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In 'Juridical Limbo': Urban Governance and Subaltern Legalities among Squatters in Calcutta, India

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Abstract A 'squatter' in the global South is another word for a seemingly incomprehensible heap of legal ambiguities, messy politics and abject poverty. Squatter dwellers are typically immigrants from the countryside, who squat on seized land and are caught in complex mazes of citizenship, labor and property laws. They are suspended in what I call 'juridical limbo'—a situation in which overlapping legal identities and contradictory laws render individuals or entire communities into a state of semi-legal existence. Many squatters have fallen through the cracks of the legal arena and are vulnerable to being evicted without proper rehabilitation, but some of them have indeed learnt to use the law's complications to their extralegal advantage. Using the case of two extraordinary land conflicts in India's most populous city—Calcutta—this paper contrasts the claim-making strategies of two squatter settlements, providing a rich ethnographic account of their differential success in protecting their territory against eviction and of navigating their semi-legal status. Alongside establishing this variation, this paper also interrogates the proximate causes of this variation and puts forth a theoretical framework that focuses on the legal relationship between the state and the urban poor.

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1 Introduction

Squatter settlements were born long before anyone thought of naming them. In the sense that an individual other than the landowner builds houses with or without the consent of the landowner, squatters have been in existence for a very long time. The delineation of these illegal, informal and spontaneous settlements as 'squatters' however, came up not until the 1960s through the writings of Abrams (1964) and Turner (1968) before and during the Habitat Conference of 1976 in Canada (Srinivas 1991). Since then there have been strong opinions on them ranging from these settlements being centers of social malaise to them being a triumph of self-help and highly successful solutions to housing issues in Southern metropolises. But one thing that remains common is their presence in almost every city of moderate to large size in the global South. Locally known by many different names such as *favelas* (in Brazil), *barong-barong* (in Philippines), *gecekondu* (in Turkey) or *jhuggis* (in India), these squatters number up to over a billion (Neuwirth 2005). That is, about one in every seven people on the planet.

In India in particular, a squatter or a *jhuggi* is quite simply another word for a seemingly incomprehensible heap of legal ambiguities, messy politics and abject poverty. Squatter dwellers are typically immigrants from the countryside, who squat on seized land and have no legal rights to it. Despite their resilience however, and despite the fact that they are a burgeoning portion of the urban poor—"the poorest of the poor"—surprisingly little is known about how these illegal and informal spaces are *governed*. The literature on Indian cities in particular provides very little by way of thick description on the relationship between the local state and the urban poor. And even less is known about the impact of their citizenship practices on the urban landscape.

How then do we make sense of these extra-legal spaces and how are they governed (or not) at the local level? Through an ethnography of two squatters in Calcutta—the Rail Colony and the Bridge Squatters—I argue that these settlements are caught in complex mazes of citizenship, labour and property laws, as a result of which they are perpetually suspended in what I call 'juridical limbo'—a situation in which overlapping legal identities and contradictory laws render individuals or entire communities into a state of semi-legal existence. This article provides an account of how squatter dwellers navigate this state of being in juridical limbo and stake a claim on one of the city's most politically contested and scarce resources i.e. land. In other words, the article provides a thick description of the "palimpsest of political and legal cultures" (Santos 2006) of squatter dwellers.

Over a period of 12 months in two squatters in Calcutta, I conducted over 200 semi-structured interviews with activists, local politicians, lawyers and policy makers, complemented by legal research on relevant court cases and in-depth examination of primary and secondary archival materials. I analyzed a particular moment in the history of the squatters when their engagement with the state is dramatized and readily visible i.e. around the time of evictions. My findings challenge popular assumptions in the literature about how the urban poor make claims—they are said to typically engage in an arena different from the 'bourgeois

civil society' who stake claims on the terrain of established law or administrative procedure, whereas the poor are assumed to be 'left with dirty politics' and extrajudicial solutions to their problems (Chatterjee 2004, 2011).

On the contrary, I provide evidence that there is significant variation in outcome—while residents of the Bridge squatters remain in juridical limbo, unable to stake a claim on urban space, residents of the Rail Colony are often able to directly engage with the local state and its legal apparatus to get rehabilitation. Alongside providing a thick description of these two different outcomes, I also attempt to explain this variation—I argue that for the latter, success is a direct result of a strong history of associational autonomy combined with an opening in the political opportunity structure, which enabled them to stake a claim on urban space in a particular moment in history.

2 Background: Squatting in Calcutta and the Birth of Two Settlements

Calcutta presents a unique opportunity to explore the variety of ways in which the urban poor access the state. Ironically referred to as the 'City of Joy' in popular culture, this urban agglomeration boasts the highest percentage poor in the world's largest democracy. The rise in urban poverty has in fact been the hallmark of the city for almost three centuries now, fuelled by continuous rise in population and failure on the part of city and the public agencies to match the huge demand for housing and infrastructure. From as early as the late eighteenth century, under British rule, the city was divided into the 'White Town'—inhabited by Englishmen, initially workers in the East India Company, and later rulers of India—and the 'Black Town', which was largely given over to the teeming majority living in slums (or *bastis*), servicing the British (Thomas 1997). By the second half of the nineteenth century, as Calcutta became the second city of the British empire, and the commercial importance of the city increased dramatically (with the introduction of the railways and the opening of the Suez Canal), the population particularly in the 'Black Town' areas, almost doubled (Thomas 1997). After India's Independence and partition in 1947, the situation worsened as more than six million refugees from East Pakistan (now Bangladesh) migrated to Calcutta.

The city was unprepared to receive such a massive influx of immigrants in the post-Independence era. There was no land in the city proper on which new slums could develop and the existing slums had filled up beyond capacity; as a result makeshift shelters and illegal squatting (or *jhuggis*[1]) proliferated. The old forms of *basti* production ceased and the growing population of the laboring poor found accommodation in the city only through squatting in conditions far worse than that of the *bastis*. The inflow of migrants only continued further with major events such as the Indo-Pak war in 1964 and the liberation of Bangladesh in 1971.

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[1] Distinction between squatter settlements and slums in Calcutta is that while the former refer to settlements that are on registered land, typically legal and their titles are fully recognized by the municipal corporation (even though the structures themselves may or may not be), the latter refer to illegal encroachments set up on vacant public or private land.

The less obvious aftermath of Pakistan and Bangladesh being carved out of the Indian subcontinent, was that what had been internal migration so far became international migration overnight (Sadiq 2008). The borders became "midnight's children"—paths that were legal and customary one day became illegal the next (Rushdie 1980). Consequently, immigrants who would have been labeled legal internal migrants before Partition became illegal immigrants.

Ever since, India has been unable to distinguish the illegal Bangladeshi immigrants from its citizens, especially in its big cities (Bhan and Menon-Sen 2008; Sadiq 2008).[2] The state of West Bengal, one of the major receivers of Bangladeshi illegal immigrants, acknowledged as much in a 1999 affidavit submitted by the West Bengal government to the Supreme Court: "it was quite difficult to identify the Bangladeshi nationals, settled in the state, mainly because of their physical similarity with the population".[3] In fact in early 2005, about 1 million fake ration cards were detected in a period of a month, and many were allegedly in the hands of illegal Bangladeshi migrants who had crossed the border (Ghosh 2006). Hence the large scale cross border migration has led to equally large amounts of confusion over 'detecting' non-citizens from citizens.

And those who bear the brunt of this confusion are the undocumented low-income Indian Muslim communities that migrated not from Bangladesh but from the Bengali countryside in the aftermath of Independence—their lack of official sources of identification pose special challenges for the modern state in being able to tell them apart from the Bangladeshi migrants.

