The paper traces the transformation of a Mumbai neighborhood from a municipal housing colony into an illegal slum, arguing that this transformation was facilitated by the politically-mediated deterioration and criminalization of its water infrastructure in the context of the liberalization-era policy shifts. These policy shifts, it is argued, hinge upon a conceptual binary that posits the unplanned, illegal and informal ‘slum’ as the self-evident conceptual counterpoint to a planned, formal, ‘world-class’ city. The story of Shivajinagar-Bainganwadi problematizes this assumption by evidencing the deeply-political and highly-unstable nature of this binary – and thus insists upon an account of the shifting political and economic stakes imbued in these categories. The case of Shivajinagar-Bainganwadi reveals that the neighborhood’s emergence as an illegal slum has been mediated by the liberalization-era politics that have come to infuse the neighborhood’s water pipes – dynamics that have produced the illegality/informality of the neighborhood in as a discursive effect.

Introduction: “The Wrong Ward to Study”
When Mumbai’s water department engineers talk about the city’s water problems, almost invariably a reference is made to the city’s slums, where over half of the city’s estimated 12 million-strong population is said to reside. More specifically, mention is often made of a neighborhood known as Shivajinagar-Bainganwadi in Mumbai’s M-East Ward, which the city’s water engineers often describe as the embodiment of the challenges that they face in supplying water to the city. “M-East Ward is not representative of our work in Mumbai,” one senior water department engineer named Sharma explained to me. “The problem” he continued, “is Shivajinagar. It’s a slum area, an illegal area; it’s not in the development plan – It’s not planned! Legal structures are only those for which a plan has been submitted. But they’ve occupied illegally; they just keep on constructing illegally and then they steal water with illegal water connections.” I had, Sharma insisted, picked “the wrong ward to study.” The hydrologically-challenged neighborhood of Shivajinagar in the M-East Ward is thus described as a counterpoint to the legal, planned spaces of the city, spaces that are said to reflect the rational designs of planners and experts rather than the haphazard, hazy legalities of the slum.

Sharma’s identification of Mumbai’s slums as the cause and embodiment of the city’s water problems reflects a newly-emergent and highly-mobile discursive trend not only in India but within the

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1 The 2011 Census measured Mumbai City’s population at almost 12 million, and that of Mumbai Urban Agglomeration at more than 20 million.
international aid and development community at a global level. Recent years have witnessed enormous amounts of attention (and donor funding) directed towards fixing slums and the problems they are held to embody: overcrowding, poverty, lack of sanitation or clean water, and the various illnesses that thrive in such conditions. The UN Habitat’s oft-cited 2003 report on *The Challenge of Slums* predicts that, in the coming years, the vast majority of the world’s population growth will take place cities of the global South, where it will be absorbed by – and have its water needs met in – the varied terrain of habitation, employment, legality and sociality of the urban “slum” (UN Habitat 2003: 113). Development industry experts have converged on a theory that posits slums as the product of population growth that outstrips cities’ abilities to plan for city dwellers’ housing and infrastructural needs. “The failure of governments to do this in the past,” UN Habitat’s 2009 *Report on Human Settlements* proclaims, has resulted in close to 1 billion slum dwellers worldwide.” Planning, the *Report* thus asserts, “will have to play a significant role in providing alternatives to the formation of new slums, given the anticipated doubling of the urban population over the next generation” (UNDP 2009: 13). The notion that slums arise from lack of planning and must therefore be prevented and upgraded using planning-related tools has become a veritable battle cry as lending institutions, consultant experts, politicians, activists and businesspeople from all over the political spectrum seek to facilitate, ameliorate and or profit from the trials and transformations of the Southern world’s burgeoning cities.

The city of Mumbai, India’s financial and cultural capital, has – in the wake of the liberalizing reforms of the 1990s – received significant amounts of such attention. A recent report by the global consultancy McKinsey predicts that by 2030, India’s largest cities will generate 70% of the country’s new jobs and account for nearly three quarters of gross domestic product; Mumbai’s GDP alone is expected to exceed that of Thailand and Hong Kong combined by 2030 (Goyal 2010). Yet in terms of providing the infrastructure to accommodate and facilitate this population and economic growth, Indian cities such as Mumbai score dismally. Business interests in the city have been particularly troubled by this mismatch between the potential for growth and the available infrastructure to accommodate it, and in 2003, concerned Mumbai business coalition Bombay First privately contracted McKinsey to produce a report entitled *Vision Mumbai: Transforming Mumbai into a World-Class City*. The study – which was promptly embraced by the state government of Maharashtra – proposed a two-pronged strategy for Mumbai’s transformation into a “world class city”: infrastructural upgrading (to plan for the future) and slum redevelopment (to fix the spatial and infrastructural problems that have arisen from past failures to plan). The *Vision Mumbai* report’s discussion of the city’s water problems reflects this dual strategy,

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2 This report is perhaps best known among social scientists for the lengthy treatment it receives in Davis (2004; 2006).

3 The World Economic Forum’s Global Competitiveness Index places India in the lowest third of all ranked countries.
emphasizing the need for augmented supply, prevention of contamination, and reduction of “leakages,” while recommending the planned redevelopment of the city “block by block” with the installation of “correct infrastructure.” Indeed, up to 60% of the land said to be occupied by “slums” is described as needing to be cleared for commercial development, with residents to be “rehabilitated” in tenement style housing blocks in peripheral areas of the city (McKinsey: 23). Since the Maharashtra Government’s approval of the Vision Mumbai report – which has become the roadmap for a $60 billion project dubbed Mumbai Makeover – displacement and re-housing has become a regular occurrence in Mumbai, with slums periodically bulldozed to make way for office towers and mega-infrastructure projects. Displaced families who can prove that they and their house meet a 1995 “cutoff date” for eligibility find themselves re-housed in densely-packed clusters of tenement-style apartment blocks that are sprouting up in the marshlands on the city’s periphery, while those who cannot find themselves homeless. In partnership with the international development community, the city’s boosters are thus engaged in a full-fledged effort to plan, bulldoze, and build their way to a “world class,” slum-free Mumbai.

The set of theoretical oppositions upon which the so-called Mumbai Makeover project hinges – planned vs. unplanned; legal vs. illegal; world class vs. slum – is, however, perhaps not as sound as it seems. Indeed, the policy framework that would fix the city’s infrastructural woes by supplanting slums with planned housing blocks hinges upon an under-theorized notion of the “slum” (as the counterpoint to a planned, formal city) as an always-already existing place – one that is plagued by infrastructural problems (unavailability of water, for instance) due to the slum’s status as unplanned or informal/legal. This essay seeks to probe this crucial assumption through a case study of water access in the already-mentioned slum neighborhood of Shivajinagar-Bainganwadi. The notion that the water problems of this hydrologically-dystopic neighborhood stem from the neighborhood’s slummy, unplanned and illegal character is complicated by historical reality: the neighborhood was planned. Indeed, a cursory glance at satellite imagery reveals the gridded pattern of the Shivajinagar-Bainganwadi, which was laid out in the 1970s as a municipal housing colony (see Figure 1). The neighborhood thus complicates conventional dichotomizations of urban terrain – as planned and unplanned, not-slum and slum, formal and informal. Shivajinagar-Bainganwadi thus presents a puzzle: why is this municipal housing colony considered a slum? And how did municipal water supply to government colony become illegal? Focusing attention on the political hydrology of Shivajinagar-Bainganwadi, the paper demonstrates that the neighborhood’s transformation from planned municipal colony to illegal slum was facilitated by the politically-mediated deterioration and criminalization of its water infrastructure in the context of liberalization-era policy shifts – shifts that I argue have produced Shivajinagar-Bainganwadi’s ‘informality/ illegality’ as a discursive effect. Shivajinagar-Bainganwadi’s water problems, I will demonstrate, do not stem from the neighborhood’s ontologically-prior status as a slum; rather, I suggest, the neighborhoods re-imagining as
a slum has been mediated by the liberalization-era politics that have come to infuse the neighborhood’s water pipes.

**Figure 1: Gridded Layout of Shivajinagar-Bainganwadi**

![Gridded Layout of Shivajinagar-Bainganwadi](image)

**Beyond ‘Splintering Urbanism’ (and its Critics)**

The crisis-scenario projections of UN’s *Challenge of the Slums* report are disturbing and perplexing: cities like Mumbai are leading the global South on a march to modernity while the impoverished masses of the postcolonial world flock to increasingly-squalid urban slums where they die gruesome deaths from antiquated-sounding water-related diseases like cholera. The proliferation of urban slums is disconcerting, in other words, because it reveals the cracks in modernity’s discourse of progress – a discourse in which capitalist development is supposed to be accompanied by improved standards of living, the spread of democratic values and the legal enshrining of citizenship rights. Social scientists have thus rushed to meet the intellectual “challenge of the slums” by theorizing this breakdown – the fragmenting and fracturing of the project of modernity – that is evidenced by the proliferating form of the urban slum.
Attempts to theorize the dramatic shifts taking place in cities of the global South have pursued—generally speaking—two broad lines of inquiry. A first set of ideas emerges from within the “global cities” framework, which posits that the technological, societal, and economic transformations comprising “globalization” have produced a spatially-articulated set of urban forms and fragmentations in outwardly-oriented cities worldwide, whose infrastructures and built spaces are more responsive and attuned to the needs of global capital and business than to resident citizenry (Sassen 1991; Sassen 2002; Graham and Marvin 2001; Nair 2005). The imperatives of the new economy—led by the extraordinarily-profitable information- and financial-services industries—it is argued, have thus undermined the legitimacy and integrity of an older industrial-city ideal both as a planning model and an empirical reality. Recent years have witnessed the emergence in globalizing cities, Sassen writes, of “a critical mass of firms with extremely high profit making capabilities [that] bid up the prices of commercial space, industrial services and other business needs, and thereby make survival for firms with moderate profit making capabilities increasingly precarious” (Sassen 2000). These shifts, it is argued, become inscribed in the fabric of the city itself; Gandy (2004: 369) explains: “Processes of industrial restructuring, mass rural-urban migration in the developing world, and the gathering impetus of economic globalization since the early 1970s,” have destroyed the ideological basis of what Graham and Marvin have called a “modern infrastructural ideal,” by straining the ability of public utilities to serve their citizenry and then accounting for these shortcomings with neoliberal explanations that point to the inherent inefficiency of government-run enterprises. The political economy of globalization, it is thus argued, has unbundled the co-determining relationship between citizens and the city. Infrastructure in the global city provides connectivity among spaces that are relevant to the new economy—the IT parks, gated communities, airports and call centers—while cutting off urban forms that globalization has rendered economically-obsolete: the defunct factories, working-class housing, and the hazy world of urban informality and illegality commonly known as the slum.

