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ABSTRACT

This is a study on the puzzling case of neoliberal pro-market states enacting policies that attempt to curb the competitive and profitable businesses of urban street vendors. Accordingly this project asks a simple question: if neoliberal governance of the economy prescribes a positive disposition towards the market system driven by selfish pecuniary gain, then why are informal street vendors regularly evicted and harassed by neoliberal states in cities around the world? To answer this, I analyze the literature on neoliberalism and the informal economy, and provide new theoretical insight into the internal contradiction of neoliberal principles in the context of the informal economy of selling. I argue that the conflict with informal street vendors and the states is a manifestation of this contradiction. Through my field research on informal street vendors (or hawkers) of Kolkata I demonstrate this contradiction by analyzing the political economy of street vending. Specifically I study the social movement of hawkers and show how the right to sell in the city of Kolkata is negotiated and configured in the neoliberal era. I argue that this case of Kolkata hawkers is a symptom of a larger struggle over spaces of selling in the neoliberal era which has been overlooked in my discipline. Thus, I hope this project will provide fresh avenues of future research on the political economy of selling through studies of the struggle between the forces of formalization and informalization of retail spaces.

RIGHT TO SELL:
POLITICS OF INFORMAL RETAIL IN THE NEOLIBERAL ERA

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Dissertation

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Chapter 1

A Puzzle

1.1 Introduction

There is wide consensus among scholars of political economy that we live in the age of neoliberalism.¹ There is also a consensus that the set of ideas that neoliberalism signifies, remained dormant within a transatlantic academic milieu emanating mainly from the Economists of the Mont Pelerin Society (MPS), the University of Chicago and the London School Economics (LSE).² This set of ideas found its popular expression through the policies of Deregulation, Liberalization, and Privatization (DLP) starting under the Reagan and Thatcher administrations in UK and US during the 1980s, and before that,

¹We can point to several dictionary definitions here. The 2010 edition of Oxford English Dictionary does not include the word neoliberal or neoliberalism. The definition for the word liberal “In a political context,” is given as “favouring individual liberty, free trade, and moderate political and social reform.” See (Stevenson 2010). The web version of the Oxford franchise called Oxford Living Dictionaries however defines the word ‘neo-liberalism’ as “a modified form of liberalism tending to favour free-market capitalism.” (Oxford-Living-Dictionary 2018). Merriam Webster’s internet edition defines ‘neoliberal’ as “a liberal who de-emphasizes traditional liberal doctrines in order to seek progress by more pragmatic methods.” See (Merriam-Webster 2018).

²Dormant in the sense that doctrines of economic liberalism became secluded within a corner of the academia, not gaining much purchase in the mainstream academic or popular imaginary, which, since the late 1930s, remained dominated by the towering influence of Keynes and his theories of governmental (fiscal) intervention in managing the economic life and living standards of citizens. See for example (Burgin 2012) and (Rivot 2013).

in Pinochet's Chile since 1972. Less than two decades after the dissolution of the USSR, (Harvey 2007, p.3) claims "neoliberalism has become hegemonic as a mode of discourse." Neoliberalism has "hijacked our vocabulary," popular sources seemed to concur.³ In the context of Coalition Provisional Authority's (CPA) recreation of the Iraqi state in 2003, Harvey goes on to say, "the assumption that individual freedoms are guaranteed by the freedom of the market and of trade is the cardinal feature of neoliberal thinking." This kind of market fundamentalist thinking that is ingrained in neoliberalism, (Harvey 2007, p.7-9) argues, constructs a neoliberal state: "a state apparatus whose fundamental mission was to facilitate conditions for profitable capital accumulation, on the part of both domestic and foreign capital."

In many ways David Harvey's understanding of the core assumptions of neoliberalism and the reason for existence of the neoliberal state is representative of thousands of articles and reviews that have been written on neoliberalism, *especially* by its critics.⁴ Here the critics seem to be, in essence, agreeing with the claims of an 'unabashed victory' on behalf of "Western Liberalism" or "economic and political liberalism" that Francis Fukuyama claimed a few months before the fall of the Berlin Wall.⁵ Without using the term neoliberalism even once, Fukuyama reaffirmed in a 2014 Wall Street Journal essay, that "History appeared to culminate in liberty: elected governments, individual rights, an economic system in which capital and labor circulated with relatively modest state oversight."⁶

In short, neoliberalism, (or western liberal democratic capitalism) was established as a globally dominant idea in terms of the governments' role in managing the economic life of

³See (Massey 2013).