In such a situation, state-issued documents[4] provided the entry into the infrastructure of citizenship. As a result the claims of the urban poor who moved into Calcutta after Independence centered far more around establishing the legality of the self or the individual through state-issued documents than their pre-Independence counterparts, whose struggles and claim-making instead was about their landholding and the structure they inhabited. In a way two different ways of staking claims on the city emerge before and after Independence.

In the midst of this confusion regarding documentation and blurred citizenship in the post-Independence era, were born the two settlements under study—Bridge Squatters, a majority Muslim squatter on CMDA (Calcutta Metropolitan Development Authority)

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[2] This is common practice in Delhi and Bombay as well. As Bhan and Menon-Sen (2008) point out in the case of Delhi, the BJP regime in a number of cases has been strident in labeling particular settlements as illegal Muslim migrants from Bangladesh, as an excuse for having under-serviced them or evicted them. Similarly in Bombay, as Shahjahan (2010) points out there are several *bastis* in Navi Mumbai and Thane which are declared as Bangladeshi and are under close surveillance of police. Illegal detention and torture in custody are reported to be highly common in these areas.

[3] "Its Difficult to Identify Bangladeshis, West Bengal Govt. Informs Apex Court", Hindustan Times. February 2, 1999.

[4] By documents, I refer to three major forms of state-issued proofs of name and location—the birth certificate, the ration card and the voter ID. In some cases there are others such as high school certificate, land title, caste certificate, etc. While most of them have always been in existence, the ration card is a more recent one and has become a major marker of identity in India. Since the 1990s, the ration card has been used to prove domicile status in the various Indian states and is accepted as one of the standard documents to verify identity by most government and private offices (Sadiq 2008). The ration card is also the most easily forged and fraudulently acquired.

land on the railway track under one of the city's busiest flyover, and Rail Colony, a majority Hindu squatter also strung along the railway tracks on land owned by the Railway Department in south Calcutta. Both are similar in origin, in that both were first occupied by East Pakistani (now Bangladeshi) refugees but eventually filled up by rural immigrants from districts within West Bengal—South 24 Parganas in particular. The first few migrants in both had entered the city in the aftermath of Partition and set up home along the railway tracks. Land would be identified in advance, plots marked off, and shacks erected overnight. The materials used were all temporary—plastic, bamboo, leaves—anything to demarcate their own space from the neighbors. Over time, as migrants from the rural districts of Bengal trickled in, the original owners split their plots into two or three. More one-room windowless shacks were erected and rented out at about 5 rupees each. Life in the beginning was difficult as most of the older residents recollect. They did not have access to water or any services for that matter. Initially a lot of joint community labor went into clearing the area and laying down roads, drains and some sort of water supply.

Over the last two decades however, the lives of these squatters are caught up in volatile cycles of evictions and resettlement. Post-liberalization in 1991, the city has undertaken a large number of infrastructure development projects both on its own, as well as in coordination with the central government and international aid agencies. Most of these projects necessitate removal of these structures and making way for the city's expansion. Amongst many evictions that have taken place since 1991, this paper analyzes the eviction of the two settlements mentioned above—the Bridge squatter dwellers were evicted in 1995, and the Rail Colony in 2005. In both cases, other political parties besides the then-ruling party, civil society organizations and local journalists came forth to mobilize, support or protect the squatter dwellers and made claims with them and on their behalf in multiple ways. However, despite being faced with the exact the same legal apparatus most of all, and also by the same political geography, they show starkly contrasting outcomes—while one was able to successfully negotiate with the local state and get rehabilitation in some form, the other was not.

3 Literature Review

What explains these contrasting outcomes and consequently different modes of engagement of the urban poor with the state? The literature on civic engagement, comparative democratization and citizenship speaks directly to the question of engagement with the state, in particular with regard to its relationship with the following three—legal status, associational autonomy and franchise or political rights. The literature review that follows is divided accordingly into those three strands, linking civic engagement to 'legal status', the right to vote and associational autonomy.

3.1 Legality and Engagement

The citizenship literature links civic engagement most directly to the individual's legal relationship to the state. So much that even before this literature gets into the

qualitative differences between multiple forms of engagement, it assumes at the very least that citizens must have a legal relationship with the state in order to engage with it. There is considerable agreement on this basic definition of citizenship as a personal status consisting of a body of universal rights (i.e. legal claims on the state) and duties held equally by all legal members of a nation-state (Marshall 1964; Brubaker 1992; Somers 1993), drawing primarily from the experience of the West.

Even in India, empirically understood, being a citizen is centrally about the legal infrastructure of citizenship. As Sadiq (2008) points out, it is about:

> …norms and practices codified as law, accompanied by a supporting cast of disaggregated institutions such as judiciary, bureaucracy, legislature and border police. The infrastructure is called upon by the state to identify individuals and groups with claims on the territory of the state. It is the infrastructure of the citizenship, a citizenship from above that draws the boundaries of the political community, determines the criteria of eligibility and embeds power and normative force in institutions meant to protect the political community and guard the territorial boundary (p. 6).

As a corollary therefore, when it comes to India's poor, typically those who are undocumented are assumed to have no established legal relationship with the state, and hence no relationship at all. They are expected to either not engage with the state or engage through illegal or non-institutionalized or political channels alone. This split in politics in the case of India is typically seen as a residue of a similar split in post-colonial nationalist politics (Chatterjee 2004; Mamdani 1996), where the poor were drawn into organized political movements and yet remained distanced from the evolving forms of the postcolonial state. These poor have therefore been 'political' in a different way from the elites in India, and are hence governed differently (as 'populations', as opposed to 'citizens'). As a result, the arena in which these marginal populations or the mass of poor make their claims with the help of brokers (most frequently from the ruling party) is then called political society, as opposed to the post colonial setting of a 'bourgeois' civil society that appears as "…the closed association of modern elite groups, sequestered from the wider popular life of the communities, walled up within enclaves of civic freedom and rational law" (Chatterjee 2004: 4). Thus despite the fact that the new republic was founded on a liberal democratic constitution, universal suffrage and competitive electoral representation, Chatterjee (2011) argues that "…the space of politics has nonetheless become effectively split between a narrow domain of civil society where citizens relate to the state through mutual recognition of legally enforceable rights and a wider domain of political society where governmental agencies dealt not with citizens but with populations to deliver specific benefits or services through a process of political negotiation" (2011: 13).

In short, it is argued that rights to engage with the state fundamentally rest on the individual's legal relationship to the state. However, this seemingly clear-cut distinction between those with and those without a legal relationship to the state comes under considerable strain when it comes to the cities of the global South, particularly its undocumented immigrants or what Appadurai (2002) refers to as

'citizens without cities'. Their 'illegality' first of all, may draw from several different sources, none of which are carefully distinguished in the literature. It could draw from being undocumented, for instance undocumented illegal Bangladeshi immigrants in India, or undocumented Filipino immigrants in Malaysia. Their 'illegality' may also draw from the status of their property, for instance immigrants from the countryside who move to the city, who may have documents but inhabit seized land and hence have no legal rights to it. Sadiq (2008) uses the example of the former, and Holston (1991) the latter, to make the same argument—that their illegality rarely implies lack of access to the state. On the contrary, both authors argue that they often use innovative techniques to make legitimate claims on the state despite their apparent illegal status.

