Urban Informality, Boundary Order and Exclusion

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1. Introduction

In this paper, I shall be drawing from different theoretical perspectives as well as from my 1 year of field encounter (among vendors, rickshaw drivers, cab drivers and state officials") to understand how boundary order gets established, legitimized, blurred, challenged and redefined with respect to urban informality, producing and reproducing exclusion of the urban poor; especially looking at spatiality, illegality and the everyday state. Analytical boundaries would be explored with respect to the "private" and the "public"; work and life; and finally between the "formal" and "informal".

I find the formulations such as "Contact zones" of postcolonial thinker Pratt very useful to flesh out the multiple meanings of boundaries and borders when she describes it as,
"Social spaces where disparate cultures meet, clash, and grapple with each other, often in highly asymmetrical relations of domination and subordination – like colonialism, slavery, or their aftermaths as they are lived out across the globe today" (Pratt 1992: 5). The very ideas of social or physical boundaries, zones and spaces depict intense spatial relations – having repercussions in the forms of what is dangerous, what is degenerating, what is public, what is private and what is domestic. Even Caldeira in her book, "City of Walls" analyzes how the discourse of danger and fear could be instrumental in marking differences, intensifying urban segregation and creating rules of avoidance for certain populations. She analyzes the mutual relationship between social relations and built environment and how segregation becomes blatantly possible through individualized, enclosed, walled and fenced condominiums appealing to the middle and upper class sensibilities, and how the idea of say patterned housing which is associated with the working class is deeply resented (Pg. 261). Various works on homelessness, say by Banerjee and Samaddar have also shown how the boundary between work and life vanishes when it comes to the homeless, allowing for maximum extraction of their surplus labour. I therefore look at the extremely overlapping aspects of informality of work and informality of living, using different case studies.

In my own study, I explore the nature of relations and boundaries between the formal and the informal, between the informal and the state, in spatial hubs where they meet each other (analyzing informality at sites like metro stations as formalized geographical spaces – with implicitly marked spatial boundaries of

MCD land, DMRC land, vending zones, passenger pavements and so on) and attempt to understand the various contesting claims and negotiations for space among the vendors, informal feeder transport drivers like rickshaw pullers, and the local state authorities. Boundary order – both physical and metaphorical, becomes all too animate in this context, especially when governmentality calls in for "over-regulation of the so-called un-regulated sector". Socio-spatial segregation of the urban poor through the metaphors of danger, hygiene, aesthetics and modernity makes these so called "invisible" classes all too visible, darkening the boundary lines and markers, to further their exclusion.

In short, my aim is two fold, one to look at the analytical boundaries drawn to understand various concepts, that end up simplifying the complexities, continuities and overlaps between so called different sectors and economies; and second, to explore the actual hardening of the boundaries, peripheralizing and excluding the poor.

To begin with, the dichotomy between rural and urban is too simplified, given the newer geographies of semi-urban, peri-urban, rurban, and small towns being all too transgressing, even when it comes to the roles, rules and jurisdictions of the local governing bodies. Rural to urban migration also therefore becomes a very simplified concept and must take into account the spatial and temporal complexes and flux, especially when it comes to the idea of home, housing identities and livelihood.

Then, the concept of legality is again so problematic – bringing to the fore numerous other bounded categories like "authorized/unauthorized", "regulated/unregulated", "licensed/unlicensed, "documented/undocumented" and so on. "Formal/informal" and "organized/unorganized" are other interchangeably used concepts that often lack the nuanced definition and contextualization of the terms used – leading to highly questionable binaries that the analyses throws itself into.

With various national and international reports accounting for the 'informal sector' in India to be around 93%, and around 78% excluding the agricultural sector, this bulging trend is a huge cause of concern, even if these figures are regarded as distant approximations.