The global city framework has been critiqued by scholars—particularly postcolonial theorists—who note that cities like Mumbai cannot be described as “splintering” since they never approximated any modern planning ideal in the first place. Moreover, to characterize a city like Mumbai as simply an incidence of ‘incomplete modernity’ incorrectly assumes the territorially-coherent, industrial capitalist city as some sort of empty category or inevitable stage in development through which all cities must pass. Contemporary infrastructural and spatial disjunctures are better explained, it is argued, by looking at how various patterns of rule and relations of governance with roots in a colonial past continue to inform contemporary patterns of citizenship. This effort can be characterized as a ‘de-centering’ project—an attempt to uncover and complicate the ‘Northern’ lens of analysis employed by global-city theorists. Postcolonial theorizations have thus described how colonial administrative divisions of populations into
“citizens” and “subjects” have contemporary manifestations in the ways that postcolonial societies have been governed since independence (Chatterjee 2004; Mamdani 1996). In the Indian city of Calcutta, Chatterjee (2004) details how “population groups” constituting the urban poor are not treated on par with “proper” citizens, whose claims to infrastructure and urban amenities are made in a language of democratic citizenship right. Chatterjee suggests that because the lives and livelihoods of the urban poor hinge upon “illegal” occupations of land and “informal” commercial and productive activities, the preservation of a formal legal structure has precluded the extension of formal rights to the slum-dwelling poor, who negotiate for substantive goods and entitlements from the state through “political” rather than “civil” society. The planning ideal of the industrial city is thus revealed as a value-laden formulation, whose claims to moral and empirical superiority hinge upon a Eurocentric conception of the ‘good’ that is centered on the rights-bearing individual and his relation to a sovereign state – a conception, it is suggested, that more often than not functions as a platform for the consolidation of state power and imperial domination.

Understandings of “infrastructure” that consider only large-scale, state-directed technical and engineering feats – pipes, concrete, wires and bulldozers – are thus criticized by postcolonial theorists as both limited and misleading. Infrastructure, rather, might be understood to be comprised of the multitude of practices and elements that facilitate access to what Simone (2004) calls “spaces of economic and cultural operation” and that function as “a platform providing for and reproducing life in the city.” Formal, state-led efforts to extend or upgrade urban service provision thus often undermine already-existing informal arrangements and disrupt socially- and culturally-embedded frameworks of access and belonging. So rather than interpreting the slum as a sign of modernity’s failure to fulfill its promises, scholars have proposed the disorderly form of slum not as dystopic, but as a possible alternative to the totalizing politics of planned, state-led modernity. The informalities of the slum, it is suggested, might be understood as forms of urban sociality and economy borne of traditional, communitarian modes of life and livelihood with roots in non-Western cultural and social forms. As architect Rem Koolhaus writes as he soars above Lagos’ slums in a helicopter, “From the air, the apparently burning garbage heap turned out to be, in fact, a village.” These alternative forms of habitation and conviviality, in other words, should not be read as spaces of oppression, but as urban instantiations of modes of life rooted in indigenous cultural practice – what Koolhaus calls “ingenious, alternative systems” of “very elaborate organizational networks” – native to the global South; it may simply be the case that the apparent disorder of Lagos or Mumbai is simply what urban modernity looks like in the non-Western, postcolonial world.

Postmodern theorizations have thus destabilized a narrative that depicts the forces of globalization as unbundling the relationships between the economies and infrastructures of ‘global cities,’ and the territorially-based citizenries and hinterlands to which they physically and juridically belong. Yet
at the same time, these formulations tend to leave undisturbed a theoretical juxtaposition of the “formal” (legal) city with other, “informal” networks of sociality that are said to characterize lives and livelihoods in the “unplanned” spaces of the city. Indeed, Chatterjee’s formulation hinges on the reification of this formal-informal binary: the urban poor are said to produce their lives and livelihoods through negotiations that take place not in civil society – the elite domain of “popular sovereignty and granting of equal rights to citizens” from which “most of the world” is excluded – but rather through various “paralegal arrangements” of political society that “deliver civic services and welfare benefits to population groups whose very habitation or livelihood lies on the other side of legality.” This formulation thus takes “illegal” as a point of departure for theorizing infrastructural and political configurations. The case of Shivajinagar-Bainganwadi – a neighborhood with planned, legal origins that has become a slum with illegal water infrastructure – thus probes these taken-for-granted categories, focusing analytical attention not only to infrastructural and political variations across urban space, but also across historical time in a particular space.

Of Plans and Slums
Notwithstanding Shivajinagar-Bainganwadi’s reputation as (in the words of our engineer) “a slum area, an illegal area,” the neighborhood is, formally speaking, neither a slum, nor are its residents living there illegally. Accounting for Shivajinagar-Bainganwadi’s reputation thus necessitates a brief exploration of the conceptual and legal history of slums in Mumbai. Notably, there is nothing in any legal definition of “slum” that associates this category of settlement in contemporary Mumbai either with informality, planning, or lack thereof. Another legal category – the “encroachment” (which has to do with unauthorized occupation of land or violation of zoning laws) – comes closer to this notion. But as is commonly known in Mumbai, many five-star hotels and luxury housing complexes in the city are technically “encroachments,” and no one confuses these structures with “slums.” Slums, it seems, are something else – something that is not conflatable with informality, illegality, or lack of planning. Legally speaking, the 1971 Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act (hereafter the Slum Act) allows to be “declared” a slum “any area [that] is or may be a source of danger to the health, safety or convenience of the public of that area or of its neighborhood, by reason of the area having inadequate or no basic amenities, or being insanitary, squalid, overcrowded or otherwise” (Government of Maharashtra 1971). Yet despite the formal definition, the word “slum” is commonly used in contemporary Mumbai somewhat interchangeably with terms like “encroachment” and “illegal area.” Another senior water engineer reasoned, for example, that “the problem [with M-East Ward] is the illegal encroachments; the politicians and ministers protect all these slums. M-East ward is a mess
because the whole staff is preoccupied by Shivajinagar.” This statement is striking not only for the equivalency it posits between “encroachment” and “slum,” but in identifying the municipal housing colony of Shivajinagar with both of these concepts. This taken-for-granted conceptual conflation of “encroachment” and “slum” in Mumbai is a relatively recent phenomenon that has occurred in conjunction with the liberalizing economic reforms and concomitant housing-policy shifts since the late 1980s and early 1990s. In order to understand this shift – and then to understand how this new meaning of slum has come to characterize Shivajinagar-Bainganwadi – this section briefly explicates the historical and legal interrelationship between the politics of master planning and that of slum policy in Bombay, tracing the origins of the municipal housing colony Shivajinagar-Bainganwadi to the intersection during the Emergency years in the 1970s of these theoretically-separate but practically-intertwined logics.

While plans and slums are legally unrelated in a formal sense, the history of planning in Bombay is intimately related to that of slums – or more specifically, with the practice of ‘slum clearance.’ The completion of Bombay’s first Regional Development Plan in 1967 brought into being a set of macro-level planning tools (land use zoning and development control rules), to be used in controlling population densities. While the new zoning regulations permitted light industry (textile mills) largely to remain where they were in the Island City of Bombay, newly-implemented density regulations meant that the industrial labor force would have to be moved. The Municipality carried out resettlement efforts with little success in the years following the release of the 1967 Development Plan; for the most part, the decade saw little in the way of large-scale demolition, with most attempts to remove working-class neighborhoods to the suburbs defeated by the persistence, perseverance and politically savvy of the urban working classes; after any demolition, people simply rebuilt their homes, while overwhelmed and outnumbered municipal officials were often inclined and politically pressured to accept cash in exchange for turning a blind eye. In addition, the 1966 Maharashtra Land Revenue Code, which was released concomitantly with the 1966 Report on the Development Plan – established the means by which plan-violating “encroachments” could be legalized through a process termed “regularization.”4 Finally, the passing of the Maharashtra Slums Improvement Act in 1971, criteria were specified according to which a neighborhood could be “declared” a slum, and thus become eligible for various “improvement” schemes.

4 According to Section 51 of the Maharashtra Land Revenue, “[…] If the person making the encroachment so desires, [the Collector may] charge the said person a sum not exceeding five times the value of the land so encroached upon and to fix an assessment not exceeding five times the ordinary annual land revenue thereon and to grant the land to the encroacher on such terms and conditions as the collector may impose subject to rules made in this behalf, and then to cause the said land to be entered in land records in the name of the said person.” Regularization seems not to have caught on with anything like that zeal that slum declaration would see. This was probably due to both the financial layouts involved in regularization as well as the fact that regularization was lesser known, buried as it is in Land Revenue Code. During my research I encountered widespread misunderstanding – both among city officials and among city residents – about the meanings of these two legal terms as well as the differences between them.
The declaration of a neighborhood as a “slum,” it must be noted, did not function to adjudicate “legal” from “illegal” land uses, but rather to facilitate the provision of services – water, roads, sewerage – to under-serviced neighborhoods. The years following the release of the Development Plan are thus remembered somewhat fondly by present-day Mumbai’s housing activists and historians as a time during which incrementally-built popular neighborhoods were treated as something of a ‘housing solution,’ with official efforts focused primarily on upgrading and service-provision, facilitated by political processes of negotiation, compromise and stealth.  