Sadiq (2008) for instance, explores the case of illegal international immigrants in India, Pakistan and Malaysia in his book *Paper Citizens*. Responding to a literature that is narrowly focused on population flows from poor to rich countries alone, he makes the argument that indeed illegal immigrants and their citizenship practices pose an important puzzle and overturn our standard concepts of citizenship. By following the processes through which illegal immigrants in Malaysia, India and Pakistan are not only voting but also eventually accessing the state and their citizenship rights, he provides a new theoretical vision—one where that clear-cut distinction between legal and illegal citizens is often blurred and where people make seamless transitions from being illegal and excluded to having full citizenship status. He explores the idea of documentary citizenship, a process of slow acquisition of papers and documents that allow poor illegal immigrants to practice citizenship rights and strengthen their claims prior to having full citizenship status.

Holston (1991), dealing with a different type of illegality—one of property and land rights—makes a similar argument. Referring to shack dwellers, typically immigrants from the countryside, who squat on seized land and have no legal rights to it, he argues that despite their status and contrary to the expectations that come with it, the immigrants now regularly compete in legal arenas from which they have been excluded—not because the law is now more concerned with justice or resolution, but because they have learned, in large measure through land struggles, how to use the law's complications to extralegal advantage. Drawing on his work in land usurpation in the urban periphery in Sao Paolo, he outlines how illegal residence is in fact the most common and reliable way for the working classes to make legitimate claims. In other words, having a 'legal relationship' with the state is not a necessary precondition for engaging with it.

3.2 Voting Rights and Civic Engagement

The literature on citizenship and civic engagement also assumes that the population being theorized about is, at the very least, a group of voters. After all, even in the most minimalist definition of citizenship, the political component—competitive elections with broad franchise—is assumed. The idea of citizenship is invoked to convey a state of democratic belonging or inclusion, and the right to vote lies at the bottom of this sense of belonging. These theorists therefore begin their discussions

under the assumption that everyone has, at the very least, formal access to citizenship rights, particularly at the nation-state level.

However, there are two main problems buried in these assumptions. Firstly, it fails to consider the possibility that citizenship may be realized at a level other than the level of nation-state belonging, and second, that the formal status (i.e. having the right to vote) may not always precede the substantive practice of citizenship. By ignoring the possibility of realization at a level other than the nation-state, the literature essentially ignores the burgeoning population of non-voters in Southern metropolises. They are indeed nation-state citizens—they do have voting rights in their villages—but they reside in the city unregistered, and hence do not have the right to vote in their municipalities. A recently growing literature on cities and citizenship, on rescaling and on the 'right to the city' directly speaks to this idea and has begun discussions on rescaling formal state membership. They argue for reimagining citizenship as transcending the particularisms of the nation-state or inhabiting a space of flows between global cities within these states (Held 1995; Sassen 2000), or they push for a re-imagination of the city itself as a bounded city, detached from the nation-state and possessing a reinvigorated citizenship of its own (Isin 1999; Purcell 2003).

While both of these strands question standard theorizations of citizenship, empirical research on the contours of this new rescaled urban citizenship and how it is acquired by migrants is still wanting. Secondly, the citizenship literature also fails to consider the possibility that the realization of this formal status of urban citizenship may indeed come much after migrants begin practicing citizenship. In this sense, non-voting migrants seriously undermine the traditional ordering of citizenship wherein status is granted before the recipient can exercise the civil, social and political rights. As Holston (2001) points out:

> …in theory full access to rights depends on membership, in practice that which constitutes citizenship substantively is often independent of its formal status. In other words, formal membership in the nation-state is increasingly neither a necessary nor a sufficient condition for substantive citizenship (p. 4).

Status in short, does not always precede the actual practice or performance of citizenship. And, most of the citizenship literature is empirically blind to the burgeoning population of illegal immigrants who practice citizenship before acquiring the right to vote, and also conceptually blind to the role of documents in bridging the gap between voters and non-voters (Sadiq 2008).

3.3 Associational Autonomy and Engagement

There is broad scholarly agreement on the merits of "participatory associations" (Somers 1993), despite the differing hypotheses about the precise mechanisms through which this occurs—for civic engagement scholars, associations as 'schools of democracy' contribute to the skills and values that lead citizens to reject diminished forms of citizenship, while historical institutionalists argue that it is associations as collective agents that press for institutional change and higher quality practices (Houtzager et al. 2007: 14). While the mechanisms continue to be

under debate, more or less there is agreement on the merits of an active and participatory associational life.

The Rail Colony always had a dense associational life from the very beginning, and the residents were organized around a Bengali speaking immigrant identity. Moreover, they were also politically active and many of the residents were former cadres of the Communist Party of India (Marxist)[5] or the CPM since the early 1950s i.e. even before the party came into power and much before any of them officially had the right to vote. As a result, ever since the party came in power in 1977, despite their illegal status, and much before they received their voting rights and documents, they were 'practicing citizenship'. They made claims on the local state everyday (for water, sanitation, right to work) and by virtue of their capacity to organize they have been de facto formalized into the city by acquiring various forms of documents/state-issued residence proof (e.g., voter card). This in turn became the springboard for public action and active (often contentious) engagement with the local state, particularly during eviction time.

In strong contrast to the Rail Colony, the Bridge squatters had a weaker associational life. Their identity was premised on the notion of being 'chhinamul' or uprooted, the notion that individual families in the settlement had little in common with each other except for the fact that they were all illegal immigrants who are vulnerable to being uprooted at the local state's will. They were seldom politically active, and as we will see in more detail below, even when a political party attempted to organize and mobilize them, they failed. Therefore, in this case, the initial condition of being denied property rights (or legality) and the vote proves fatal, particularly in the absence of associational autonomy, thereby eliminating any possibility of successfully negotiating with the state and pulling themselves out of their semi-legal existence. In short, these three different rights and practices—the settlement's associational autonomy, the right to vote and property rights—their sequencing and the specific historical conditions under which they were guaranteed, explain the variation in claim-making strategies. The next section explains the methodology of the paper, followed by the two case studies and a brief discussion to conclude.

4 Methodology: Finding an Invisible Population

The Rail Colony was evicted fairly recent in 2005, and the event was well documented. The evictees were all rehabilitated in one place, and written material on the event was electronically available. Majority of the data on this eviction comes from newspaper articles, interviews with evictees, politicians, social activists and the respective state departments involved.

The eviction of the Bridge squatters in 1995 however, was harder to document, especially because the squatter residents had already been evicted and are now

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[5] Since Independence in 1947, the state of West Bengal has been ruled by the Congress from 1947 till 1977 (except for a one term in 1967, when the CPM shared power with Non Congress parties when the Congress suffered a major set back) and by a coalition of Left parties led by CPM from 1977 until May 2011 when an offshoot of the Congress took over, bringing down the world's longest serving democratically elected communist government.

scattered all around the city with no address. They were untraceable both physically, but also in government documents—neither the census nor the Calcutta Municipal Corporation (CMC) collect data on what they consider 'illegal settlers'. In her book on poverty in Calcutta, Roy (2002) captures this omission with a quote from the supervisor of these surveys: "Our study deliberately excluded all squatter settlements, studying only pavement-dwellers and slum-dwellers. We are concerned that studying squatters will give them a false sense of legitimacy. We cannot acknowledge their presence" (p. 27). Even during my own fieldwork, there were repeated references to their absence in public documents and surveys. This makes these populations harder to document than other categories of urban poor. Moreover, a review of archived English language newspapers from the time period 1992 to 1996 revealed no more than two articles on the eviction, which had little information on the actual residents.