I attempt to understand who constitutes this informal sector, where I call the people perceived to be in this sector as the 'informals'. I explore this area in order to understand how bodies of the poor, their behaviour and livelihoods are segregated and differentiated through the boundary order, and try to link this process to that of urban aesthetics, of how the 'informals', 'informal settlements' and 'informal work' becomes aesthetically undesirable in a modern city landscape. Next, I attempt to understand the role of state using the lens of legality and try to examine the shifting role of the local authorities, again defying the boundaries of work, informal ties, and changing duties.

I take the case study of the battery rickshaws in Delhi conducted by Harding and Rojesh, provide insights from my fieldwork that I happened to do for an Urban Transportation Project with TISS and finally my own

ongoing PhD fieldwork that directly deals with the regime of marking and unmarking the boundary order to understand the interplay of the processes of modern city making.

2. Understanding Informality

As a starting point, it would be useful to consider urban informality as a processual question, especially how Ananya Roy sees it as a 'mode of metropolitan urbanization' (Roy 2005).

Bhowmik's work also shows how informal sector is not a static one, but a result of a continuous process of informalization, showing how workers in the erstwhile formal sector were pushed into the so called informal sector as a result of shrinking state protection and increasing privatization, taking the case of street vendors in India (Bhowmik 2000). I also therefore see informality as 'an absence of state protection'. Although the NCEUS (National Commission for Enterprises in the Unorganized Sector) has defined the unorganized sector based on objective parameters in India[1], the term is often used fuzzily. Reference to 'unorganized sector' has often been made implying that the workers in the informal sector fail to organize themselves into unions etc. This has been refuted at multiple levels, wherein enough evidence has been found to show that the 'informals' could in fact organize themselves into associations for demanding greater security and rights, such as street vendors, rickshaw pullers and rag pickers associations etc. Some enterprises however lack this scope of organizing themselves, such as women in home-based work, as looked at by Prabhu (2001) or women in domestic work, as analyzed by Palriwala and Neetha (2011) since they are left even more vulnerable due to absence of state recognition. Here, new set of borders and boundaries open up, between work, home, commercial activity and domesticity.

Informal sector conceptualized as an illegal sector has been presented for many years now, beginning from the legalist school, and at the same time, has been attacked quite widely, based on the porous boundaries of law, and on the fundamental question of what constitutes the legal. Van Horen (2000) has raised the need for planners to move beyond a narrow concern with legality and illegality such that it is possible to contribute to legal regulatory frameworks that are more appropriate to informal settlements.

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[1] The term unorganised sector when used in the Indian context is defined by National Commission for Enterprises in the Unorganised Sector, in their Report on Conditions of Work and Promotion of Livelihoods in the Unorganised Sector as ...*consisting of all unincorporated private enterprises owned by individuals or households engaged in the sale or production of goods and services*
operated on a proprietary or partnership basis and with less than ten total workers. Amongst the characteristic features of this sector are ease of entry, smaller scale of operation, local ownership, uncertain legal status, labour-intensive and operating using lower technology based methods, flexible pricing, less sophisticated packing, absence of a brand name, unavailability of good storage facilities and an effective distribution network, inadequate access to government schemes, finance and government aid, lower entry barriers for employees, a higher proportion of migrants with a lower rate of compensation. Employees of enterprises belonging to the unorganised sector have lower job security and poorer chances of growth, and no leaves and paid holidays, they have lower protection against employers indulging in unfair or illegal practices.[3]

The role of state becomes important here, which I would be addressing using the case study of E-Rickshaws, showing their legal journey.

With respect to the informal sector from the policy and planning perspective, the irony is that this sector is regarded as not only unplanned and 'unplannable', but could in fact be looked as a product of excessive third world planning of megacities (Roy, 2005). Roy writes,

"Indian city is made possible through an idiom of planning whose key feature is informality, and yet this idiom creates a certain territorial impossibility of governance, justice, and development" (Roy 2009: 81).