⁴It is important to note here that neoliberalism is a contested term, and is used in an asymmetric manner. The proponents of policies which the critics call neoliberal do not use the word neoliberal. In the literature from the past decade we do not find "self-proclaimed neoliberals." I return to this issue later during my survey of relevant literature.

⁵See (Fukuyama 1989).

⁶See (Fukuyama 2014).

people. We can also gather from this rudimentary analysis, that according to this mode of thought, governments are in favor of the ‘market system’.⁷

1.1.1 Introducing the Puzzle

Interesting contradictions between idea and practice arise when we observe market exchange in the presence of real markets. All around the world we see state led control and repression of actual profit generating activities of selling that are fundamentally dependent on market exchange. If neoliberalism is hegemonic and in favor of market based profit making exchanges by rational utility maximizing individuals, and if the neoliberal state is supposed to create conditions amenable to market based profit generating activities, then why do we observe neoliberal states constantly and increasingly trying to repress and thwart fundamental market forces of private exchange? If the buying and selling in markets for profit is a fundamental economic freedom, which in turn guarantees individual freedom, (central assumptions shared both by critics and proponents of neoliberalism) then why are profit seeking people (call them “entrepreneurs”) who sell things on city streets, regularly evicted, harassed, and controlled in diverse locations around the world? We have widespread evidence about this, from cities like Bangkok,⁸ Kolkata,⁹ Ki-

⁷I use Robert Heilbroner’s interpretation of the term ‘market system’ born in the ‘long drawn out’ ‘economic revolution’ of the long 18th century in Europe as “not just a means of exchanging goods; it is a mechanism for sustaining and maintaining an entire society.” where “Land, labor, and capital are agents of production, as impersonal, dehumanized economic entities.” Thus the arrangement was called the “market system,” and “the rule was deceptively simple: each should do what was to his best monetary advantage. In the market system the lure of gain, not the pull of tradition or the whip of authority, steered the great majority to his (or her) task. And yet, although each was free to go wherever his acquisitive nose directed him, the interplay of one person against another resulted in the necessary tasks of society getting done.” See (Heilbroner 2011, p.27-32).

⁸“In an attempt to impose some order on the capital’s famed tourist road, the Thai authorities ordered all street vendors selling food, clothes and trinkets to clear off the pavements during the day. The edict caused an outcry from locals and tourists alike. The Bangkok Metropolitan Administration (BMA), a form of city police, has been accused of trying to sanitise the atmosphere that makes this stretch such a draw for millions each year – and at the expense of the street’s 200 vendors, who already have meagre earnings.” See (Ellis-Peterson 2018).

⁹“The hawker eviction drive at Gariahat turned violent on Tuesday night with hawkers attacking policemen, smashing a police jeep and injuring the driver. Police, who were present in strength, man-

gali,¹⁰ Los Angeles,¹¹ Mexico City,¹² Bengaluru,¹³ New York City,¹⁴ Buenos Aires,¹⁵ Kam-

aged to chase away the 150-odd hawkers and carried on demolishing hundreds of makeshift stalls.” See (India 2009).

¹⁰“I have been in Gikondo transit center many times, I can’t even count the number of times,” Marie, a street vendor in the Nyabugogo bus station in Kigali, told Human Rights Watch in April. “I was arrested for selling water and juice on the streets. I have to do it to make sure my children survive.” She went on to explain that police took her to Gikondo transit center, beat her there and only released her after almost two weeks, following a plea from a soldier she knew.” See (Tertsakian 2016).

¹¹“Despite the fact that street vendors are practically everywhere in L.A., hawking hot dogs, fresh fruit, toys and even toilet paper to willing buyers, they are illegal under city law. That law is widely ignored by both the vendors and law enforcement — until it’s not. Police and city inspectors occasionally crack down, ticketing or arresting people and often confiscating their carts and merchandise. But the street commerce quickly resumes. The lack of consistent enforcement means that vendors can clutter the sidewalk with carts and trash.” See (Los Angeles Times 2016).