The newspaper articles however, mentioned the direct involvement of Unnayan, a non-profit that was dissolved almost two decades ago. The organization worked for the rights of squatter dwellers and was active in the early 1990s, working closely with the Bridge squatters to secure their housing rights. Majority of the evidence for this eviction comes from the former employees of this organization who were tracked down during the course of the fieldwork. Those directly involved with the eviction provided a wealth of information on the incident. After Unnayan was dissolved, these employees kept a large volume of data and material collected by the organization before it was dissolved—litigations, internal memos, Bengali newspaper clippings, petitions, and photographs. They also facilitated access to lawyers, local schoolteachers, community leaders, journalists and political parties, who were directly or indirectly involved with the eviction. Together, these interviews helped reconstruct the event twenty years later from varied perspectives.[6] As for the evictees themselves, most of them as mentioned are no longer traceable. Through Unnayan, I was able to trace four evicted families in different corners of the city, and they provided very rich first-hand accounts of the event. Their names have been altered in the article, to keep their identities anonymous.

Both squatters were comparable in terms of origin, composition, income levels, location and they were evicted, also under similar circumstances i.e. evicted in the name of urban development in the post-liberalization period. Moreover, both evictions were executed under the CPM's regime. This allows controlled comparison of the (independent and combined) effect of community characteristics and local political culture on citizenship practices.

5 Case Study #1: Bridge Squatters

On 13 June 1995, an article[7] in the Asian Age lamented the precarious conditions under which Number 4 bridge in Park Circus (often called the 'Iron Bridge' by locals) was holding up. The article titled 'Crucial Bridge in Need of Urgent

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[6] For an exposition of how engaged ethnography can contribute to the understanding of social movements within shifting fields of interlegality and multiple inequalities, see Sieder (2013).

[7] "Crucial Bridge in Need of Urgent Repair: Bridge on CM's daily route may collapse any day", *Asian Age*, June 13, 1995.

Repair: Bridge on Chief Minister's daily route may collapse any day' was concerned about how this bridge that the chief minister and other V.V.I.P.s had to take to get to work, was under threat of collapsing under its own weight, and was in need of urgent repair. Experts[8] had been hired to look into this and they strongly recommended a thorough overhaul because any bridge bearing a certain amount of traffic needs an overhaul every 60 years, whereas this one had not been touched or repaired for over 75 years. Towards the end of the article was a small mention of encroachers on the base of and under the bridge, who have been living there for decades. Their shanties, the experts argued, had made the root of the bridge even more unstable.

Around the same time, another article in The Statesman, mentioned in disbelief "the absolute neglect of this bridge by the administration", and the fact that "shanties were allowed to grow at its base, which had only caused further damage to the structure".[9] They argued quoting the same experts that these shanties that had "sprouted" at the base had helped rain water seep into whatever remained of the slopes of the bridge, making the structure unstable. This was followed by a series of newspaper articles about 'Encroachers Impeding City's Development Projects'. Citing official numbers from Calcutta Metropolitan Development Authority (CMDA) these articles lamented how illegal occupation of government land was consistently delaying developmental projects worth 110 billion USD.[10] These newspaper articles began to shape a discourse that pitted the interests of the squatter dwellers against the interests of the city at large. By calling them an 'encroachment' and a 'death trap' that 'sprouted' into the base of the bridge to 'impede the city's development', and by interweaving 'expert knowledge' to legitimize the same claim, the discourse shifted the blame on the squatter dwellers themselves.

Within a year's time on the 5 September 1996, the Chief Minister of West Bengal cut a ribbon and inaugurated a renovated and widened version of the same bridge/flyover. A one-way rundown bridge before was now Calcutta's busiest flyover—a two-way six-lane affair that connected South Calcutta to its satellite townships and the airport. The shanties at its base had been successfully evicted, its residents untraceable.

The first case study is of this eviction. Following a description of their origin, and their living conditions, this section will discuss the network of actors that were involved in protesting for or against it, and the language of claims made.

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[8] These experts belonged to a consortium of 36 social organizations in the city, called Calcutta 36. Their survey was commissioned by Unnayan, after an accident that occurred on the bridge, causing the death of one person and injuring more than 25 on May 16. Victims were mainly the squatter dwellers who lived by the base of the bridge. The expert committee comprised of Mr. K.P. Poddar, former housing commissioner of the state government, Mr. Chira Dutta, chairman of the Indian Engineers' Federation, and Mr. P.K. Banerjee, former director of the state water investigation directorate ("Crucial Bridge in Need of Urgent Repair: Bridge on CM's daily route may collapse any day", *Asian Age*, June 13, 1995).

[9] "Slopes beside Park Circus bridge are death traps: probe", *The Statesman*, June 9, 1995.

[10] "Land grabbing: Encroachers Impeding City's Development Projects", *The Statesman*, 1995.

5.1 Origin[11]

These squatters that lined the two sides of the Iron Bridge date back to the early 1960s. A majority of the 2000 residents were Muslim (88%)[12]—originally either rural immigrants from West Bengal's countryside, or refugees from Bangladesh. The site eventually became a melting pot of evicted Muslims from around the city— evictees from other sites, or even victims of communal riots (especially 1964) would find their way here through kinship networks.

Majority of this population depended on rag picking as its main source of income and in the case of almost 62% of the families, this work was done by women or children who were the breadwinners. The few men who were employed, were mostly rickshaw pullers, beggars, a few petty traders, and a handful were daily wage labourers. Given the proximity to the leather factories in Topsia and Tiljala, a lot of Muslims settled around the area were occasionally employed there (leather tanning being an occupation that they were more willing to do than Hindus). By and large, this settlement lacked basic services—no water taps or toilets had been installed in this area for over five decades. Two thousand residents used the water tap from the neighbouring slum, or a public standpipe located a few miles from the settlement.

5.2 Documentation

Only a handful of families had government issued ID cards in any form prior to the eviction.

> … the 10 or 15 residents that had documents were those who had managed to collect enough money to bribe the local authorities to get them a card. They don't want to give these people ration cards and voter cards—there is always concern over them being illegal immigrants from Bangladesh.[13]

A distinctive feature of the settlement was that many of the families had ID cards issued by Premdan, run by Mother Teresa's Missionaries of Charity. They obtained their basic rations—grains, kerosene, etc.—from this organization via these cards. For most residents, this was the only kind of document they possessed before the eviction threat.

5.3 Incidents Around Evictions

Almost two years before the eviction (5 February 1994), two members of a local school run by an NGO called Focus contacted Unnayan. They complained about the

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[11] The data in this section comes from a survey conducted by Unnayan before the eviction.

[12] Apart from Muslims, there were some Hindus (7%), a few Christians (3%) and the rest identified themselves as either Baishnabs, or didn't report.

[13] Interview with Debojit Sarkar, CPI (M-L) political activist who attempted to organize the settlement on behalf of his party at the time of eviction, November 2010. The CPI (M-L) or the Communist Party of India (Marxist–Leninist) is a party that came up as a response to the CPM's revisionist politics. They emerged as a pro-armed class struggle party that aimed to entrench itself among the masses of poor and landless peasants.

local police having verbally threatened the squatter dwellers at the base of the bridge to collect their belongings and vacate their homes within five days. The police promised that at the end of the five-day period they would demolish their structures, whether or not they had vacated. Unnayan immediately lobbied with journalists from two local newspapers—Aajkal and Overland. Both of them published an article the next day on the 'glaring illegality' of the event—the police had verbally threatened to remove the residents without a formal notice. Moreover, Unnayan contacted a local High Court advocate, who prepared a court case within two days. Along with two other prominent advocates, they fought the case of Sk. Karim versus Government of West Bengal in the court of N. K. Mitra on 7 February 1994 and obtained the interim stay order. The eviction was put on hold temporarily.