Emergency: the Birth of Shivajinagar-Bainganwadi

When Prime Minister Indira Gandhi famously suspended the Constitution by declaring a national State of Emergency in 1975, the Government of Maharashtra and the Bombay Municipal Corporation – both under the control of Indira’s Indian National Congress Party – unleashed a two-pronged effort to modernize the city and render it more governable. On the one hand the newly-constituted Maharashtra Housing and Area Development Authority (MHADA) carried out a mammoth work of surveying and enumeration of 1,680 neighborhoods deemed by authorities to violate the zoning or density norms set in the 1967 Development Plan. Meanwhile, on January 4, 1976, residents of those areas (an estimated 2.8 million people – 47% of Bombay’s population) were photographed in front of their homes and issued “photopass” documents that associated particular families with particular structures; photopass-holding families were thus afforded “some kind of security of tenure” (GOM 1976) as well as a guarantee of compensation in the event of demolition. And indeed, concurrent with the survey and issuing of photopasses, the Emergency-empowered Bombay municipal authorities – in a move that is considered by contemporary observers to have to been largely opportunistic – unleashed a series of “extremely brutal” demolition sprees in areas that were standing in the way of infrastructural development and urban upgrading projects: roads, bridges, a tidier downtown, a fancier financial district (Mahadevia and Narayan 1999). It was these Emergency-era demolitions that resulted in the creation of the enormous municipal housing colony of Shivajinagar on the swampy edge of the Deonar Dumping Ground in 1976.

My inquiry into the historical geography of Shivajinagar-Bainganwadi was inspired by a curious disjuncture between the neighborhood’s reputation (as a largely illegal, haphazardly constructed, 

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5 On the politics of negotiation, accommodation and stealth, see Chatterjee (2004), and Benjamin (2005).
6 In 1976 the Government of Maharashtra created the Mumbai Housing and Area Development Authority (MHADA) to oversee and coordinate the work of the various statutory bodies responsible for housing issues in Bombay.
7 Notably, a great many of these long-established working-class neighborhoods pre-dated the 1967 plan and its zoning and development control rules.
8 This opinion is the general consensus among the NGOs, activists and journalists, as well as something of a truism among people displaced during the Emergency years.
unplanned area) and its physical form (a grid of roughly equally spaced and sized plots of land – a layout clearly suggesting the hand of state planners). While Municipal officials readily conceded that yes, the area was a “planned” municipal colony, any visual representation or written report on the planning of the neighborhood has proven elusive. By way of explanation, an engineer in the BMC’s Survey Department suggested to me that perhaps Shivajinagar “didn’t happen according to any plan; it just filled in, slowly slowly, over time.” I responded that, yes, he must be right, it must have filled in slowly slowly over time, but certainly that could not have been the plan! Shrugging apologetically, he offered that in those days, not such good plans were made for resettlement colonies; there may not have been a plan. I pleaded that there must have been one, because the neighborhood is clearly so well planned out – after all it’s a grid. Someone must have drawn it out on paper first, at least so that the water department could put in all the pipes. A laborer standing nearby, clearly familiar with the neighborhood in question, nodded his agreement with my assessment: “yes,” he says, “there must be a plan, it was clearly planned.” This sentiment was echoed by a senior engineer from the water department who remembered the planning and laying out of the municipal pipelines for Shivajinagar in the late 1970s. After I had recounted my hunt for the plan, the engineer firmly responded that “The Maintenance department has it – they must have it! But they won’t give it to you, you have to understand. They want to say now that ‘it was like that from the beginning.’ If you have the plan, you can fix the date when it came up; they don’t want you to be able to do that.” The engineer’s insistence that the planned history of Shivajinagar has been deliberately obscured is compelling less for its plausibility than for its insight that the planned history of Shivajinagar is inconveniently at odds with the way that the neighborhood is now popularly and legally treated: as an illegal slum.

Notwithstanding present-day understandings of Shivajinagar-Bainganwadi as a slum, the Emergency-era resettlement policy through which the colony was established articulates quite a different idea. A slim pamphlet published by the Government of Maharashtra on the heels of the 1976 photopass survey clarifies that in the event that tracts of land should urgently be needed “for some other public purpose,” the state government would relocate photopass-holding families to “some other places where they will be provided with playgrounds and other amenities in order to ensure that a new slum is not created” (GOM 1976; emphasis added). And indeed, Shivajinagar-Bainganwadi – far from a slum – was

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9 I had already spent nearly 6 months trying to track down the “original” plans from the water department, to no avail.
10 I am fairly confident that the absence of any original plan for Shivajinagar-Bainganwadi – if indeed one ever existed – was not a manufactured absence for my benefit. On reflection, the best explanation I can offer for the apparent nonexistence of the plan is that Shivajinagar-Bainganwadi was built during the Emergency; any plan for the resettlement colony would thus not have needed approval by the Municipal Corporation’s Standing Committee of elected councilors, which may explain why it has escaped the otherwise-meticulous filing systems of the Corporation’s record keepers.
born with significant infrastructural investments. The area was laid out in two phases – Shivajinagar 1 and Shivajinagar 2 (now known as Shivaji Nagar and Bainganwadi) – with fourteen roads and at least 94 blocks (known as plots), each with eight lanes, or chawls. Each chawl was designed to be allotted to 16 families (8 on each side of the lane), each outfitted with a toilet block and four shared water taps (known as standpipes) – two on either end of the toilet block. The BMC provided the land, water lines, and toilets, but homes were to be built by each family itself, as one NGO puts it, “as per their means”: either pucca – out of concrete and brick – or katcha – out of cloth and bamboo poles and whatever materials were readily available. The Bombay Municipal Corporation (BMC) declined to formally lease the land to settlers; instead, the residents of each 10x15 ground-level space each pay a small amount each month to the Municipal Corporation as “compensation” for occupying the Corporation’s land (originally 25 rupees; these days 100).

While the neighborhood was settled in waves, over three decades, a significant portion of Shivajinagar was settled during the Emergency years. Among the first arrivals were residents of a long-established neighborhood home to a community of lower-caste Maharashtrians in the downtown area of Churchgate, adjacent to the Maharashtra Government’s administrative headquarters (or Mantralaya) where many residents worked. Additionally, a large number of families came from areas that were demolished in a wave of urban development and infrastructure projects, including those in the now-posh areas on the western sea face, and in the city’s present-day financial district at Nariman Point. The second phase of Shivajinagar – now known as Bainganwadi (eggplant field), after the vegetables that were displaced to make way for the neighborhood – was similarly settled during the late 1970s through a process of demolition, resettlement and migration. For example, the shifting of the city’s slaughterhouse from the western suburb of Bandra into the M-East Ward (as zoned in the 1967 Development Plan) brought with it a large contingent of the slaughterhouse’s butchers, who were given allotments in “Bandra Plot” on eastern side of Bainganwadi; similarly, when a municipal bus depot was constructed on the southeast corner of Bainganwadi, the municipal employees staffing the depot were given housing allotments in the nearby BEST plot.

For allotted families, the path from eviction to resettlement was rarely straightforward, with demolitions setting off domino-like chains of relocation and reshuffling as displaced people figured out how and where to live. Indeed, a great number of the families who were allotted plots in Shivajinagar-

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11 This section is based on oral histories given by current residents.
12 The Hindi word Pucca translates as “cooked” while katcha translates as “raw.”
13 100 rupees converts to a little over $2 in 2011. Since Shivajinagar-Bainganwadi is situated on land owned by the District Collector but held in lease by the Municipal Corporation, compensation charges are paid to the Municipal Corporation (collected quarterly by the Colony Officer), as payment for the supposed provision of civic amenities.
14 BEST stands for Bombay Electric Supply and Transport Company – which is a public undertaking of the Municipal Corporation.
Bainganwadi never actually settled in their neighborhoods. Their reasons were relatively straightforward: first, many of the displaced families had long-standing social and business networks elsewhere in the city to which they simply returned; second, living next to the city’s dumping ground was apparently not a pleasant experience. Accounts of the neighborhood’s early days are vivid: the smell from the dump was horrific, and the neighborhood was nothing more than a swampy jungle full of garbage where mosquitoes swarmed. Not surprisingly, many people left in the early years (if they came at all), selling, renting, or simply abandoning their plots of land and going to live with relatives in more salubrious parts of the city, or back to parts of the city where they had lived for generations, where they had jobs, relatives, schools and hospitals. Finally, despite the presence of legal water pipes, getting water to come out of the taps soon proved to be something of a challenge.

The neighborhood’s earliest settlers – in the southernmost plots closest to the feeder main – report that once upon a time (in the late 1970s) there was water in the pipes. In the early years, each plot’s four standpipes were fully pressurized for up to six hours every morning. But this abundance was fleeting; the duration of supply became shorter, and within a few years many standpipes – particularly those further back from the feeder main on the highway – started to go dry. By the early 1980s, residents report, many of the municipally-supplied standpipes had been completely abandoned. As a woman named Usha recalled, “that’s when we started running around with pots to find water.” While, in the 1980s, women balancing vessels on their heads roamed Shivajinagar-Bainganwadi’s lanes, their sons, husbands and brothers ventured further outside the neighborhood. Waking at dawn to hang big blue plastic cans off the frames of sturdy steel bicycles, they set off sleepily into the vast industrial landscape to compete for road space with fertilizer trucks and oil tankers while keeping an eye out for water.

The drying up of the housing colony’s pipes in the 1980s can be attributed to at least three factors: firstly, according to the water supply planners, Shivajinagar-Bainganwadi posed challenges from the outset. After the Municipal Corporation approved the Development Plan in 1967, the water department drew up its own Master Plan for Water Supply – a plan for the following two decades that used the Development Plan’s projected population estimates to calculate present and future spatially-distributed water demand. Based on these predictions, water supply planners drew up plans for augmentation of aggregate storage and collection capacity, and for a network of service reservoirs across the city, from which local areas would be supplied. With the “emergency” planning in 1976 of Shivajinagar-Bainganwadi, however, the water department scrambled to ration its supplies (the area that would become Shivajinagar-Bainganwadi was not actually zoned for residential use in the 1967 plan), laying additional lines from the service reservoir that had just been constructed to provide water to the slaughterhouse and other industries zoned in the 1967 Development Plan for M-Ward. The drying up of the pipes in the 1980s thus resulted not from any lack of planning, but from the heavy-handed efforts to
implement the Development Plan itself – efforts that, somewhat ironically, disregarded the very plan it had served up to justify those same efforts in the city center. It would not be until 1984 – with the commissioning of an additional service reservoir – that the water department would be able to provide water sufficient for the planned colony. But by 1984, another factor had already intervened.