¹²“The authorities have always wanted to remove us from the streets. They have accused us of selling illegal products, drugs and weapons. But they have never found anything. We are poor people, and we do sometimes sell pirated goods, but nothing more. If you ask me, is there any place that sells drugs on the street? I could not answer. But not here, because we know that if we only give them one pretext they will take us away. It is so much so that we ourselves help keep our streets in order. Imagine, if for earning a few extra pesos, we would leave thousands of families without resources.” See (Reyes 2013).

¹³“Govindaraj from the Shivajinagar Street Vendors’ Union alleged that the police were harassing them, by seizing and damaging their goods, besides abusing them verbally. ‘We are not breaking any law... we are only asking for protection of our rights and dignity,’ he said.” See (Hindu 2015).

¹⁴“In recent years, vendors have been victims of New York’s aggressive ‘quality of life’ crackdown. They have been denied access to vending licenses. Many streets have been closed to them at the urging of powerful business groups. They receive exorbitant tickets for minor violations like vending too close to a crosswalk — more than any big businesses are required to pay for similar violations.” See: <http://streetvendor.org/>

¹⁵“The cities of Buenos Aires and La Plata, 55 km away, have seen disproportionate police operations in recent months to pursue street vendors, mainly of Senegalese nationality, violent and unjustified raids, constant intimidation, harassment and repeated episodes of physical and verbal violence against Senegalese workers,” said the human rights organisations in a statement.” See (Gutman 2018).

pala,¹⁶ Paris,¹⁷ Tokyo,¹⁸ Tehran,¹⁹ Lagos,²⁰ Vancouver,²¹ Luanda,²² Hong Kong,²³ and Dhaka,²⁴ to only name a few. Some of these efforts of control have backfired and spawned social movements: Eric Garner selling loose cigarettes was choked to death by the police in

¹⁶“Running away is part of life, explains Meddy Sserwadda, eyeing the road. Each morning he buys belts from a market in central Kampala, the capital of Uganda, selling them on a downtown street for a small profit. He works without a licence—the city government has stopped issuing them—and flees when enforcement officers approach. “They don’t want us to make the city dirty,” he says, crouched beside some fugitive mango-sellers. Officials have twice confiscated his goods. His cousin, who is also a street vendor, has spent time in prison.” See (Economist 2017).

¹⁷“Police moved in to evict the salesmen from beneath the monument on Sunday. Three police were hurt when scuffles erupted and vendors started throwing stones and bottles. About 10 people were arrested. A senior police official, Jean-Louis Fiamenghi, said: “All street vendors will now be systematically arrested and we will not tolerate these sales.” See (BBC 2011).

¹⁸“A recurring problem for street performers and vendors; most are in effect, breaking the law. While it’s possible to purchase a permit in most major international cities, similar licenses are unavailable in Japan.” See (Stoikopoulos & Mizukwa 2010).

¹⁹“The situation took a turn for the worse last month, when Tehran city officers tasked with alleviating “street congestion” brutally assaulted 41-year-old street seller Ali Cheraghi. A few days later, Cheraghi died of his wounds. A former petty tailor and mender, at the time of his killing Cheraghi salvaged trinkets from the the trash heap to make a living, gathering them from dumpsters and loading them into the back of a truck with the help of his 14-year-old son Abolfazl. Ali died on 14 August at Nurafshar hospital in Niavaran, north Tehran.” See (Guardian 2014).

²⁰“The trading and illegal market law has banned street selling since 2003, but has been only fleetingly policed. In late June this year, however, a street hawker in Lagos was killed by a car while trying to avoid being apprehended by road officials. Incensed at the death, groups of fellow street hawkers became violent, destroying 14 buses and vehicles.” See (Akinwotu 2016).

²¹“For years, vendors on Vancouver’s Downtown Eastside have sold their goods from sidewalks that line the north side of East Hastings Street between Carrall and Columbia streets. But earlier this week, the City of Vancouver cracked down on those illegal street sellers, instructing police to relocate them to sanctioned markets. The edict has increased tensions between vendors — many of whom are homeless or on welfare — and police.” See (CBC 2015).