The stay order bought them close to two years of time, and the following were accomplished during that time, and the following section goes over each in further detail:

1. Members of the CPI (M-L) organized and mobilized the squatter dwellers into a committee called "Save the Settlement" (Basti Bachao).
2. Unnayan lobbied with the post office and the municipality, to get a physical address for the squatters.
3. With that address, Unnayan and members of the CPI (M-L) worked to get the residents ration cards and voter cards, and this was the first time the entire settlement was officially 'documented'.
4. The documents were then utilized by three prominent lawyers in making more 'legitimate' claims in the High Court against the municipality and the state government, against what they framed as an entirely 'illegal' and arbitrary act on the state's part.
5. The residents also developed networks with other evictees (e.g. from the Padmapukur Leatherworks) and worker organizations from neighbouring squatters (Birsulhat Tannery Workers' Union) to provide support to their cause.

5.4 Legalizing the Illegal or 'Becoming Less Illegal'[14]

Our party's stand is to be with the labouring poor. When it came to that squatter under the Iron Bridge, we always had some sort of developmental work going on there, even prior to the eviction. We read about the imminent eviction in the newspaper one morning, and immediately arrived and got active in the scene. We had to put up a fight against the injustice meted out by the ruling party.[15]

The CPI (M-L) prior to the evictions occupied what seemed to have been a political vacuum in the locality. Factions of the then-ruling party had been dominant in this squatter ever since its origin. Their stake in the area was the same as in any

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[14] Chauvin and Garcés-Mascareñas (2014).

[15] Interview with Arun Das, CPI (M-L) political activist, January 2011.

other squatter—rally participation in exchange for security of tenancy. The people could stay in their illegal squatters as long as they were attending political rallies and protests led by the CPM in large numbers. An intermediary (or a local *dada* in popular parlance) would ensure that the residents attend events organized by them.

By the beginning of the 1990s however, the CPM gradually withdrew support from and lost interest in the locality. The CPI (M-L) seized the opportunity, and started working in piecemeal fashion in the early 1990s, a few years prior to the eviction threat. They had a small office in the locality, where people would gather occasionally, celebrate festivals, share news, etc.—a community center of sorts. Once the police announced the eviction, the party immediately took the lead role in attempting to organize the residents. They first worked on spreading awareness within the locality about the 'illegal' nature of the threat, and their right to fight it rather than be afraid of it. They were discouraged from collecting their belongings and packing up, which is what most of the families initially did.

> There was very little unity among them when we begun work. It could have been a result of the fact that they had no common identity except for a shared sense of being constantly uprooted. After the threat, we worked hard to convince them that they had a right to live, and no police or party could remove them in their sleep and deprive them of this basic right. We had to convince them to fight against the attack of the municipality, the attack of the whole system. We had some effect I think because they did seem more confident and collected towards the end, but I can't say that we managed to mobilize an 'army of protestors'.[16]

Eventually, the party formed a *Save the Settlement* (or *Basti Bachao*) committee, an organization that had two explicit aims—to count the number of people in the settlement and to create a feeling of togetherness or 'shongoboddho'. Consequently, there were protest rallies where they were joined by other evictees from around the city (e.g. from the Padmapukur Leatherworks) and worker organizations from neighbouring squatters (Birsulhat Tannery Workers' Union). Their efforts resulted in verbal promises of rehabilitation from the CMDA.

Besides CPI (M-L), Unnayan, the NGO was also very active in this area. They not only assisted pre-eviction with litigation (i.e. moving the High Court) and documentation of the case, but also made claims on their behalf and held protests after the evictions. A long history of social work with the residents of the squatter had resulted in a trusting relationship with them even prior to the eviction. Unnayan realized early on that one of the biggest barriers in making claims in court on behalf of this settlement would be its very foundation – the squatter was set up on land that it could legally make no claims to, despite having lived there for decades. In order to circumvent that, they took steps to get this illegal squatter 'documented'—they came together with the CPI (M-L) activists and *created* addresses:

> …this was a time consuming process and there were two ways this was done at the time. We either identified the closest building that had an address, or a

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[16] Interview with Debojit Sarkar, CPI (M-L) political activist, November 2010.

lamppost that had a number on it. Lets say for instance, the building or lamppost number was 31. The squatters next to them could then be numbered as 31/1, 31/2 and so on. We took that address and lobbied with the regional post office master for a long time, and eventually managed to establish those addresses, and have letters sent on them. We worked very hard to prove them legal.[17]

This process of claiming visibility by legitimizing the space they have occupied for decades is at the heart of the legitimation process (Rancière 2010). In a sense, they took advantage of the liminality of urban space, by making a 'place' for the squatter dwellers. Once the addresses were established, Unnayan worked to create ration and voter cards for the residents. "With these documents we protested in court, otherwise where is the evidence that they've lived in that location for so long?"[18] Not only was their presence in the city now documented, but also this allowed them to make their claims in court with greater impact. In fact, they made a double claim: they stressed the legality of their own claims *and* pitted them against the illegality of the government's sudden decision to remove them. Activists from Unnayan repeatedly emphasized the latter, invoking the law in their favour:

…the law says if you demolish a structure you have to give a notice well in advance. There is a minimum time, but they wanted to demolish without notification. The reason they didn't give a notice was because then we would have the right to contest it and it would further delay the process. They usually did these things on a Saturday so no one would know, but thankfully we found out soon enough.[19]

Excerpts from their court case repeatedly highlight their own establishment as a legal and visible one, and the actions of the government as illegal and unauthorized (Case of Sk. Karim versus Government of West Bengal and Others, C.O. No. 4483 (W), 1994):

…in the matter of illegal and unauthorized eviction threat of petitioners from their place of residence situated at both sides of the bridge… without any notice or rehabilitating the petitioners in an alternative suitable place of residence and/or accommodation (p. 4).

The plot of land where in where the petitioners' huts and structures are situated has been numbered by the CMC as No. 31/1 (p. 6).

…that your petitioners have their birth of children from their recent place of residence and the CMC time to time issued birth registration certificate from their present place of residence (p. 7).

In short, they stressed their own legality, and stressed the fact that they had been living there for a long period of time with permission from the 'authorities', in order

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[17] Interview with Arunima Roy, Unnayan activist, November 2010.

[18] Interview with Asim Sanyal, Unnayan activist, October 2010.

[19] Interview with Asim Sanyal, Unnayan activist, October 2010.

to make claims to the city and claims to adequate rehabilitation in the event of an 'illegal' eviction. The court case in effect, became an arena of conflict where distinctions between legal and illegal were temporary or blurred, their relations unstable (Holston 1991).

5.5 The Eviction and After

Despite the several protest rallies, the High Court case, a few hearings and a stay order, the squatters at the base of the Iron Bridge were evicted overnight. Despite all their efforts, they were removed without rehabilitation and alternative arrangements:

> It was winter. And it rained that night. I woke up to the sound of bulldozers that they ran from either end of the settlement. 400 houses gone, just like that *didi*. I remember there used to be an Ajmer Shah Mazhar (mosque). We would tie little pots around the tree, leave some money and make a wish. I remember they took those away too. There was a school as well, where my sister and I went. All gone. By the time we realized what was happening and tried to run away, the police caught us and we were beaten severely. Several times. Women, disabled, children, nothing mattered to them. We kept trying to find a little exit space but there was nothing. It was all cordoned off overnight. My mother could not even find all our belongings when it all ended[20].