While Shivajinagar-Bainganwadi residents took to climbing on and off of bikes and huffing 40-liter cans around the neighborhood, migrants as well as displaced families from other parts of the city began, as early as the late 1970s, to settle in the vast, marshy terrains outside the gridded area. While large-scale abandonment of allotted plots meant that there was of course plenty of available space in the “planned” areas of Shivajinagar-Bainganwadi, there was little incentive for people to move there – there was little water, no housing, and because the plots were registered in the names of allotted families, no more security from eviction than there would be in an unplanned neighborhood. One of the area’s earliest and most populous settlements is Kamla Raman Nagar, which is situated on the swampy area to the southeast of the Bainganwadi plots and settled in the late 1970s, before most of Bainganwadi plots were allocated. A quick survey reveals the appeal of this neighborhood, which is conveniently located close to the main road and to the bus stop. Until the early 1990s, there was a large freshwater pond that provided a free and convenient source of water for bathing and for washing clothes (no one drank this water). And Kamla Raman Nagar had a final, less visible advantage: the neighborhood is sandwiched between two large water mains, one along the highway just to the south of Kamla Raman Nagar – which fed a number of fertilizer industries in the area – and another along the main road at the south edge of Shivajinagar-Bainganwadi, where the distribution mains for Bainganwadi are laid.

While Kamla Raman Nagar had clear advantages over Bainganwadi, it had the disadvantage of being unauthorized; despite proximity to large water mains (the whereabouts of which were never much of a secret), there were no municipal water connections. Neighborhood leaders thus arranged for a handful of municipal water connections from the pipes feeding Bainganwadi-Shivajinagar, in order to provide water to the growing numbers of residents. A neighborhood leader recalled: “I led a protest march and we went to the ward office. The engineer backed down and agreed to give us seven connections […] Once we had a few then it was easy to arrange for more.”\(^{15}\) Needless to say, all of the water that was going to Kamla Raman Nagar was not going to Bainganwadi. Thirsty Shivajinagar-Bainganwadi residents sought to turn the tables of their losing water battle (they were downstream on the water main from Kamla Raman Nagar) by installing handpumps on their connections, which saw decreasing pressures and shortening hours of supply; connections without handpumps simply went dry. Soon, in a tit-for-tat escalation of the water pressure wars, everyone began to install increasingly powerful motors on their drying-up pipes, attempting to suck with ever-increasing strength, a little more of the water their way.

\(^{15}\) Interview, June 2009.
Since water taps in Shivajinagar-Bainganwadi produced water at lower and lower pressures for a shorter and shorter time, a steadily lessening number of families could fill their vessels from a single tap. This inspired some residents in the still-wet southernmost plots to approach the ward office of the water department to apply for individual water taps. The steadily increasing number of individual connections may have provided short periods of relief, but the proliferation of taps ultimately exacerbated the problem by further reducing the already-low water pressure.

Throughout the 1980s, neighborhoods like Kamla Raman Nagar emerged all along the northern and eastern edges of Shivajinagar-Bainganwadi through a variety of processes and arrangements that index a lively politics of housing possibility and infrastructural provisioning during these years. By the late 1980s, for instance, Kamla Raman Nagar had been declared a slum; the water department soon laid a new water main to the neighborhood directly from the feeder main on the highway, thereby providing municipal water supply while relieving demand on the distribution mains in Shivajinagar-Bainganwadi. After the Trombay Low Level Reservoir was completed in 1984, the water department laid new water mains directly to the neighborhood, thereby providing municipal water supply while relieving demand on the distribution mains in Shivajinagar-Bainganwadi. Indeed, while Shivajinagar-Bainganwadi and the surrounding areas presented significant challenges for the water department, these challenges were treated as a hydraulic rather than legal problems in the pre-liberalization years.

Liberalization: slum redevelopment and the birth of the “illegal” water connection

In 1988, the Government of India formulated a new National Housing Policy (NHP), which aimed to meet the country’s rising shelter needs through dramatically-expanded involvement of the private sector, financial markets, and NGOs. India’s era of economic liberalization was officially touched off a few years later, in 1991, when the newly-elected Congress administration in Delhi famously announced India’s new National Economic Policy, a set of financial liberalization reforms designed by Finance Minister Manmohan Singh. First articulated in Maharashtra by the Congress Government’s Chief Minister Sharad

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16 Mumbai was not unique in this respect; Benjamin (2007: 550) lists 15 separate ways that land has been claimed in Bangalore.
17 While neighborhood leaders recall and insist that Kamla Raman Nagar was officially declared as a slum in the early 1980s, municipal and state-level officials have not been able to provide me records of officially-declared slums. Officials from the office of the District Collector express doubt that Kamla Raman Nagar is officially declared as a slum; since Kamla Raman Nagar is located on government land (given on long-term lease to the Municipal Corporation), one official reasoned, there was simply “no objection” to infrastructure provisioning in the area. Slum “declaration,” he explained, has been used as a policy tool primarily for facilitating government intervention into infrastructurally-deprived neighborhoods on private lands, where landowners might have objected; it was simply not necessary, he insisted, to use the policy tool of “declaration” in order to move the municipal authorities to make infrastructural investments. Whether or not Kamla Raman Nagar was formally “declared” as a slum, any absence of formal “declaration” clearly did not hinder Kamla Raman Nagar from becoming a recipient of slum-upgrading initiatives, evidencing the improvement-oriented conception of “slum” that prevailed in the pre-liberalization years.
Pawar, “Slum Redevelopment” was placed at the center of a broader plan to transform Bombay into India’s financial capital and global service center. Pawar’s plans for Bombay involved dramatic changes in land use zoning to facilitate the anticipated shifts in the city’s economy: any remaining industries were to be moved outside the city, with the freed-up areas to be developed with service-sector infrastructure and commercial real estate. Slums, meanwhile, were to be either removed to the urban periphery or redeveloped vertically (to open up land for commercial development) under the newly-announced Slum Redevelopment Scheme (SRD). This approach to slums thus presented a sharp contrast with that of the previous decades (although eerily reminiscent of the Emergency-era demolitions that created Shivajinagar-Bainganwadi) that had centered on upgrading and improved service provision through regularization and declaration. These changes have severely constrained the water department’s ability to carry out water supply planning activities, as evidenced by the case of Shivajinagar-Bainganwadi. Indeed, the advent of Slum Redevelopment in 1991 sidelined policies based on the formal definition of slum as an underserved neighborhood eligible for infrastructural-upgrading programs. This presented an increasingly-acute problem throughout the 1990s for the growing neighborhoods on the periphery of Shivajinagar-Bainganwadi which were not fitted below-ground water mains. Until the early 1990s, residents of these far-flung neighborhoods regularly pooled their resources and applied for municipal water connections to be laid to the closest-possible pressurized main inside Shivajinagar-Bainganwadi. As populations grew, however, distribution mains in Shivajinagar-Bainganwadi dried up and residents have been left with little choice but to get on bikes and buy water by the can – which in 2011 cost anywhere from Rs 3 for 40 liters to Rs 5 for 40 liters, around 75 times the municipal rate. Every morning sees a mobilization of astounding dimensions in the neighborhoods of and around Shivajinagar-Bainganwadi, where people often bypass the long lines in their own neighborhoods to venture further and further afield looking for water.

In order to provide water to the hoards of roaming bikes, entrepreneurs in well-positioned (high-pressure) spots in Shivajinagar-Bainganwadi have arranged for many connections, and have, in recent years, sought to increase the duration and pressure in the connections through a clever (if bizarre) technology. After the water department’s laborers have fitted a new connection to the municipal pipeline, private plumbers remove the department’s fittings (which enter the pipe only to a depth of a half inch) and instead insert lengths of pipe all the way to the bottom of the water main. This allows the pipe – which is attached to a suction pump – to access water even when the pipes are not pressurized. These days,

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18 Authority to “declare” slums remained with the District Collector until the early 1990s, when the Government of Maharashtra passed a General Rule reassigning this responsibility to the State Government’s Department of Urban Development. Accusing the Collector’s Office of indulging vested interests, the GOM centralized slum declaration powers. The (perhaps unintended) consequence of this centralization move, however, was that every slum in Bombay had to be registered by a single, already-overburdened office. Needless to say, slum declaration – while still a legally practicable policy – is largely a thing of the past.
brokers and plumbers tell me, there is not a single productive pipe in Shivajinagar-Bainganwadi without a “vertical piece” – as the technology is known. Needless to say, stuffing the water mains with vertical one-inch sections of pipe has only worsened water pressures further downstream; during the 18 months that I researched in the neighborhood, micro-innovations continued apace. In 2010 the neighborhood witnessed yet a new plumbing innovation whereby a rubber hose is attached to the end of the vertical piece, which is then laid along the floor of the pipe, where it can catch every last dribble. As of 2012, even the best-placed connections cannot hope for water in the absence of strong suction pumps. The pumps, needless to say, are illegal, effectively criminalizing the entire neighborhood, including the Shivajinagar police station, which has a pump on its own water connection.

