studying an archive of 24 PILs filed in the Delhi High Court and the Supreme Court of India between 1990 and 2007, he unravels their moral rationalities, their logics of naming and blaming, and their techniques of fact-finding, ascertaining, and authorizing, as revealed through case law on evictions. Court orders and judgements on “encroachments” reveal an unprecedented judicial foray into domains of policy and administration and a new sense of judicial purpose to remake the city into a governable space by remedying the chaos that various institutions of the executive are held to have unleashed on the urban body. Bhan details how these processes of “judicialisation of governance” have inscribed new meanings and polarities into state discourse, wherein slum-dwellers are portrayed as profiteering from fraudulent claims of vulnerability and need, while the tax-paying citizen suffers. An eviction is, for the court, an ethical act of restoring order, mitigating crisis, and visiting due consequences on offenders. For the court, the sanctity of the plan invalidates executive actions undertaken to address contingent realities of the city, such as

the periodic “regularization” of unauthorized housing. Thus, the expansion of judicial governance places crucial limits on the “flexibility” that the state has maintained through deploying informality as a mode of governance (Roy 2009).

Judicial governance, Bhan observes, bears a distinct set of political imperatives from those of elected or executive arms of government. “Unlike the executive, the courts need not contend with the democratic aspirations and needs of the citizens of Delhi. When they say that ‘a populist measure need not be a legal one’, it is important to also unearth the embedded reversal of the same thought: a legal measure need not be a popular one” (p.134).

Evictions in the age of judicial activism also call for altered strategies of resistance. The book chronicles loss upon loss of the *basti*’s recourse to state protection, as courts not only rule against the “right to shelter”, but reject claims of caste, gender, or socio-economic vulnerability as the grounds for citizenship claims. The judicialisation of governance is echoed in what Datta (2012) describes as a “culture of legalism” that has been adopted even by *basti* dwellers, producing a “fetishism of law from below”. Through all this, citizenship is reinscribed into a legalistic frame defined by property-holding, tax-paying, and “legitimate” residence in the city.

In the end, however, the book, rather disappointingly, leaves “the court” as a reified entity—a black box. What is missing in this account is a sociology of the actors—judges and lawyers—who bring the court into being. Who are they, what are their caste/class, gender, and religious markers, what is their “formation” as personnel of the state and how could this explain the biases that emerge in judgements? This failure to unmask the judiciary serves to maintain, ironically enough, the court’s “distance” from the field of social struggle that Bhan discusses in the book.

That said, the book leaves you with a satisfying sense of closure, albeit with many openings; it takes care to spell out the political implications of its many theoretical propositions. If spatial illegality is a mode of impoverishment in the contemporary city, then, it concludes, the plan and the law must be actively and innovatively engaged as sites of emancipatory politics. Claiming rights to the city by/for subaltern populations must involve making and remaking law

and planning, resignifying terms such as property, illegality, legitimacy, and citizenship, and reversing processes of impoverishment through the construction of an effective *urban* welfare state.

References

- Baviskar A (2002) The politics of the city. *Seminar* 516 <http://www.india-seminar.com/2002/516.htm> (last accessed 11 January 2017)
- Datta A (2012) *The Illegal City: Space, Law, and Gender in a Delhi Squatter Settlement*. Abingdon: Ashgate
- Fernandes L (2006) *India's New Middle Class: Democratic Politics in an Era of Economic Reform*. Minneapolis: University of Minnesota Press
- Ghertner A (2011) Rule by aesthetics: World class city making in Delhi. In A Roy and A Ong (eds) *Worlding Cities: Asian Experiments and the Art of Being Global* (pp279-306). Oxford: Blackwell
- Nair J (2005). *The Promise of the Metropolis: Bangalore's 20th Century*. New Delhi: Oxford University Press
- Prakash G (2002) The urban turn. In R S Vasudevan, J Bagchi, R Sundaram, M Narula, G Lovink and S Sengupta (eds) *Sarai Reader 02: The Cities of Everyday Life* (pp2-7). Delhi: The Sarai Programme <http://sarai.net/sarai-reader-02-cities-of-everyday-life/> (last accessed 17 January 2017)
- Ranganathan M (2013) Financialized and insurgent: The dialectics of participation in Bangalore's neoliberal water reforms. In K Coelho, L Kamath and M Vijayabaskar (eds) *Participolis: Consent and Contention in Neoliberal Urban Governance* (pp65-88). New Delhi: Routledge
- Roy A (2009) Why India cannot plan its cities: Informality, insurgency, and the idiom of urbanisation. *Planning Theory* 8(1):76-87



Sheppard E, Leitner H and Maringanti A (2013) Provincializing global urbanism: A manifesto.
Urban Geography 34(7):893-900

Karen Coelho
Madras Institute of Development Studies
Chennai, Tamil Nadu, India
karen.coelho@gmail.com

January 2017