The employees at Unnayan maintain that what made possible the eviction ultimately was again the "shrewd" manner in which the court dealt with the proceedings:

> …they sent notices from one court to another so quickly that we couldn't keep track of them. Our lawyers' services were voluntary so he could not have possibly kept track of every single notice issued and every single hearing. All of a sudden one night we found out via phone calls that the squatter was being evicted. We were content all along that we had stopped it successfully or at least stalled it with the stay order. It was a terrible night. The brutal operation took place for about eight hours—layer after layer of barricades and police, we couldn't even make our way inside. RAF (Rapid Action Force) and CRPF (Central Reserve Police Force, Government of India) were both brought in. Three people were arrested for protesting against the demolition operation.[21]

After the eviction, a majority of the residents temporarily settled on a nearby pavement until they were given their incidental fees of 30 USD. The CPI (M-L) and Unnayan provided emergency relief on the pavement in terms of food, blankets, polythene sheets, medicinal aid, clothes etc.[22] They organized protests within 8–10 days in front of the municipal corporation. They sat at the corporation gate

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[20] Interview with Mumtaz, former Bridge squatter dweller, evicted when she was 10 years old, September 2010.

[21] Interview with Arunima Roy, Unnayan activist, November 2010.

[22] Internal memo of Unnayan: Routine visit to Number 4 bridge, 1 January 1996.

with the evictees until the mayor came and gave them an audience. He gave them verbal affirmation of rehabilitation despite which the only compensation received were the fees as evictees recollect.[23]

Eventually, half of the residents were paid the fees, and the rest were not. The local police station used the residents' list created by the *Save the Squatters* committee to distribute the fees. In the meantime letters were written on their behalf to the Urban Development Ministry, by other organizations such as the Habitat International and the Association for Protection of Democratic Rights (APDR),[24] emphasizing the brutality of the event, the treachery of the authorities and suggesting the development of low-cost housing flats to provide rehabilitation to the evictees. A few Bengali newspaper articles also followed within a few months of the eviction, emphasizing the "illegal eviction of the iron bridge squatters",[25] their new status as homeless, the "footpath having become the new address of harmless immigrants reduced to absolute poverty",[26] and the repeated rape and harassment incidents that the young homeless girls of the settlement were now prone to.[27] Within a few months the protests were suppressed by the police,[28] journalists stopped reporting on them, and the evictees themselves left the locality to settle down in different parts of the city. Some took to pavement dwelling, while some went on to build squatters in other parts of the city.

6 Case Study #2: Gobindapur Railcolony Squatters

Rabindra Sarovar, Calcutta's largest lake, is spread over 48 hectares and comprises several smaller waterbodies. The area also doubles up as one of the few green belts of the city. Flanked by a football stadium, an open-air theatre and two of the most prestigious rowing clubs in the city, the lake is commonly referred to as the 'lungs of Calcutta'. Its glory however seems to have been on the decline since the 1990s, and residents of middle class neighbourhoods surrounding the lake began expressing concern over its environmental degradation. In 1997, Subhas Datta in the interest of "saving the lungs of South Calcutta"[29] filed a petition in the green bench of the High Court. On behalf of his citizens committee called the Howrah Ganatantrik Nagarik Samiti (HGNS), and two other NGOs (Rabindra Sarovar Bachao Committee and Paribesh Dushan Rodh Committee), he filed a Public Interest Litigation (PIL) against the Government of West Bengal. The petition pleaded for

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[23] Interview with Ahmad, former Bridge squatter dweller, evicted with family, January 2011.

[24] APDR is part of a countrywide civil and human rights movement. Since its inception in 1972, the association with its branches spread throughout West Bengal, India has been working for the protection of civil and democratic rights of the people and against all forms of state repression.

[25] "4 number puller ghotona niyom noy beytikrom hok", *Kalantor*, December 1, 1995.

[26] "Jhuprir Bhangaar Por 1400 Manoosher Thikana Footpath", *Aajkal*, November 26, 1995.

[27] "9-year old pavement dweller raped", *The Statesman*, December 7, 1995.

[28] Internal memo of Unnayan: Work done on the day of inauguration, September 3, 1996.

[29] "Quit call in save-Lakes suit: MLA action against eviction pushes petitioner to brink", *Telegraph*, July 24, 2003.

the protection and revival of the largest lake in the city. Citing 'experts' from the West Bengal Pollution Control Board, they identified bathing and washing by illegal immigrants from the adjoining areas as the primary reason for the environmental degradation of the lake embankment:

> Rabindra Sarobar has fallen victim to uncontrolled spiraling of population in the city—a large part of which consists of illegal immigrants from neighbouring Bangladesh. About 800 of such families live in the land surrounding the lake that belongs to the Indian Railways, and more than 9000 people are using its water for washing and bathing purposes, daily. Result: Rabindra Sarobar has shrunk beyond recognition and its water is heavily polluted.[30]

Almost 8 years after the PIL, a neighboring majority-Hindu settlement of more than 2000 dwellers was evicted. Unlike their counterparts in the Bridge squatters however, here the evictees are hardly an untraceable entity. They are instead a symbol of protest in Calcutta, and their struggle was far more contentious. They raised commotion, moved the courts, organized more effectively, and brought the eviction to the attention not only of all levels of government—from the local ward councilor to the Railway Ministry in Delhi—but to civil society actors, big business and media alike. The case also went all the way to the Supreme Court. Moreover, after the eviction, not only have most of them been rehabilitated but even as of 2011, different political parties have been scrambling to get credit for having rehabilitated them in accommodation funded by a centrally sponsored scheme (Jawaharlal Nehru National Urban Renewal Mission).[31] This second case study is a description of this squatter that has been the focus of much attention for the past decade as a fairly 'successful' case—if not for *adequate* rehabilitation, but at the least for organized protest and timely action.

6.1 Origin

This settlement much like the Bridge squatters traces its history to refugees from Bangladesh to begin with, and eventually filled up with rural immigrants from West Bengal's countryside. Majority of them were from different parts of a neighbouring rural district called South 24 Parganas—Diamond Harbour, Canning, Lokhikantopur, Jainagar and Sholapur. The land in this rural district is particularly low cultivation, lacks adequate irrigation facilities and yields no more than one crop annually, which in turn makes its residents migrate in large numbers.

Unlike its counterpart however, which had been evicted from its current location several times, the history of this settlement has been a continuous one—they successfully thwarted multiple eviction attempts and remained in the same area for the past six decades—and their identity was firmly rooted in one place. Majority of the residents worked in the middle class neighbourhoods surrounding

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[30] Case on Protection of Urban Wetlands, Centre for Science and Environment: http://www.rainwaterharvesting.org/people/DOSSIERP/DossierP.pdf.

[31] "War of words over flats for the evicted", *The Times of India*, February 13, 2011.

the area—the women worked as domestic help and men as drivers or factory workers.

To begin with, a string of one-room windowless shacks were erected along the railway tracks and rented out at about 5 rupees each.[32] The area was uninhabitable in the beginning as most of the older generation recollects. They did not have access to basic services, and in the initial days self-provisioning was the norm—the community came together to clear the area and lay down roads, drains and a rudimentary water supply. Eventually, in piecemeal fashion, most of the community had water taps, every household acquired an electricity connection, and also a row of community toilets were built just outside the settlement.

6.2 Documentation

In terms of its relationship with the party-state in particular, they have enjoyed strong political backing from the very beginning. Similar to the other squatter, the original 'fraudulent' landlords, men with strong political connections to the then-ruling party, persuaded migrant families from the villages to settle in individual plots. The rent they paid was enough to provide protection from railway authorities, the police and other government agencies (Sen 1992 as quoted in Chatterjee 2004). But at the same time, their relationship with the party was not one of dependency. Unlike the Bridge squatters, whose only community-based organization was one created in the face of an imminent eviction, the Rail Colony had its own community-based organization—the Jana Kalyan Samiti or the People's Welfare Association—from as far back as the early 1980s and they would frequently organize in order to receive benefits from the government (Chatterjee 2004). Moreover, many of the residents themselves had been actively and directly involved in Left politics. Over time, the proper or 'prescribed' political behavior (Tilly 2006) of these residents earned them and their children ration cards (which allowed them to obtain government surplus grain and cooking oil), and voter cards (which established their right to vote). Akin to the process of documentary citizenship described by Sadiq (2008), this process of slow acquisition of papers and documents gradually allowed these squatter dwellers to practice citizenship rights and strengthen their claims to the city.