Meanwhile, those whose connections have dried up have continued to receive water bills regularly (meters are nowhere to be seen: while the newer ones are quickly stolen – and are thus infrequently installed – many of the older ones have sunk underground, beneath layers of paving and repaving as the neighborhood struggles to keep from sinking into the marsh). When these people eventually go to the water department to inquire about getting a new connection, they are told that they must first pay thousands of rupees in delinquent water bills (for water they never received of course; in the absence of functioning meters, bills are simply drawn up according to estimates calculated according to supply norms) before such a request can be considered. These families then have a few options: some have pooled their resources and paid exorbitant fees to have connections “transferred” further upstream on the distribution main, laying out the costs of steel piping and fitting themselves, and then offsetting the costs by letting their neighbors use water on the connections for a fee. The transfer can happen in one of two ways: “legally” or “illegally.” The transfer can be done “legally” by paying a fee to a broker (who tell me they use much of this to pay “speed money” to overworked water department staff), who then arranges for the new connection to be officially documented and thus followed by regular and legitimizing bills. But the fickleness and unpredictability of the water grid (even if a transfer is done “legally” there is no guarantee that the new connection will produce water, either now or in the future) are such that many families minimize their financial risk by opting for the cheaper, “illegal” transfer. The broker-negotiated payments are less, but the family does not receive documentation in the form of a regular bill; there is thus a risk that a connection that is transferred without documentation could be cut in a municipal raid.

Indeed, about once per week, the M-East ward water department staff engages in a ritual cutting of “illegal” connections in Shivajinagar-Bainganwadi – a task that involves randomly selecting a pipe or responding to an often-politically-motivated “complaint,” following the pipe to its home, and then asking the homeowner to produce documentation of the pipe’s authenticity: a water bill for the pipe in question (one that bears an address in the near-enough vicinity of the particular pipe to be plausibly related to the
pipe in question) combined with identity documents (usually a photopass or ration card) bearing that same name and address. While the fate of “illegally-transferred” connections is generally bleak, in practice even most of the above-described “legal” connections are vulnerable to being proclaimed “illegal” since there is frequently a lack of correspondence between the names on water bills and the identity documents of those living in the homes to which the bills are sent. This lack of correspondence can be explained largely by a Government Circular – issued in March 1996 by the newly-elected Shiv Sena Government of Maharashtra – according to which residents of “unauthorized structures” that do not preexist a 1995 “cutoff date” cannot be supplied municipal water connections. In order to unpack the means by which cutoff-date politics infuse the landscape of water access in Shivajinagar-Bainganwadi, it is necessary to briefly attend to the shifts in slum- and housing policy and ideology that have characterized liberalization-era Mumbai.

The Cutoff Date: mediating profit and populism

To incentivize private-sector involvement in the new Slum Redevelopment Scheme (SRD), in March of 1991 the Government of Maharashtra launched a new set of Development Control Rules that granted private-sector developers of tenement-style Slum Redevelopment housing extra development rights (increasing the allowed “floor space index,” or FSI) as a kind of housing cross-subsidy. Selling extra built space on the open market, it was reasoned, would make tenements available at little or no cost to the state government. The program was to work in the following way: wherever possible, slums were to be redeveloped on site, with an increased FSI, allowing for the reconstruction of slum housing as high-rise tenement buildings and the freeing-up of open land. Slum dwellers were then to purchase – at a subsidized price – 180 ft² rooms. Cooperative housing societies of residents were to be granted 30-year leases on their buildings, and would be prohibited from selling their rooms for ten years. With the remaining open space and extra building rights, builders would be free to develop the remaining land for commercial sale. In case development rights were not used on-site – for example, if the freed-up land was already zoned for some public purpose – the law provided for the “transfer of development rights” (TDR), whereby builders would be permitted to use development rights generated by slum redevelopment (or as compensation for land surrendered for some other public purpose) in other parts of the city, as well as to buy and sell those same rights in the open market.

When the Shiv Sena swept the Maharashtra Legislative Assembly polls in 1995 on a promise to provide free houses to Bombay’s then-estimated four million “slumdwellers,” the party’s leadership was thus simply elaborating an already-existing housing policy shift that had been advanced in conjunction

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19 The circular states that “precaution will be taken that hereafter water supply to the illegal constructions shall not be approved.”
with (and in the spirit of) the national-level liberalizing reforms. The 1991 Slum Redevelopment Scheme, however, had led to the construction of only a tiny fraction of the hoped-for number of tenements. While the SRD’s widely-discussed failure has been attributed to a number of factors, the incoming Shiv Sena administration focused its attention on two: the profit cap of 25% that curtailed the incentive mechanism, and the 1985 cutoff date that excluded many neighborhoods from eligibility – and profitability.²⁰ When the Shiv Sena christened their new Slum Rehabilitation Scheme (SRS) in 1995, the removal of the profit ceiling allowed for potentially-unlimited profitability in the business of demolishing and rebuilding slum neighborhoods while changing the cutoff date to include all slums in existence as of January 1, 1995 dramatically increased the number of potentially-eligible neighborhoods. The basic idea was to demolish and re-build all of the city’s slums as high-rise tenements using market incentives.

The Shiv Sena’s rise to power in Mumbai (then Bombay) must be understood in light of broader political dynamics characterizing liberalization-era India. Scholars of Indian politics have noted a curious paradox in India’s political landscape: while political discourse continues (as it has since the 1960s) to be dominated by populist politics articulated through local and regional caste identities,²¹ the increased presence of lower-caste elected officials and government employees has, curiously, not led to the implementation of macro-level policies to further a pro-poor agenda, nor translated into significant concrete gains for socially- and economically-marginalized people. Indeed, while a populist discourse of ‘social justice’ infuses the language of contemporary Indian politics, the implementation of liberalizing reforms in the early 1990s, scholars have noted, essentially removed macro-level economic issues from the political agenda altogether (Yadav 1999). This marrying of populist identity politics with economic liberalization, historians (e.g. Corbridge and Harriss 2000) have argued, formed the backdrop to the rise of India’s Hindu Nationalist BJP party in the 1980s and 1990s.²² Indeed, scholars of the movement’s rise have detailed how the BJP leadership consolidated a base of support among middle and lower classes by mobilizing a unifying conception of Indian national identity based on Hindu-ness, or Hindutva, thereby playing upon widespread anxieties produced by increasing political and social fragmentation, while dodging the intractable conflicts over liberalization that had contributed to the electoral defeats of the previous administration.²³

The city of Bombay (now Mumbai) has a particularly interesting place in this story, as the epicenter of India’s encounter with the global has been presided over by the exclusionary, ethno-nationalist Shiv Sena party. Founded in 1966 as a ‘sons-of-the-soil’ movement, Shiv Sena leaders decried

²⁰ For other explanations for the project’s failure, see Singh and Das (1995).
²¹ For discussions of the rise of caste, class and regional politics in India, see Jaffrelot (2000); Hasan (2000).
²² Corbridge and Harriss (2000) have described liberalization-era Hindu Nationalism as an “elite revolt” against the rising political and economic power of regional caste-based parties.
that despite Bombay’s re-birth in the 1960s as the capital of Maharashtra, the city’s economic and political scene continued to be dominated – as it had been since the mid-19th century – by non-Maharashtrians. Sena leaders found enemies in successive waves of migrants to the city: in the 1960s, South Indians were held responsible for unemployment among Maharashtrian youth, as were the political left and trade unionists of textile workers through the 1980s. When the Shiv Sena formed an alliance with the BJP in the 1980s, Muslims from North India became the target, accused of harboring sympathies with Pakistan and of posing a security threat. In the 1990s, the Shiv Sena won control of both the state government of Maharashtra as well as the now-renamed city of Mumbai, riding to power on an ideology that fused chauvinistic, populist celebration of the Marathi-speaking ‘common man’ with a flashy, consumption-oriented ethic of urban “actionism” (Hansen 2001:53) that summoned disaffected young Marathi-speakers of the lower-middle classes to reclaim India’s premier city as their own, and to increase their share in the spoils of urban, capitalist modernity. The slum policy innovations of 1995 (the removal of the profit cap on slum redevelopment and the extension of the cutoff date to bring all existing slums under the ambit of redevelopment) provided a way for state authorities to capitalize both on the populist political climate as well as on the aspirational fantasies of the urban poor by promising free housing for the masses, while also unlocking possibilities for property developers (whose role in campaign finance is a hardly-kept secret in Mumbai)\(^2\) to realize fabulous real estate surpluses. The Slum Redevelopment Scheme was thus greeted enthusiastically not only by builders, for whom it promised boundless profits, but also by the city’s slum-dwelling masses, for whom new flats in high-rise buildings promised not only improved standard of living, but suggested a possibility that they too could capitalize on the city’s real estate boom.

The somewhat-contradictory marriage of private accumulation with populist justice that infuses contemporary Mumbai’s policy approach to slums is mediated by the “cutoff date,” which functions both as the currency of inclusion in the fantasy of fortune that has captivated contemporary Mumbai, as well the medium through which the everyday violences and dispossessions (Harvey 2003) that characterize actually-existing ‘world class city-making’ are legitimated. Indeed, in order to legitimize a policy that detractors were quick to note might encourage additional migration to the city, party leaders promised to prevent any new “encroachments” by not only excluding post-’95 neighborhoods from Slum Rehabilitation Schemes, but by disallowing the provision of civic amenities to areas that did not meet the 1995 cutoff date. It was in this spirit that, in 1996, the Government of Maharashtra issued the already-

\(^2\) Maharashtra chief minister Prithviraj Chavan, who has made a point of refusing to meet with real estate developers, has been sharply criticized by politicians as “naïve and impractical.” One exasperated Congress Party MP was overheard by a reporter from an English-medium weekly complaining to his colleagues: “Which builder will give you money during elections if his work is not done?” (Khetan 2011).
mentioned circular prohibiting water supply to “illegal” (i.e., post-1995) neighborhoods; by refusing water connections, the Shiv Sena administration sought to stem the flow of migrants to the city – the rallying cry upon which the Party’s electoral successes had hinged. The cutoff date, as the next section demonstrates, thus both enables – through the mechanism of slum redevelopment – an enormously-lucrative real estate industry, while simultaneously producing the very conditions that are served up justify slum redevelopment interventions in the first place: illegality and dysfunctional infrastructure. The legal-illegal binary on which the legitimacy of world-class city making is premised, I suggest, is produced through the everyday performances of enforcing the cutoff date.