²²“In October 2012 the provincial governor of Luanda, Bento Sebastião Bento, announced measures to end informal street trading in Angola’s capital. This included removing vendors from the street, registering them, and transferring them to formal markets that the authorities said were being renovated or constructed. Since then, the police and government inspectors (known as fiscais) have increasingly conducted joint operations against street traders throughout Luanda, frequently beating street traders, including pregnant women and women with babies on their back. Police also routinely seize goods, extort bribes, threaten to detain, and in some cases arrest street vendors during the roundups.” See (Coque 2013).

²³“Violence erupted overnight as police cleared illegal food stalls set up on a busy junction for Lunar New Year celebrations. Angry protesters threw bricks and bottles at police, while police used batons and pepper spray and fired two warning shots into the air. Police said dozens of officers and four journalists were among those hurt.” See (BBC 2016).

²⁴“Newly elected Mayor of the Dhaka City South Corporation threaten to uproot thousands of street vendors who earn a living by selling clothes made by local garment owners, toys, fruits and other essential knick-knacks. Today, they arrived with the armed police, bull dozer, bull horn and hammer to remove the street vendors’ stalls or hawkers as they are commonly referred to in South Asia from the street in the name of beautification of the city. If they don’t move, the officials were prepared and in some instances did demolish stalls.” See (Huq 2015).

New York City; Anton Sterling was also shot to death by the police while selling DVDs in front of a store in Baton Rouge, Los Angeles; Mohamed Bouazizi a vegetable seller, immolated himself to protest against the unending and escalating violence by the police in Sidi Bouzid, Tunisia. In fact, a web-search using the words “hawkers” (or “street vendors”) followed by the name of a city turns up hundreds of news articles on such incidents. These exclusionary techniques of states and their puzzling willingness to suppress actual market forces have been well documented.²⁵ What is interesting is that these activities do not involve selling contraband goods, but cheap domestic and foreign products, cooked and fresh foods, beverages, and services ranging from haircuts to horoscope readings. Such activities are considered a part of a “shadow economy” or the “informal economy,”-unregistered activities that contribute to the GDP of a state, but are not included in its official estimation.²⁶ In fact recent research has shown that employment in the informal economy has grown and is the major source of non-agricultural employment in most developing countries.²⁷ All ethnographic evidence show that urban street vendors operate within the in-

²⁵“There is a particularly rich literature on street vending as it relates to urban policies and local government practices. In addition to monitoring this literature, WIEGO has systematically gathered news coverage on street vending worldwide in four languages since October 2012. Together, the literature and the media coverage provide a strong evidence base on global policy and practice. On balance, this evidence base suggests that exclusionary policies, laws and practices are common, while more inclusionary practices, where they exist, are infrequently documented. On the exclusionary side, the evidence suggests three dominant practices. At one extreme are large-scale, violent evictions where street vendors are simply removed from public space. In less severe cases, some or all vendors are relocated, but often to more marginal locations with low pedestrian footfall and/or inadequate facilities. Finally, there is lower-level, ongoing harassment of vendors by predatory state officials, often facilitated by legislation.” See (Roever & Skinner 2016, p.362).

²⁶(Schneider, Buehn & Montenegro 2010*a*, p.444) defines the shadow economy as, “all market-based legal production of goods and services that are deliberately concealed from public authorities to avoid payment of income, value added or other taxes; to avoid payment of social security contributions; having to meet certain legal labour market standards, such as minimum wages, maximum working hours, safety standards etc; and complying with certain administrative procedures, such as completing statistical questionnaires or administrative forms.” Also see (Dreher & Schneider 2010).

²⁷A recent Weigo Working Paper states “Informal employment comprises more than one-half of non-agricultural employment in most regions of the developing world – specifically 82 per cent in South Asia, 66 per cent in Sub-Saharan Africa, 65 per cent in East and Southeast Asia and 51 per cent in Latin America.” (Vanek, Chen, Carré, Heintz & Hussmanns 2014, p.8) Also see, (Chambwera, MacGregor & Baker 2011, p.4).