6.3 Incidents Around Evictions

After the citizens committee and the NGOs filed the petition, the High Court ordered that the railway authorities and the state government together build sanitation facilities for slum-dwellers, in order to stop them from polluting the lake. The state government favored this, but the railways department, reluctant to contribute, demanded the eviction of settlers. They claimed that the construction of toilets for the squatter settlements would severely disrupt train movement and took the matter to the Supreme Court against the High Court's order. The Calcutta Improvement Trust (CIT) in charge of the Lake's upkeep, argued against building

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[32] Interview with Pradeep kaka, former Rail colony dweller, August 2010.

toilets for them as well: "Building sanitation facilities for unauthorized squatters would only legalize their status and give them reason to stay on railway property".[33] In 1999, the Supreme Court ruled in favor of the railways, and ordered the High Court to take steps to ensure that the eviction order passed by competent authorities was implemented. In 2001, the High Court issued orders to the state government (ruled by the Left Front government) and the Calcutta Municipal Corporation (ruled by the Trinamool Congress or TMC, the opposition party) to evict the squatters.

Following the court's eviction order in 2001 until they were finally removed in 2005, almost four years of contentious claim making and protests ensued. Within this time, the squatters succeeded in doing two things: one, they built strong links with the then-opposition party (Trinamul Congress or TMC) in order to make claims for rehabilitation. Unlike their counterparts (most of who were not voters), they leveraged their own status as a votebank to make these claims. Secondly, they utilized this link not only to get themselves recognition and visibility, but this also gave them access to a crucial resource—information about the eviction order. This allowed them to:

1. Successfully stymie three eviction attempts by the state government with the help of the opposition (TMC).
2. File petitions directly to both the High Court and the Supreme Court requesting grace periods of 6 months.
3. Stage protests in both contentious and non-contentious forms.

6.4 Politicizing Subaltern Illegalities

The opposition at this time, made it public several times that the eviction of squatters would cost them a few hundred thousand votes.[34] In other words, their vested interest in stopping the eviction was made fairly clear from the very beginning. The residents too were fully aware of the party's incentives in helping them, and were willing to leverage it to their benefit. Together, they thwarted the first eviction attempt in May 2002, when a handful of residents went on a hunger strike for six days, and the opposition leader and her cadres supported the protest. The eviction drive was called off due to 'law and order' problems.

Soon after, the squatter dwellers filed a petition in the apex court in 2003, which was dismissed quickly. The High Court reinforced instead that its earlier order on their eviction from railway land be carried out without delay.[35] The courts, as well as the state government dismissed the settlement's appeal of 'no eviction without resettlement'. The minister in charge of urban development said the "blanket resettlement for all squatters is simply not viable" and that "resettlement and rehabilitation encourages squatting on public land".[36] These arguments premised on

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[33] "Left Unaddressed: Rehabilitation issue ignored in Kolkata's eviction drive", *Down to Earth,* 30 June, 2003.

[34] "Requiem for squatters", *The Statesman*, August 8, 2002.

[35] "MLA leads squatters in Sarovar splash", *The Statesman*, July 21, 2003.

[36] "Requiem for squatters", *The Statesman*, August 8, 2002.

the fact that rehabilitation may give squatter dwellers a false sense of legitimacy became commonplace in the urban planners' narrative (Roy 2002).

In protest, a member of the opposition, Saugato Roy, led around 5000 residents of the settlement into a 'protest bath' at the Rabindra Sarovar Lake. Agitating against Calcutta High Court's dismissal of their petition and the state government's nonchalance in the situation, he claimed that "…the eviction will not go unchallenged, especially at a time when the Centre is envisaging a 'Shelter for Everyone by 2007' programme".

In retaliation the citizens committee that filed the PIL in the first place, decided to withdraw its petition, claiming that it had 'lost faith' in the system. The petitioner felt that the opposition-led mass dip in the lakes and their pledge to resist the eviction "till our last breath" was tantamount to contempt of court, and the fact that it was being tolerated was enough to make them withdraw the case.[37] In the meantime, the High Court also strengthened its case and began citing experts from the Pollution Control Board (PCB), who were hired to inspect the lake, analyze the water quality and recommend measures for improvement. In 2004, the PCB submitted a report on the condition of the water to the High Court stating that the water quality had crossed 'acceptable parameters'.[38]

In March 2005, a second eviction attempt was made, but was successfully thwarted by the residents. Thousands of slum dwellers brandishing sticks, stones and sharp weapons stalled the drive by putting up barricades and building several rows of human walls.[39] Men from Calcutta Police, GRP, RAF and Special Action Force amassed and repeatedly requested the slum dwellers to leave their homes peacefully, but the families refused raised slogans instead. In a show of support for the slum dwellers, opposition TMC leader camped in the area and led a nightlong silent protest.[40] Senior police and civic officials attempted to convince local leaders to leave, but after 4 h of negotiations, policemen were ordered to retreat.[41]

The nine months that followed (after the second and before the final eviction) were full of contentious and often violent protests. Everyday life and traffic were both thrown out of gear in the name of 'peaceful law violation' programs led by the opposition party. On one instance, the opposition leader led them into protests to Writers Building (the secretariat building of the West Bengal government) along major thoroughfares. On several days, traffic was disrupted when the residents and their supporters living on both sides of railway tracks under the banner of Ballygunge-Tollygunge Rail Colony Sangram Committee organized a procession through the city.[42] Around November another major protest called 'Rail Roko' (or

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[37] "Quit call in save-Lakes suit: MLA action against eviction pushes petitioner to brink", *Telegraph*, July 24, 2003.

[38] Government of West Bengal, Department of Environment, No. EN/545/1E-45/02 (Pt.1I), April 25, 2003 www.wbgov.com/BanglarMukh/Download?AlfrescoPath=WebContent/Departments/Environment/Other%20Documents&FileName=New_GOs_1.pdf.

[39] "Kolkata families stall their eviction from slum", *IANS,* March 2, 2005.

[40] "Tension on track, Lake Eviction Today", *The Statesman*, March 2, 2005.

[41] "Kolkata families stall their eviction from slum", *IANS,* March 2, 2005.

[42] "Demonstration City", *The Statesman*, November 10, 2005.