Conflating “slum” and “encroachment”: the vagaries of proof and becoming illegal

Beginning with the 1991 Slum Redevelopment Scheme, slum policy in Mumbai has become effectively synonymous with demolition, with eligibility for re-housing in high-rise tenement buildings enmeshed with the legality-mediating vagaries of the cutoff date and its attendant army of “proofs”: photopasses, ration cards, and electoral lists. One effect of this shift has been the conceptual conflation of the previously-distinct concepts of “slum” and “encroachment.” As already noted, the legal categories of “slum” and “encroachment” are formally distinct in Mumbai – the former defined (rather fuzzily) by poor quality of housing or civic amenities, and the latter by lack of conformity to various land-use and zoning laws. According to earlier slum upgrading policies, identifying a neighborhood as a “slum” served as a way of identifying it as deprived of civic amenities, and therefore eligible for programs to redress this lack through civic infrastructure and upgrading schemes.

In order to be eligible for inclusion in a Slum Rehabilitation Scheme, each household must provide “proof” that it meets the 1995 cutoff date. The 1971 Slum Act, however, is unclear on whether the eligibility requirements for rehousing in event of demolition apply to families or to structures – an ambiguity that in pre-liberalization years may have allowed for a measure of flexibility in the administration of slums policies, the subjects of which were whole neighborhoods rather than individual residences. With the shift in slum policy from infrastructure provisioning to demolition and resettlement, however, each eligible family occupying each home in a particular area has come to represent a fixed amount redevelopment housing, in exchange for the building of which a builder is compensated with equivalent “free-sale” development rights. The process of sorting the eligible from the ineligible has thus become wrapped up with the high-stakes business of generating development rights.

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25 This conflation of slum and encroachment has been noted by observers in other large Indian cities - notably in Delhi. See Ghertner (2008) and Ramanathan (2005; 2006).
26 Both formally through “declaration” or operationally through the activities of the Slum Improvement Board
27 The Slum Act refers not to individual slum residences, but “slum areas.” I am grateful to Simpreet Singh for this observation.
While the photopass is the clearest and most secure form of documentation, a great many households in Shivajinagar-Bainganwadi and the surrounding areas – including many whose homes pre-exist the 1995 cutoff date – do not have photopasses. Some of the families surveyed in the 1976 slum census report that they did not receive photopasses until decades later (if at all), while there have been since 1976 only two, half-hearted and largely-ineffectual efforts to issue photopasses – once in 1985, and another in 1990. Without photopasses, families whose neighborhoods are slated for demolition under a redevelopment project have been compelled to produce a few other kinds of “proof” that they meet the eligibility requirements of the cutoff date: first, they must prove residence in Bombay since 1995 (evidenced by having one’s name included in the 1995 electoral list); second, they must demonstrate that they are the current, official residents of the structure in question (i.e., with ration cards, utility bills, birth certificates). Since the housing market in Mumbai’s popular neighborhoods is extremely liquid, it is quite common for pre-’95 structures to have changed hands in the interim years. There has thus come into being an unofficial practice of having lawyers draw up sale documents that are shored up with court affidavits. Whether or not such documents – or any particular combination of those just described – are accepted as adequate “proof” seems to be determined more by politically-mediated negotiations than hard-and-fast evidence.

When the Government of Maharashtra issued the already-mentioned circular 1996 requiring that anyone applying for a water connection from the Municipal Corporation must provide proof that they meet the 1995 “cutoff date,” they pulled issues of water-access deep into the heart of the city’s most volatile, complex, and high-stakes political issues. Previously, the water department did not often concern itself with adjudicating “legal” from “illegal” connections. As one senior retired engineer explained to me, since the Municipal Corporation Act of 1888 (section 92a) gives the Corporation the right to sell piped water as a “moveable property,” the water department is entitled to provide water supply to whomever agrees to pay for it. Sometime in the 1960s, the engineer recalled, the water department

28 In an effort to clarify the eligibility requirements of the Slum Act, in 2002 the GOM passed an amendment stating that in order to be eligible for compensation in the event of demolition, households have to prove that they have been in “undisturbed occupation” of a slum house since before the cutoff date; households who had engaged in any form of transfer were thus rendered ineligible for rehabilitation (Bhide 2002). More recently, a January 2012 Government Resolution has sought to legalize transfers, allowing that more-recently-arrived owners of pre-95 structures might become eligible for redevelopment schemes by paying a “transfer fee” and then providing two kinds of proof: first, the owner must prove that the structure has been in existence since before January 1, 1995. This proof could take the form, for example, of a property sale agreement shored up by a court affidavit, accompanied by the pre-1995 residency proofs of the former owners. Secondly, the new owner would need to provide proof that he has been the resident of the structure for at least one year. However, until the Development Control Rules section 33.10 (governing “eligibility for redevelopment schemes”) is amended, the 2012 Government Resolution states that “any transfer will be considered ‘conditionally eligible.’” At the time of writing, it is unclear when or whether the Development Control Rules will be amended to allow for transfers.

29 In those days, I am told, people desiring billed water connections could generally secure them without too much hassle; the real struggle was convincing the taps to produce water.
decided that the BMC Act gave the water department the right to sell water even to residents of unauthorized structures (encroachments). Reflecting this practice, the Municipal Corporation’s pre-liberalization “Water Charges Rules” include an “Appendix E” that outlines “conditions governing the supply of water through standpipes to unauthorized hutments and structures.”

The conceptual shift in the meaning of ‘slum’ that has taken place in the past two decades – the conflation of ‘slum’ with lack of authorization or planning – is reflected in a little-noted but important change in the Municipal Corporation’s “Water Charges Rules” that took place during these years. Notably, the earlier versions of Appendix E made no mention of water supply to “slums,” presumably since – prior to 1991 – the whole business of declaring “slums” was wrapped up with a host of National- and State-level initiatives that had defined the concept in the first place, largely in order to provide civic amenities to underserved urban areas. (Furthermore, as one now-retired senior engineer explained to me, since the Bombay Municipal Corporation Act does not even recognize the category “slum,” there was no need – or grounds – for special rules governing water supply to them). In 1994, however, the heading of Appendix E was altered to read: “Conditions governing water supply to slum areas,” with the old title – “Conditions governing the supply of water through standpipe connection to unauthorized hutments and structures” – now acting as a subheading. This new wording suggests that “unauthorized hutment or structure” might simply be a clarification of the meaning of “slum.” And indeed, this kind of understanding is reflected in the description of Shivajinagar articulated by the engineer cited at the beginning of this essay: “[Shivajinagar] is a slum area, an illegal area; it’s not in the development plan – It’s not planned!” I asked another senior water engineer – who had been present in the department at the time of the change in Appendix E in the early 1990s – to explain this curious linguistic shift. He offered: “You are right; ‘slum’ and ‘unauthorized structure’ are not the same. The department has used these words without bothering to go into the details. […] I too never read my rule book so meticulously.” Indeed, the discursive shift in the meaning of slum has been accomplished so completely that the distinction from “unauthorized” area is dismissed as “details.”

Since both the gridded areas of Shivajinagar-Bainganwadi and a majority of the settlements that came up around it clearly pre-exist any 1995 cutoff date, there should be no way to deny legal water supply to the area, which in any case, one would presume to already have water connections (and thus would not need to apply for new connections). But the unpredictability of the grid (for reasons already

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30 Appendix E is present from the first version of the Water Charges Rules that came into effect in April of 1981. While the earlier versions of Appendix E notably do have a stipulation requiring that “unauthorized structures” must be shown to exist prior to 1974 to be provided water, this did not prevent the water department from regularly providing water to newer areas – as in the case of Kamla Raman Nagar – under the provisions of the Slum Act. Indeed, the Slum Act provision for “improvement works” such as the laying of water mains and provision of taps in underserved areas (i.e., slums) is not governed by any cutoff date.

described) has given rise to an increasing demand for both additional connections as well as the already-mentioned transfers of older, now-dry connections to points upstream on the water mains. In applying for a new connection or for a connection transfer, however, applicants bump up against the vagaries of the “cutoff date” rule. This presents a problem for a vast number of Shivajinagar-Bainganwadi residents who are, as already discussed, often not the original allotted persons; most have either purchased the homes from someone claiming to be the rightful owner, or are renting from someone who may or may not have the structure registered in his name.32

While for residents of Shivajinagar-Baingainwadi it is at least formally possible (if practically both expensive and extremely time consuming) for newer homeowners (although not for renting tenants) to have their homes registered in their names,33 this is not the case for older (pre-'95) declared slums like Kamla Raman Nagar. The Maharashtra Slum Act does not recognize any sale or transfer of a structure among residents at all, meaning that even if a structure is 30 years old and its residents have lived in the city since Independence, the residents are often unable to acquire documentary proof of address.34 Thus, even “legal” broker-negotiated water connection transfers35 are often constructed using spurious documents. The water department’s official list of connections thus might contain a relatively accurate picture of the locations of billed connections, but during a municipal raid, if the name on the bill does not match the identity proof of a structure’s resident (as is often the case), even these “legal” connections are dubbed unauthorized and summarily cut.