stitution of markets (structured by the socially organized forces of supply and demand and motivations of profit) that are as localized in their occurrence, but simultaneously as integral a part of contemporary global capitalism as a trader in a stock exchange. The cigarette seller I interviewed, who happened to have obtained a rudimentary electric connection for his thatched stall by the side of an apartment complex was offering the service of charging what he called “dead Nokias” (cellular phones) for 2 Indian Rupees (INR) and claimed to be able to unlock any ”foreign made” or ”local made” phone available the market. He also told me that he is trying to get into the business of selling “English and Hindi movies.”²⁸ This is not just an ad hoc example to fit the argument of this global-local nexus of informal markets. But we will see it is more of a norm in contemporary global capitalism. In urban centers around the world, after years of hostile state policies that includes criminalization of the act of informal selling itself, the sellers simply refuse to go away. These glaring examples from around the world seem to stand in exact opposition to the central pro market claims of the neoliberal discourse. Real market exchanges seem to constantly frustrate the neoliberal states that try to control and marginalize its existence. Given this initial analysis it is puzzling that in the era of worldwide neoliberal hegemony, (where, after cold war, history has ended in the triumph of western liberal democratic capitalism and the so called neoliberal states are increasingly seen to champion and promote profitable market based exchange), we widely observe the exact opposite in the case of actual market exchange between individuals. This is the central theme I intend to theorize and empirically examine in this work.

1.1.2 Old Skin in New Ceremony?

The manifestation of this anxiety of informal markets in terms of repressive state policies is a part of the everyday urban socio-economic life around the world. It is crucial to note

²⁸Interview with street vendor in Kolkata by author, September 23, 2009

that this contradiction is not new or unique to the contemporary form of global capitalism. States have always tried to intervene in the business of buying and selling of finished goods. Even in the golden age of global capitalism in the late 19th and early 20th century, when economic liberalism was the dominant philosophy in the transatlantic academic and political circles, states often devised policies to control and marginalize the means of livelihood of sellers in urban spaces around the world. Selling goods and services in urban spaces, a completely normal part of economic life that has continued for centuries came to be constructed in opposition to the ‘proper’ order of markets and hence, at best, in the need of reconfiguration and management, and at worst, to be outright criminalized. There was also an increased need to create market places under the control of state and municipal authorities. The colonial state, both in the core and periphery, became increasingly entangled in the business of regulating and creating markets. If this period is understood as an era of expanding global capitalism, then the control, criminalization, and repression of sellers seem contradictory.²⁹

Although one might draw such similarities between then and now, global capitalism has changed in the fundamental ways. First, the idea of the economy has undergone a crucial shift from that of those that prevailed in between the societies of the colonizer and the colonized in the 19th century. Practices that constituted the economy were organized at an imperial scale rather than a national scale. For example, in the context of the intellectual histories regarding development in India, Benjamin Zachariah notes that the Indian leaders and politicians “were allowed to smell political power, but not exert it” because debates about the development and the institutional apparatus within which they were carried out were largely structured by the imperium.³⁰ It is reasonable to argue that con-

²⁹From (Goode [1916] 1986) compilation of Calcutta municipal papers we find the detailed account of the tussle between the pre-existing private marketplaces owned by natives and the state created marketplaces which were to be administered under colonial control. So interestingly, in the heydays of free market capitalism, states were deeply invested in the work of not only controlling marketplace but even creating them.

³⁰This is clearly expressed in (Zachariah 2005, p. 33) as the “Imperial preference: a form of protection

ception of the economy in its global and universal contemporary usage, as an object coinciding with the boundary of the nation-state, is indeed a mid 20th century phenomena.

Timothy Mitchell pointed out,

“Between 1930s and 1950s economists, sociologists, national statistical agencies, international and corporate organizations and government programs formulated the concept of the economy. The economy came into being as a self-contained, internally dynamic and statistically measurable sphere of social action, scientific analysis and political regulation.”³¹

There are disagreements within this strand of research regarding the historical advent of the ideas of the economy as an objectifiable totality. For example, writing on the political economy of nationhood in India, Manu Goswami mentions that concepts of the economy expressed in (Mitchell 1998) and (Mitchell 2002) as the “totality of monetized relations within a defined space” coeval with the advent of Keynesian macroeconomics during the inter war and the post second world war period, “ignores, of course, the concept of the national economy developed within the German historical school.” Alluding to the work of Friedrich List, (Goswami 2004, p. 335) argues that Timothy Mitchell’s analysis