Stop the Railways) was staged where residents disrupted suburban train services on the Sealdah-Budge Budge section for 2 h. The demonstrators burnt an effigy of the railway minister, Lalu Prasad Yadav, for his false promise to rehabilitate squatters occupying railway lands.[43]

Over time, these protests and demands gained support from unexpected quarters—the neighboring middle-class residents living in multi-storied buildings (Golpark, Dhakuria, Southern Avenue, South End Park, Jodhpur Park, Lake Gardens and Charu Market area)—who believed that the 'encroachers' should be removed but after providing them with alternative rehabilitation. Their support primarily came from the fact that the women from the squatters were all domestic help in their own households—cooks, babysitters, sweepers, washerwomen etc. They too therefore, supported the demands of the squatters for rehabilitation particularly within close proximity to their current location.[44]

In the meantime, the Calcutta police held meetings with officials of the corporation, government and railway police, and the Calcutta Electricity Supply Corporation (CESC) to chalk out a plan to evict these slums from 10 to 30 November. In an attempt to create internal divisions within the settlement, the police began by giving incentives to those residents who were willing to move. They agreed to give these residents surrender certificates, and in the event that rehabilitation was offered, the residents were allowed to approach the police with the certificates to establish their right to rehabilitation.[45] But not a single resident left the neighbourhood till everyone received rehabilitation. Instead they started a *dharna* (protest) at five different points along the railway tracks to make it clear that they were not going to leave the place without a visible 'fight'.[46]

6.5 The Eviction and After

In November 2005, 2 weeks before the final eviction, unable to find a solution to what was called a 'law and order problem', the state government announced that they would give ten acres of urban development department land to the corporation in order to resettle the evictees.[47] After scrutiny, it was deemed that the stretch of land (in an area called Nonadanga) had not been earmarked for any other development project undertaken by the urban development department, and that the ten acre plot, worth 6 billion USD would be given free of cost on humanitarian grounds.[48]

Following this announcement the squatters expressed some reservations about the resettlement area being too far from their current location and jobs, but finally they vacated peacefully thereafter. Apart from a minor clash, the drive to evict the squatters after eight years of struggle was peaceful with most families leaving their

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[43] "Squatters refuse to budge", *The Statesman*, November 17, 2005.

[44] Affluent Neighbours Back Squatters Demand, *The Statesman*, November 21, 2005.

[45] "Halt for Eviction Protest", *The Statesman*, November 6, 2005.

[46] "Squatters on Dharna", *The Statesman*, November 12, 2005.

[47] "High Hopes of a Home", *The Statesman*, November 19, 2005.

[48] "Sarobar Petition Hearing on Monday", *The Statesman*, November 26, 2005.

homes of years without resistance.[49] As opposed to the Bridge squatter dwellers who were evicted by surprise in the night and had no prior notice about the date of the eviction, the Rail Colony dwellers left on their own time and will.

The quality of rehabilitation however has been far from desirable. They were rehabilitated on a piece of land far from the city proper, without any built structures, electricity, drainage system, sanitation, etc. Makeshift tents were constructed overnight by the residents themselves with black plastic sheets and wooden frames.[50] The closest school and hospital was miles away, with scant public transport in the vicinity. Many men and women ultimately lost their jobs. After much negotiation, the corporation dug up three tube wells and nine toilets. Only in February 2011, after 5 years of negotiations, were one-room flats handed over to the evictees on that same piece of land. The residents ultimately retained a fragile but hard-won right to stay put.

7 Discussion

In Calcutta, as much as in any other Indian megacity, economic globalization and rapid urban development have put immense pressure on Indian authorities to eradicate and re-develop slums and squatter settlements. Many of these settlements have fallen through the cracks of the legal arena and are vulnerable to being evicted without proper rehabilitation, but some of them have indeed learnt to use the law's complications to their extralegal advantage. Community resistance combined with political and legal manipulation, despite 'illegal residence', is in fact increasingly the most common and reliable way for the working classes to make claims.

The stories of the Bridge squatters and Rail Colony present important lessons for how squatter dwellers navigate urban space and stake legitimate claims on one of the city's most politically contested and scarce resources i.e. land. The two settlements began as 'illegal' almost five decades ago—not only by virtue of tenuous property rights, but also by virtue of the residents themselves being undocumented and unregistered in the city. The residents also started out as non-voters in the city. Both had the right to vote and related documents in the village where they had come from, and most of them continue to go back to deliver their vote—at the village, state as well as national level. But when they moved to the city, they were not registered in the city, and did not have the right to vote at the municipal level.

Theory predicts that it is unlikely therefore that they would be able to engage with the state or that the state would provide public services to them. At the time that the two settlements originated and began growing, this was indeed the case—accessing the state was impossible and they lived in a 'juridical limbo' of sorts. Basic services were lacking, and eventually self-provisioning or 'making their own arrangements' became the norm. However, while the Bridge squatters continued to have no engagement with the state, the Rail Colony case contrary to expectations is

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[49] "No Looking back now", *The Statesman*, December 17, 2005.

[50] "From here to eternity, *The Statesman*, January 28, 2006.

a prime example of active citizenry. The Rail Colony residents collectively knocked on the door of public bureaucracies and elected officials directly to appeal decisions, demanded better treatment, or petitioned for improvements in services. In fact, contrary to what the construct of 'political society' suggests about their practices being associated with transgressions of law, the Rail Colony residents frequently utilized the legal terrain to make legitimate claims. On the other hand, the Bridge squatters lived in the shadows of the state as well as of formal legal institutions, and had little or no direct engagement with the local state.

Why do these two settlements end up with such varied modes of civic engagement? Despite their illegal status, and much before they received their voting rights and documents, residents of the Rail Colony were 'practicing citizenship'. Status, as discussed above, does not always precede the actual practice or performance of citizenship. They developed their claim-making skills (for water, sanitation, and the right to work) much before acquiring the formal apparatus for citizenship, and leveraged their skills to acquire documents and the right to vote. This combined with a perceptible shift in politics at the turn of the century (when CPM lost the municipal elections to a TMC-BJP coalition), gave the residents an opening to leverage their political connections, make noise and successfully organize against the eviction. The Bridge squatters on the other hand, owing largely to their religious affiliation had limited access to the city's elites as well as its major political parties, which were primarily majority Bengali speaking Hindus at the time.[51] Often assumed to be illegal migrants from Bangladesh, their lack of official sources of identification became more of a bind for them than for their Hindu counterparts. They were constantly uprooted and moved around the city, which resulted in a settlement whose location and composition was constantly changing and volatile. Unlike their Hindu counterparts, who had a continuous stay in one location for decades, they were unable to stay rooted, which also hindered their capacity to organize, garner documents and stake a claim on a particular space in the urban landscape. Over time, this resulted in a gradual sorting of these illegally squatting migrants into paperless citizens in the Bridge Squatters and paper citizens in the Rail Colony (Sadiq 2008). The political disenfranchisement of the former took them off the radar of most political parties. The fact that this was not a settlement of voters, gave little incentive to the ruling party to cater to their needs. In the face of imminent eviction therefore they were unable to garner political support and organize to make claims. Even though, in the end they were able to acquire some documents because of the work of Unnayan and CPI (M-L), it was an outcome *not* of their own efforts to collectivize and stake a claim (like the Rail Colony residents) but of external actors having lobbied on their behalf. All of these factors combined resulted in the state rendering them invisible violently overnight, while the Rail Colony residents 'successfully' fought for their right to stay put in the city.

To conclude, I argue that, the poor seldom have an unambiguous legal relationship to land, the economy, the city and the nation-state, and typically individual families or entire communities fall through the cracks of complex mazes

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[51] Moreover, the Left Front's (short-lived) urban movement for the poor in the 1970s and 1980s was historically a majority Hindu movement.

of citizenship, labor and property laws. As a result, they are perpetually suspended in 'juridical limbo'—a situation in which overlapping identities and contradictory laws render individuals or entire communities into a state of semi-legal existence. These cracks or openings are then either transformed into spaces of empowerment by communities, or into spaces of control by the state. And political contestation plays a determining role in success—if not for adequate rehabilitation, but at the least for organized protest and timely action whereby the Rail Colony residents left a more indelible mark on urban space than its counterparts before being evicted. By providing an ethnographic account of how these two squatters navigate this space, this paper therefore provides an exposition of the arrhythmic ways in which citizenship rights and practices have expanded over time in Calcutta, thereby providing an explanation for the variation in poor people's claim-making strategies in one of the poorest cities in the global South.

Disclaimer The views expressed in this paper are those of the author alone, and should not be attributed to the World Bank, or the organization's executive directors.

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