On the idea of the informal sector to be viewed as the 'unregulated sector', Roy again corrects that "informality is a 'deregulated' rather than an 'unregulated' system and that in fact, 'it could be thought of as a mode of regulation', distinct from planning failures or the absence of the state" (Roy 2009: 83). Even I observe how these 'informal' workers and dwellers supposedly in the 'unregulated sector' in fact undergo greater regulation and legal threats (of eviction and others).

3. Informality and Urban Aesthetics

Another useful but related way of looking at informality is through the lens of urban aesthetics, imageries imagined by the modern subjects, and the associated governmentality which segregates the poor and their habitations in profoundly legal regimes.

Ghertner's work on rule by aesthetics is critical in this regard.

As very rightly noted by him,

"Two gradual shifts have been noted in how public nuisance was interpreted in the early 2000s. First, the courts increasingly began accepting petitions under public interest litigation from private parties (mostly RWAs, but also hotel and business owners) claiming that neighboring slums were 'interfering' with their quality of life and security. The second shift in the interpretation of public nuisance made the appearance of filth or unruliness in and of itself a legitimate basis for demolishing a slum". (Ghertner 2011: 287).

This is a good example to show how aesthetics can provide a valid ground for illegality to operate. This example also shows how boundary order is reinforced, wherein spatial segregation becomes desirable, obvious and blatant.

Sharing insights from my own field work that I did for a TISS project called 'Engendering the Sub-Urban Rail Network' in the Women's coaches in Mumbai local trains, the imagination of the modern public space in the form of local trains in Mumbai varied with caste, class, age-group and social background of the women respondents I interviewed. For the young upper class women, the standards were those of European rails and trams, and how Mumbai local trains were a far cry in that direction, and how the civic sense of the 'Indians' could never adapt to European standards. This is the moment when actual boundaries are starkly challenged,

when the global imaginations bring the east and the west together, whereas the inequalities within the east/global South become all too visible.

This exclusion becomes so direct that these modern female subjects complained that the 'beggars', 'vendors' and 'eunuchs' (all bracketed in the same category), to which I refer as the 'informals', be removed from the sub-urban rail space, since they 'dirty' the environment. Beggars, vendors and transgenders, all clubbed together highlight how categories of class, caste and gender interact and play out in such so-called secular public spaces, producing a system of exclusion; socially, physically and aesthetically. It also gives us a sneak peak into the process of segregation of the bodies of the informals and the poor. Various scholarship has established how these bodies are segregated and perceived as unhygienic, stinking, diseased, malnourished, ill-clothed, illegal, criminal and uncivilized bodies, who are yet to evolve or can never evolve as 'modern'. Even the idea of home of the poor is bracketed as unstable, full of filth etc. These strong differences in the representations of the bodies, and the spaces inhabiting these bodies of the rich and the poor, or of the 'formal' and the 'informal' calls for attention. The boundary order therefore becomes necessary to protect the "healthy" and "clean" bodies and spaces from contamination.

From the perspectives of the vendors, the interviews highlight the constant sense of insecurity and threat faced by these informals, who at times have to pay weekly fines as high as Rs. 1200 (which could be their monthly earnings) to the police, while the police might just be contended with Rs. 120 at another instance. At a third instance, beating up and jailing of these women vendors irrespective of their age was also reported. One of the Muslim women hawkers (of age 60 years) selling hand-made jewelry on trains questioned why selling stuff on the trains is illegalized when women from all backgrounds happily buy the earrings, clips and necklaces offered at one tenth the prices they have to pay in malls. She then herself replies by saying, "most women face problems because of us, and our presence makes them uncomfortable!" It is therefore interesting to see who becomes a threat for whom, and whose idea of threat is actually taken seriously by the state. It also shows how the middle class operate with a sense of hypocrisy and convenience, of setting up those boundaries while emulating the west, but abandoning the same boundaries to fulfill their consumption needs through traditional middle classist modes of bargaining and purchasing.