by which the Empire and Dominions would become a single economic unit.” Moreover, (Birla 2009) shows how the colonial government in late 19th century marginalized and criminalized the kinship networks of finance and trade of indigenous/vernacular capitalists called *Marwaris*. For example “Lingering concerns over the slipperiness of indigenous market practice informed a rapidly growing surveillance of what was labeled gambling and disorder in the bazaar, especially in the major commercial centers of Bombay and Calcutta, and in the market towns and entrepôts of the United Provinces and the Punjab. In the period from 1895 to 1914, when brute imperialism and sophisticated finance heralded a new global staging of capital, criminal law directed itself at vernacular forms of hedging and speculation. Associated for the first time with the dangerous habit of gambling, these practices had until this time been free of regulation, civil or criminal. According to government officials and social reformists, burgeoning informal futures markets were driven by irrational habits and offered evidence of a commercial ethics gone awry. Indeed, among certain commercial groups, risk taking betrayed a troubling sort of genetic predisposition that threatened to destabilize the natural forces of supply and demand.” See (Birla 2009, p. 144) That the sovereignty of the empire was the primary source of political order becomes quite evident from Romesh Dutta’s, *The economic history of India*. from 1904, where, even while disagreeing with the British Imperial policies, he writes: “It is said of Louis XI, King of France, that on one occasion he had decided to hang his soothsayer, but that he changed his mind on being told that his own life depended on the soothsayer. It is certainly true, in a far higher sense, that England’s destiny hangs on the destiny of India. A prosperous India will help England’s trade, and a constitutional India will strengthen England’s Empire. Impoverished India starves England’s trade, and a despotic form of Government in India spells England’s decline.” See (Dutt 1903, p. 451).

³¹See (Mitchell 1998, p. 91).

“more crucially, conflates the notion of totality with the formalistic models of neoclassical and Keynesian macroeconomics.”³² But as (Mitchell 1998) has shown, to the extent that birth of economics has “a colonial genealogy,” it was for example, impossible to conceptualize the national economy, in its present disembedded and sovereign form. Thus, we have entered a form of capitalism where nation-states, rather than empires, are sovereign. The Nation-states are also seen to be the legitimate drivers of their economies, bringing forth a Nation-State-Economy (*NSE*) system (forged and supported by international institutions) rather than a system of imperial economies. Second, after the long duree of political history that marked the source of sovereignty by “thinking of public power in personal terms,”³³ political modernity arrives with its universally enfranchised civil society facing a radical problem regarding the legitimacy of power, which (Lefort 1988, p. 19) explains as “democracy...instituted and sustained by the dissolutions of the markers of certainty.” The disappearance of the legitimacy of power, previously embodied within the prince by sacral/divine order, or up until the 1960s in the imperial control over colonies, leads to the diffusion of the location of power and renders it empty, in the sense that legitimacy of power is now embodied within and derived from the abstract category of the sovereignty of the people which is not transcendent but rather fragmented and contested. To the extent in democratic politics ‘the people’ is sovereign, it becomes impossible for power to become legitimate in an absolute sense. This indeterminacy leads to an ever-increasing imperative to create and enact new strategies of legitimation, new strategies of governing the nation, its people and its economy.³⁴ (Hansen 1999, p. 21)(in the context of the rise of

³²“It also brackets a long tradition of Marxian engagement with the historicity of the conceptions of the economy as an objective, bounded and external realm,” (Goswami 2004, p. 335) claims.

³³See (Skinner 2002, p. 368).

³⁴It is important to note that for Thomas Hobbes popular sovereignty and absolutism can coexist. But it is the fear of death that necessitates the people to construct the Leviathan. In other words, the legitimacy of the state is derived from that morbid fear. However, following Claude Lefort and Thomas Bloma Hansen, I argue that in modern democratic politics (especially within a capitalist system of production) the source of legitimacy is contested, and has to depend on a plethora of discourses which are in constant competition. Hence the “dissolution of the markers of certainty.”

Hindu nationalism in the 1990s), argues “Modern political strategies and discourses may all be seen as attempts to bridge this gap between legitimacy and power by invoking discourses on order, security, justice, freedom, and equality.” I extend this insight to argue that in modern democratic politics, “the economy”³⁵ has emerged as the conceptual and common-sense entity that closes this gap between legitimacy and power. It is solidified in popular prejudice that the most legitimate form of democratic governance is the one that fosters a good economy. The legitimacy of state power of a nation, or to put it simply, legitimacy of a government to rule, is derived from the conditions of its economy (in a world which is mostly urban, and where time-space is significantly more compressed due to the new industrial revolution in communication and computing). Lastly, the post-1989 victory of economic liberalism and market capitalism has ushered in new ideas about the role of the state in governing the economy, and hence have created new social formations and political struggles around the issues of selling.