Further complicating the situation, the homes and shops in the neighborhoods on the periphery of Shivajinagar-Bainganwadi do not have precise addresses; the ration cards and photopasses held by some longtime residents of these neighborhoods simply give the names of the members of a given household alongside the name of the neighborhood – “Rafiq Nagar” or “Kamla Raman Nagar.” This lack of precision both makes it harder for the water department to “prove” that a particular ration card is associated with a particular pipe in a particular location (which may or may not be adjacent to the actual residence of a ration card holder), while simultaneously rendering it impossible for cardholders to assert that it is. Ultimately, the ability to “prove” that a water connection is authorized or unauthorized has

32 That Shivajinagar and Bainganwadi’s homes are infrequently registered in the names of the occupants can be accounted for by both the difficulty in procuring identity documents, as well as by the ambiguities residing in the cutoff date. Both of these challenges, can be overcome, I am told, via broker-mediated and cash-lubricated (or “paper weighted”) negotiations with the Municipal Corporation bureaucracy.
33 The Municipal Corporation’s ward-level Colony Officer keeps such a record of householders residing in municipal housing colonies.
34 As discussed in footnote 28, the legal status of transfers may soon change, pending amendment to the Development Control Rules (section 33.10). However, as the 1996 circular prohibiting water supply to “unauthorized structures” does not anyway concern itself with the legal status of residents but rather with that of structures, what change the new transfer rule might effect regarding the implementation of the 1996 cutoff-date rule remains to be seen.
35 That is, documented transfers that are followed up with regular bills.
more to do with networks of power and politics than with hydraulics or legality. Indeed, the municipal “actions” that I observed during my time in Mumbai – during which department staff use a handsaw to slice through insufficiently-“proven” connections and plug the open ends with wooden stoppers – revealed that the sorting of legal from illegal pipes is a deeply political process. Pipes that have been declared illegal, for example, can – by leveraging various kinds of networks and resources – be re-established as legal later on. As one engineer explained to me, “you’ve seen how we do it - we just go out and cut. Then we reconnect the ones that can prove they are legal. So maybe we disconnect 20 illegal connections and then 5 people come back and apply for reconnection.” Whether and whose connections are cut is thus underpinned not by any adjudicating of “legal” from “illegal” connections, but rather by local networks of power, knowledge, authority and ‘complaint’ of which the ritual connection-cutting is simply one expression.

From Illegal Water Connections to Criminal Slum

Families in Shivajinagar-Bainganwadi and the surrounding neighborhoods that are not prepared to pay for a transfer (legal or illegal) generally access water in one of two ways: if they are fortunate enough to live close enough to someone with a well-placed connection and a powerful pump, they can buy water time on someone’s connection – to be paid a month in advance. In 2010, ten minutes (about 200 liters of water) cost around Rs 300, which amounts to approximately 20 times the municipal water rate (for slum areas) of Rs 2.5 for 1000 liters. If the family is less fortunately located then they walk or get on the bike and purchase water by the can.

On top of the expense of buying water by the can (which is both costly and time consuming) the practice is criminalized, with the M-East department staff conducting periodic raids not only to hunt for illegal connections, but to confiscate suction pumps, bicycles, and even water vessels. Yet as the water department staff is well-versed in the somewhat-slippery hydro-politics underpinning issues of legality, the raids take on something of a ritualistic quality. One day in 2010, for instance, I overheard a local engineer advising a resident in a far-flung neighborhood who had complained to the engineer that her pipe has no water pressure. The engineer responded by asking whether she had a booster pump on the pipe to which she responded that yes, she did. The engineer explained: “living as far away as you do from the main, you will need at least two motors to produce water.” He suggested a location for the second pump. The woman, nodding suspiciously, responded “if you say so sir.” The engineer then added with a good-natured chuckle “then of course, I’ll have to come some day and take your motors” – a line which produced laughter all around.

A final option, and one that is increasingly exercised by frustrated Shivajinagar residents, is to sell or rent out the house and move somewhere where getting water is less of a challenge. Indeed, the
daily struggles for water and resulting deteriorating quality of life have driven many long-time residents out of the neighborhood, which is increasingly populated by recently-migrated renters, mostly Muslims from North Indian states of Bihar and Uttar Pradesh, but also scattering from West Bengal, whose native language – Bengali – has inspired widespread rumor (which has now become a generally-held belief) that the neighborhood is a hideout for anti-national Bangladeshi terrorists. The assumption that Bengali speakers are Bangladeshi nationals is puzzling since Bengali is formally recognized as an Indian language by the Government of India, and is the official language of the Indian state of West Bengal. I sought explanation for the rumor from a local NGO that has been active in the neighborhood for nearly 30 years. The director of the organization, which specializes in helping families apply for identity documents like ration cards and photopasses, explained to me that in the mid-1980s, a scattering of Bangladeshi refugees came to settle in Bombay, and a handful settled in the area since it was, as she described it, “a thriving Muslim settlement.” She estimates that there are a perhaps only few hundred such families living in the neighborhood today, with most people Indian-born. “People say it’s a Bangladeshi area,” she tells me, “but it’s not.” Moreover, she explains, “India has signed the UN convention stating that Indian-born children of refugees will be citizens, but because of political reasons, the officials will not give them the papers.” Without identity papers, of course, Bengali-speaking residents cannot prove that they meet the 1995 cutoff date for legal water connections – not that legal connections would be very helpful anyway, given the lack of pressure in the pipes. The bizarre notion that Shivajinagar-Bainganwadi is populated by foreigners and terrorists permeates popular understandings and political approaches to the neighborhood. One senior water engineer described to me how, in 2003, after hearing water shortage complaints from local politicians, the Additional Municipal Commissioner threatened: “Don’t give them a single extra drop of water or I’ll have you transferred to a bad post. I’ve been [to Shivajinagar], they’re all Bangladeshis.”

The infrastructural deficiencies of this neighborhood (as well as its proximity to the noxious Deonar Dump, which now towers an astounding nine stories over the neighborhood) make Shivajinagar-

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36 A housing activist who filed under the Right to Information Act for official estimates of the number of Bangladeshi refugees in the city was told that there are 626 Bangladeshis in all of Mumbai (NAPM 2005).

37 The notion would be almost humorous (if disturbing) in its absurdity – reducible perhaps to the quirkiness and theatrical tendencies of the city’s political life – but for the idea’s discursive similarity to popular debates in international policy circles. For example, the United Nation’s Habitat’s 2006/2007 Report State of the World’s Cities, for example, warns that “Poverty, underdevelopment and fragile states have created fertile conditions for the emergence of new threats, such as transnational crime and international terrorism, which are being played out in the world’s cities.” This sentiment was echoed by the president of Britain’s Town and Planning Institute during the UN’s 2006 World Urban Forum, who cautioned that “cities not only suffer the effects of terrorism, but if their unplanned growth leads to marginalized people, that can lead to terrorism itself.”
Bainganwadi one of the cheapest residential rental markets in the inner suburbs. In a city where low-cost rental housing has been decimated by rent control laws that have frozen rents since the 1940s, the rental stock Shivajinagar-Bainganwadi is very much in demand. Yet the deleterious environment, the constant police presence (the criminalization of the neighborhood has led to increased presence of police, who reportedly collect regular payoffs from the neighborhood’s water vendors), and the regular water-department raids (which result not infrequently in violent skirmishes) have made Shivajinagar-Bainganwadi one of the most notorious neighborhoods in Mumbai: an often-sensationalist media regularly reports on the shadowy activities of residents, sometimes said to have connections to international terrorist groups, as well as of a so-called “water mafia” in the area that is said to “steal” water from the neighborhood pipes, and is held to be somehow responsible for periodic water shortages across the city. It is no surprise, therefore, that longtime Shivajinagar-Bainganwadi residents are fleeing the neighborhood, which is described as an increasingly unlivable “slum.”

“Shivajinagar is not a slum… but it shall be treated as a slum.”

While the municipal housing colony of Shivajinagar has been referred to as a “slum” for years, the performative force of this utterance is only now coming to fruition: in the spring of 2010, the neighborhood of Shivajinagar-Bainganwadi – as well as the surrounding areas such as Kamla Raman Nagar – was surveyed for a slum rehabilitation project; the neighborhood is to come under the bulldozer in anticipation of ‘planned development.’ Given the account presented above, how might Shivajinagar-Bainganwadi’s re-imagining as a slum be understood?

Shivajinagar-Bainganwadi’s reputation as an illegal slum that slated for redevelopment is paradoxical since “illegal” (i.e., post-95) households are actually not eligible for redevelopment. This contradiction is reflected, as already discussed, in the popular conflation of the notions of “slum” and “illegal area” or “encroachment” in contemporary Mumbai (evidenced, for instance, in the changes made to Appendix E of the Water Charges Rules). Given this paradox, what does it mean when Shivajinagar-Bainganwadi is referred to – by the media, politicians, water engineers, as well as residents themselves – as a “slum”? And what, moreover, does Shivajinagar-Bainganwadi’s reputation as an illegal slum suggest about the project of world-class-city building in Mumbai? To answer these questions, it is perhaps helpful

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38 Monthly rental rates in Shivajinagar-Bainganwadi ranged from Rs 500 to Rs 3000 in 2010.
39 This is a rumor that water department engineers unintentionally help to spread by responding to middle-class complaints of low pressure by ramping up raids on the “water mafia” and the cutting of “illegal” connections in neighborhoods like Shivajinagar-Bainganwadi. This was apparent during the winter of 2010 when a failed monsoon impelled the water department to cut supply hours to some middle class neighborhoods. In response to angry cries for an explanation, the department scaled up their anti-mafia “actions” in M-East. This was admittedly a “cosmetic action,” I was told, but it pleased the middle classes.
40 Colony Officer (M-East Ward), interview 2012.
to think of the dual nature of the verb “to mean” – which is a synonym not only for words like “indicate” or “represent” that posit a relation of equivalence between a word and a phenomenon that it is used to signify – but that is also used in a way that connotes intention; that is, with an orientation towards the future.\footnote{As in: ‘What do you \textit{mean} to do with that saw and wooden stopper?’ ‘Well, I \textit{mean} to cut your illegal water connection’} It is this latter, future-oriented usage of “to mean” that might be helpful in thinking about the meaning of “slum” in contemporary Mumbai.\footnote{My analysis follows that of Rao, (2010: 2) who has theorized “slum” as “a discursive object, at once material and imaginary, that has significant theoretic effects.”}

Indeed, in liberalization-era Mumbai, the concept of “slum” is used in popular parlance to refer to almost anything that looks like it could stand to be redeveloped – anything, that is, that does not have the ‘world-class’ appearance. From a market perspective, in other words, “slum” is used to describe built forms that are thought to economically underutilize the lands that they occupy. Indeed, Rao (2006) has noted that “verticalization” of the city has served to reposition a huge variety of older urban forms (fishing and agricultural villages that have been annexed by the city, municipal colonies like Shivajinagar-Bainganwadi, both legal and illegal residential structures on public or private land, older industrial housing, as well as declared slums) as ‘inefficient’ and ‘obsolete,’ thereby rendering them potentially eligible for redevelopment \textit{as slums}. Indeed, the fuzziness of the concept has given rise to political and legal battles between builders and residents over the “slum” label: while the increased FSI allowed by the 1991 amendments to the Development Control Rules has led to the redevelopment of both slum- and non-slum residences, developers have a strong interest in rebuilding any particular neighborhood under \textit{as a slum}, since slum redevelopment generates highly-profitable additional development rights. Journalists thus regularly report on incidents in which older housing societies going in for redevelopment (to avail of higher FSIs) have been handed notices by the Slum Rehabilitation Authority that, unbeknownst to them, their homes are slums. Angry residents are challenging such declarations in the courts, since redevelopment of their homes under SRS would dramatically reduce both the value and square footage of their new homes (e.g., Bharucha 2009; Masurkar 2009).