When asked about the background of the old woman vendor, she mentioned how at the age of 60, she is taking care of her mother, about to turn 100, of how they are homeless, and she lives with her mother in a shelter for the homeless and how the two of her brothers died at a construction site due to unsafe working conditions. This points to informality as a much more far-reaching concept than just work, wherein the 'informals' are likely to have their family members engaged in other informal activities, children engaging in informal forms of education, informal health access, informal credit systems and living in informal habitations. Informality therefore becomes a system of socio-spatial marginalization. Informality therefore also becomes an invisible boundary in itself, than restricts all sorts of accesses to

people engulfed by it.

Role of the state in this regard could be seen in using law and regulation as a means to comply with the needs of the 'formals', and to their aesthetic aspirations, deeming even the mere presence of the informals as illegal. State too, sets its own boundaries, and constantly violates, negotiates, breaks, extends and contracts the very own boundaries it sets for itself, and for regulating this informality and illegality.

4. Informality and the role of state

Coming back to Roy, she conceptualizes informality "as a state of deregulation, one where the ownership, use, and purpose of land cannot be fixed and mapped according to any prescribed set of regulations or the law. Indeed, here the law itself is rendered open-ended and subject to multiple interpretations and interests" (Ibid: 80). About planning, she writes how India's planning regime is itself an informalized entity, one that is a state of deregulation, ambiguity, and exception" (Roy 2009: 76). Roy adds, "The state itself is a deeply informalized entity, one that actively utilizes informality as an instrument of both accumulation and authority. She asks, why some forms of informality are criminalized and rendered illegal while others enjoy state sanction or are even practices of the state" (Ibid: 83). The fire in the Kandivali slums that burnt the households of 8000 families (in Dec 2015) were denied any compensation simply because it was found that those spaces were 'unlisted'. Here lack of regulation is being used by the state advantageously in order to avoid providing for social protection. Similarly, in my field work at the metro stations in Delhi, I find how there is a deliberate confusion that is allowed to prevail – as to which part of the land belongs to the DMRC and that of the MCD, despite clarity among the vendors, state officials, police and of the DMRC "formal" employees. The rent seeking that goes on there ranges from 500 to 15000 per month, paid as "bribes" or rather "sustenance fees" to the pyramid of these authorities. Why are the boundaries not fixed, why are the vendors' activities not legalized are the questions one must ask in this era of "speculative urbanism" in planned, formal, "state of the art" spaces like the Delhi metro.

Going back to Ghertner (2008 as cited in Roy 2009), he notes that almost all of Delhi violates some planning or building law, such that much of the construction in the city can be viewed as 'unauthorized'.

I now take the case of Battery Rickshaws in Delhi, based on the study conducted by Harding and Rojesh to explore some of these observations. Rickshaws have been seen as 'informal transport' systems as pointed out by Cervero in the following quote:

"Cities throughout the developing world are host to intensive private, small-scale transport services variably referred to as "informal transport," "low-cost transport" and "paratransit" operations. Cervero (2000) prefers

the term "informal transport," as it "best reflects the context in which this sector operates − informally and illicitly, somewhat in the background, and outside the officially sanctioned public- transport sector"" (Duminy 2011). Fascinatingly, informality is so boundary-driven that these "informal transport" are not allowed to operate in posh spaces, (for e.g. cycle rickshaws are not allowed in lutyens Delhi or how auto rickshaws are not allowed in South Bombay in the garb of reasons like traffic congestion and so on), and routes, rules, and standing spaces are also implicitly marked, that a slight deviation calls for thousands of rupees

In the context of the battery rickshaw pullers in Delhi, the common perception is that these rickshaws are "lawless and unruly"; an "epidemic" which is "constricting and endangering the flow of normal traffic" (*The Times of India* 2014b) and that they are a "menace", which "add to congestion" and "flout the traffic Act" (*The Times of India* 2013)" (Harding, Rojesh 2014: 43). In the words of Fernandes' they establish how the "middle classes recast themselves as the *aam aadmi*, calling for the enforcement of regulations to clamp down on all manner of informal occupations of public space, such as jhuggi housing, street hawking, dhabas and cycle and auto-rickshaws" (Ibid: 44) again reflecting the modern imagination of aesthetics in urban spaces.