Thus, although the pro-market states’ anxiety towards actual markets and market oriented activities is not something novel, studying its manifestation in the neoliberal era provides new insight into the contemporary politics of governing the economy in general and the political economy of selling, in particular.

This dissertation thus argues that (a) neoliberal management of the economy entails internal contradictions, (b) due to these contradictions contemporary neoliberal policies towards management of spaces of selling have the unintended (perhaps emancipatory) potential of mobilizing urban street vendors into a consciousness about itself as a politically salient force, and (c) through the ensuing political-economic struggle over places of selling, a distinctive rights discourses emerges as a resolution which is already accompanied by a forced rightlessness imposed by the state. The central claim of this dissertations is

³⁵Described above as one of the main components of the *NSE* that emerges in the decolonized half of the 20th century.

that contemporary neoliberal management of the economy will result in long and unending conflicts primarily over spaces of selling, (which are not formalized in much of the world). These conflicts will time and again lay bare the hypocritical stance that states will have to take in being simultaneously pro-market and anti market. This challenge to the neoliberal policies will tend to be resolved through a discourse of rights that controls and eliminates informal spaces of selling more than it emancipates. This opens up new possibilities of exciting future research in political economy of urban retail.

1.2 Analyzing the Puzzle

To analyze the puzzle above I ask three broad questions. I pose and contextualize these questions below.

1.2.1 Question One

(Q1) Why do we observe this contradiction in the pro-market claims of so called neoliberal states and the anti-market policies enacted by the same?

The second chapter is devoted to answering this question. Through a review of the relevant literature, I delve into the definitional problems of neoliberalism and the issues with the asymmetric usages of the term neoliberal. I propose that to circumvent these problems and make theoretical progress on those lines we need to combine ideational and policy aspects of neoliberalism in order to arrive at an accurate and robust understanding of the concept. I deduce some core principles of neoliberalism which its critics and proponents can accept. Theorizing with the help of this minimum common denominator of neoliberalism I show that, in the context of the political economy of selling goods and services, where longstanding, dispersed, situated, and messy markets are populated with buyers and sellers, neoliberalism suffers a contradiction. Pro-market states acting decidedly

against everyday market forces and market exchange is the manifestation of this contradiction. Studying the locus of this struggle between market agents and so called neoliberal states reveals a broader problem with the dominant ideas of managing the national economy in the post cold war world order: that all core principles of neoliberalism cannot hold true simultaneously and a theoretical impossibility is inevitable. The practical implications of this theoretical impossibility are starkly enacted in urban spaces around the world. The visible hands, strangely, seem to be at odds with the states' vision of the inexorable, benevolent, and expanding power of the ubiquitous invisible hand.

Incidentally a lot of the buying and selling of final goods and services (retail trade) happen in the informal sector: a concept that indicates a space within the national economy that, by definition, remains outside the enumerative apparatus of the state in the form of individual unincorporated enterprises. It is as free as "free markets" can be, and especially in non-western countries, like India, the share of the informal sector in retail is significantly larger than that of the formal sector.³⁶ To explain the internal contradictions of core neoliberal ideas in the context of selling stuff in urban spaces, I also focus on the significant body of literature on the formal/informal divide within national economies. Since the 1970s, scholars, journalists, social workers, local and international NGOs, and international organizations, and states, have churned out a stupendous body of work in comprehending the formal/informal divide within national economies of the developing world. Through a reading of this literature I intend to theorize the relation between the core principles of neoliberalism and the formal-informal dichotomy of the national economy. In doing so I highlight the contradiction that neoliberalism faces in the context of informal markets devoted to selling finished commodities to end consumers i.e. retail. Prob-

³⁶The estimates on this vary widely depending on the way one measures informality. However, the common theme in most accounts is that a vast majority of retail (and wholesale) trade happens in the informal sector. In the context of India for example, (Guruswamy, Sharma, Mohanty & Korah 2005) claim that informal retail constitutes of 98% of all retail trade. (Kohli & Bhagwati 2011) show that informal/unorganized retailing has actually increased between 2004 and 2009 from 47.75% to 55.86 percent.

lems regarding the management of the informal and formal divide of the economy within the rubric of neoliberal ideals result in state policies which contradict those ideals.