The vagueness of the concept “slum” in contemporary Mumbai reflects a similar ambiguity in how the term is used by the international development industry. UN-Habitat’s \textit{Challenge of the Slums} Report, for instance, admits to an incongruity between identifying a “slum” and operationalizing the concept for policy purposes. Indeed, if general understandings of “slum” abound, measurable and useable definitions are elusive.\footnote{Cities Alliance – one of UN-Habitat’s nongovernmental partners that has been involved with Mumbai’s makeover project – admits to identifying “slums” simply by looking for highly-subjective “miserable living conditions” (United Nations 2003: 10).} In an effort to forge a more quantifiable understanding of “slum”\footnote{A concept that, after all, is the target of so much development policy and international aid.} the United
Nations (adherence to the recommendations of which lends an air of international legitimacy and aid-worthiness to development projects worldwide) has come up with various indicators that can be used to adjudicate whether a neighborhood can, for survey and redevelopment purposes, be counted as a slum: availability of water, access to sanitation, overcrowding, quality of house-construction materials, security of tenure (United Nations 2000, 7d).\(^45\) In practice, defining the meaning of “slum” in contemporary Mumbai is inseparable from the actions involved in surveying of potential slums – for the purpose of redevelopment. Indeed, in response to my request for a clarification of Shivajinagar-Bainganwadi’s formal ‘slum’ status, the Colony Officer explained, “Shivajinagar is not a slum… but it will be treated as a slum.” Officials at the Office of the District Collector explained that while Shivajinagar-Bainganwadi is in fact a municipal colony, it is considered to be slum because it was surveyed in the 1999 “slum census,”\(^46\) which was carried out by the Congress administration in conjunction with an electoral promise to shift the SRS-eligibility cutoff date to 2000. When I asked how the surveyors had decided which neighborhoods to include in the slum census, he responded: “we surveyed illegal areas.”\(^47\) While Shivajinagar-Bainganwadi is not an illegal area, he concluded it was probably included in the survey because, well, it seems like a slum.

**Conclusion**

This essay has argued that the shifts in policy discourse and practice that have characterized liberalization-era Mumbai, have had a twofold effect on water: first, the conceptual conflation of the formally-distinct concepts of “slum” and “encroachment” – a blurring that mirrors (and is likely borrowed from) the policy expertise of the global development industry – has in recent years obscured political and infrastructural possibilities inhering in earlier meanings of “slum” in Mumbai. This has meant that whereas in earlier years the water distribution network could be systematically extended to provide water to areas like Kamla Raman Nagar, the eclipsing of this earlier meaning by the new politics of “slum” has largely precluded such possibilities.\(^48\) The hydraulic effects of this shift have been dramatic:

\(^45\) These indicators define the “minimum criteria” for being counted as a ‘slum’ for UN-Habitat’s measurement and cross-country comparative purposes. As one senior UN Habitat officer explained, “if you’re missing just one of these criteria, then you’re a slum and must be counted as such for the statistics.”

\(^46\) The collector’s office has carried out similar censuses in 1976, 1980 and 1985. The senior official to whom I spoke did not know whether Shivajinagar-Bainganwadi had been included in those earlier censuses, nor what the criteria had been for inclusion in these earlier surveys.

\(^47\) Catching himself, the officer elaborated that of course they only surveyed illegal _single-story_ structures, not illegal _buildings_. While many buildings are constructed without proper authorizations, he explained, illegal buildings can not be counted as slums because how can you bring a building under slum redevelopment?

\(^48\) While they have been largely forgotten, the earlier meanings of slum are still legally practicable. In February 2010, housing activists sent a letter to the Mumbai Suburban District Collector requesting that the neighborhoods on the periphery of Shivajinagar-Bainganwadi (as well as a handful of other, similar areas) be declared “slums” according to Maharashtra Slum Area Act 1971. “According to Maharashtra Slum Area Act 1971 section 5A,” the
the proliferation of suction pumps, the ongoing innovation in micro-technologies of access (like the “vertical piece” and now the rubber hose attachment) and the constant transferring of connections upstream on the distribution mains have produced geographies of water pressure that defy any possible logic of hydrology. By increasing the velocity at which water flows through the mains, the proliferation of suction pumps actually decreases pressures in the pipes and curtails the distance into the neighborhood up to which water reaches. Department engineers are thus constantly re-drawing distribution zones (and changing water timings in shrinking zones) by adjusting and re-adjusting valve openings and timings, implementing shorter and often-inconvenient water timings in an attempt to compensate for (or at least keep up with) the changes produced by ongoing interventions in the network.

In a second (and related) consequence of liberalization-era policy shifts, the deterioration of Shivajinagar-Bainganwadi’s water infrastructure has re-cast the municipal housing colony as an informal, illegal neighborhood. Since households that cannot produce proof that they (and their home) meet the 1995 cutoff date are labeled as ‘illegal encroachers on the city,’ the local water department largely occupies itself not with fixing and improving the distribution system, but rather with these public, ritualistic performances of the legal-illegal divide. Meanwhile, regular media reports on water department raids against the so-called “water mafia” said to operate in Shivajinagar-Bainganwadi function as spectacular public affirmations of the neighborhood’s illegality. By pulling issues of water access into the murky politics of cutoff-date, I argue, the populist-profiteering politics of slum rehabilitation has wrecked havoc on the water infrastructure in Shivajinagar-Bainganwadi, criminalizing water access and re-casting the neighborhood as an illegal slum.

To what extent can Shivajinagar-Bainganwadi’s hydrologically-mediated transformation into an illegal slum slated for redevelopment be accounted for by ‘global city’ formulations – in which the imperatives of mobile capital are theorized to reconfigure infrastructure for the benefit of globally-connected sectors of the city while cutting off ‘obsolete’ industries, workers, and the spaces they inhabit? The notion that contemporary urban disjunctures (configurations that that depart from the planning ideal of the industrial city) evidence the ‘splintering’ of the social and infrastructural fabric of global(izing) cities, where normal planning trajectories are theorized to be disrupted by the re-scaling of power and authority in the era of globalization (Brenner 2004; Davis 2004, 2006; Sassen 1991, 2002; Graham and Marvin 2001; Nair 2005), take for granted a conceptual binary that posits the unplanned, illegal and informal as the self-evident counterpoint to the planned, formal, ‘world-class’ city. The story of Shivajinagar-Bainganwadi problematizes this account by evidencing the deeply-political and highly-

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letter explains, “slums have to be provided with drinking water, sewage line, drains, toilet, bathrooms, concrete roads, gardens and parks, social welfare center, school, hospitals etc. There is no cut-off date to provide these basic amenities as per the Slum Area Act,” the letter concludes, “but the government speaks of a cut-off date – which is illegal” (GBGM 2010). The letter went unanswered, but the activists are following up on the request.
unstable nature of these categories and insists upon an account of the shifting political and economic stakes imbued therein.

Shivajinagar-Bainganwadi’s re-imagining as an illegal slum thus suggests a critique not only of global city theorizations, but of postcolonial formulations such as that of Chatterjee (2004) in which the distinction between the claims-making practices of “proper” citizens who operate in the sovereign domain of “civil society” are described as a counterpoint to the activities of “political society” in which claims are theorized to be premised on a “collective violation of property laws and civic violations.” The case of Shivajinagar-Bainganwadi, by troubling the legal-illegal binary, raises important questions about the kinds of legally-ambiguous, broker-mediated, ‘political-society’ negotiations that Chatterjee has characterized as the province of the poor.49 Perhaps allegations of “illegality” (and by extension, of “corruption”) might be theorized not as references to particular, legally-exceptional activities, but rather, as articulations of a relation between action and law other than that envisioned by a liberal-democratic, bourgeois political imaginary.50

As Mumbai launches headlong into large-scale urban renewal and infrastructure-upgrading mega projects, it is important to keep in mind that the categories around which these interventions are organized – legal and illegal, planned and unplanned, world-class and slum – do not reflect some outside reality that is always-already out there; rather, the terms themselves become the stakes around which political processes congeal. Indeed, the notion that Mumbai’s water infrastructure will be improved if “slums” can be removed and “correct infrastructure” installed block-by-block is belied by Shivajinagar-Bainganwadi, whose contentious hydropolitical dynamics are tied up with this very same idea. By taking seriously the historical and political geographies of water access, it is revealed that Mumbai’s liquid landscape is not simply a case of plan-imposed order encountering the chaotic and informal, unplanned space of the slum. Shivajinagar-Bainganwadi’s story reveals instead that dynamics of liberalization-era slum redevelopment have produced ‘informality/illegality’ in as a discursive effect – an effect that has occluded the neighborhood’s history and formal legal status, making it seem as if (to recall the words of the earlier-quoted water engineer) “it was like that from the beginning.”

49 Further complicating the formulation, a number of scholars have pointed out that such activities are by no means restricted to the poor. See, for example, Nair’s (2005) account of the illegalities of the middle class, and Roy’s (2009: 84) account of “informality from above.”
50 For example, in his work on “ordinary corruption” among street hawkers and the police in Mumbai Anjaria (2011) has demonstrated how “power [...] works more through moments of contingency than through a systematic rationality of rule” (Anjaria 2011: 64).
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