As a result, the Ministry of Road Transport and Highways (MoRTH) finally declared battery rickshaws illegal in April 2014 and the Delhi government began a crackdown (*The Indian Express* 2014a as cited in Harding and Rojesh). The authors attempt to bring in the perspectives of the operators and drivers of these e-rickshaws, on their views about regulation and how does regulation (or unregulation) affect them. The socio-economic analysis of these battery rickshaw pullers show that they are largely rural migrants to Delhi from Bihar and eastern UP, majority of whom lack local driving licenses and bank accounts. Address proofs are also impossible to obtain as most live in informal housing.

On the idea of regulation, the probable reasons why lack of regulation could be helpful for them is that renting a battery rickshaw is an attractive employment option since it doesn't requires documentation and is based on trust relations. Ownership too is easier, since it is cheaper, doesn't require operating permits and credit availability from retailers is easier too. Sood argues that the 1960 Cycle Rickshaw Bylaws is a "marvel of over regulation", which "creates a series of nearly insurmountable hurdles for the cycle rickshaw driver and nearly unconstrained rent seeking opportunities for the enforcing agencies" (Ibid: 45). These vehicles however increasingly become susceptible to theft due to absence of identifiability, official indifference and unavailability of safe parking options due to their habitation in informal settlements. Thus, interestingly, the paper says that the most popular safety procedure is for the driver to sleep with the vehicle at the roadside. This reflects how informality of work could accentuate informality of living and vice versa. They explain how a single battery rickshaw could be sold, stolen and resold multiple times, with the owner having to pay the loan all by himself (Ibid 46). Thus the vulnerability of the workers increases in this regard. Shapirio's understanding has been quoted in this regard wherein he looks at the case of hawkers in Mumbai and says:

"These arrangements, in the form of *hafta* payments, shield the hawkers from the anti-hawking policies created by higher levels of the state, and this becomes the mechanism through which the hawkers attempt to gain recognition from the state. The main source of anxiety amongst both groups is that their activities are subject to a regulatory regime that is "predatory" (Shapiro- Anjaria 2006). The "predatory state" constantly demands ever increasing bribes and threatens destruction of livelihoods of all those who cannot meet its exacting licensing criteria".

The shifting role of regulation, along with the shifting role of the local authorities, who at once become partners in crime with the informals, and at another instance become the representatives of the state to evict these informals, highlight the ad-hocism and informalized operations of the state itself, as also pointed out by Roy.

5. Conclusion

It is essential that the given boundaries playing out between the categories of the 'informal sector', 'planning' and 'legality' are problematized, destabilized and analyzed critically, and my endeavor in this paper has been in this direction. Through the case of battery rickshaws in Delhi, vendors at metro stations, women commuters in local sub-urban rail networks, I have tried to arrive at a deeper understanding of informality and the idea of regulation and exclusion. The "urban" as also been approached through the networks of city transportation that in turn highlight the flux, moving of boundaries, and establishment of newer boundaries. I have attempted to show how informality is not just about work and wages but corresponds to a way of living, the habitation, social relations and aesthetics, specifically, with respect to the relationship with the law and the state. The idea has also been to identify the discontinuities and heterogeneity within the conceptual category of the informal sector, how informality could be a survival mechanism offering greater flexibility, or could simply be a form of compulsion and compromise (and not agency and choice) with increased sense of insecurity and threat. From the perspective of the state, I have tried to highlight that informality might not always be a cause and consequence of lack of or under-regulation, but even of over-regulation and a case of deregulation according to the framework offered by Roy. I also point out to urban planning and aesthetics based on the hierarchical segregation of the so-called 'informals' holding on to the extremely useful metaphor of boundary that solidifies and vanishes both to the disadvantage of the urban poor.

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