Thus, by bringing together the literature on neoliberalism and that of the informal economy in a dialogue, I hope to provide new insights into understanding neoliberalism and the politics of informal markets. Here, I intend to provide a theoretical foundation for explaining the puzzling reality where neoliberal states champion markets and simultaneously suffer from the anxiety of markets: a symptom that I claim is inevitable in its occurrence and global in its scope. Here, I show that neoliberal management of the *NSE* can be theorized to follow several lowest common denominator principles or propositions. I argue further that, following these three principles creates an inherent tension for the state, a syndrome we can call “can’t live with you, can’t live without you.” As a result the actual implementation of policies tailored to these principles suffers an impossibility problem where all principles cannot be satisfied.

1.2.2 Question Two

(Q2) What effect (intended or otherwise) do these policies have on the socio-political formations that engage in private economic exchange, and vice versa?

In the third chapter I study how the state policies that govern and manage urban spaces are contested and constructed through the interaction with agents who carry out profitable market exchange in the informal sector. Keeping in mind the puzzle I intend to study, and for the sake of tractability, I mainly focus on informal retail trade, and more precisely, the political economy of informal street vending in Kolkata, India between 1980 and 2010. Kolkata has centuries of rich political, economic, and social history of informal retail and street vending. It also makes an excellent case for studying the political economy of street vending in our contemporary times, especially because of massive political and social movements around the issue of selling commodities, that have spawned and

gained new momentum in the last three decades. I have chosen this time frame because it is widely held in popular and academic literature that during this period the Indian state had taken a (neo)liberal turn in managing its national economy and its cities, which is in sharp contrast to the affairs prior to the 1990s. Kolkata also lends itself to a natural experiment, because one can study the relation between street vending and state policies, before and after the neoliberal turn. I show that, compared to the previous order, the policies towards governing the informal markets in Kolkata undergo a qualitative shift in the 90s, and as a result new kinds of social movements around the issue of selling finished goods, are created and fostered. I show how these movements recreate spaces of selling as spaces of fierce political and economic contestation and in turn influence the policies of the state at the federal and the national level. Drawing on a detailed ethnography of street vendors in Kolkata, and activists and union leaders who claim to represent the hawkers, I provide an analysis that is different from the dominant ideas within the scholarship on urban transformations in the neoliberal era. While (Harvey 2003) and (Harvey 2006) idea of “accumulation through dispossession,” where neoliberal policies of the state exclude the urban poor through laws and bulldozers, is true. What is also true, is a continuous political and economic struggle over urban space: an endless cycle of intense antagonisms between state and market agents followed by negotiations, which often leaves the state and the corporate entities somewhat powerless and frustrated. Recent scholarship has not only demonstrated how state policies aim to marginalize and criminalize the urban informal retailers, but also the conditions under which workers engage in collective action with the state, and often succeed in organizing and influencing policies towards selling, and other informal economic activities. The glaring disparities between what the neoliberal city is meant to be, and what the reality is, allows us to study conflict over urban spaces within the context of everyday instability, contingencies, and resistance.³⁷ As (Anjaria 2016, p.

³⁷Also see for example: (Bhowmik 2012), (Bhowmik & Saha 2012), (Chun & Agarwala 2016),

15) argues in the context of urban vending in Mumbai, “hawker or slum free city, is more accurately the stuff of developers’ dream than reality.” I examine this terrain contestation over the meaning and form of urban spaces in Kolkata among middle class oriented civil-society groups, unions of street vendors, and elected and un elected representatives of the state. In particular, I focus on the city-wide hawker eviction called Operation Sunshine on the 24th of November 1996, a moment of conflagration that serves as the turning point in the politics of selling in the city, especially in terms of policy and collective bargaining. Through the analysis of this case of violent conflict and the protracted negotiations and contestations that ensued, I show that, between the late 1990s and the turn of this century (the neoliberal moment in India), we can mark a structural shift in the regulatory regime that oversaw urban market transactions. The shift operates at the level of intellectual discourse concerned with the meaning of hawker and the legitimate rights to urban spaces. this shift also happens at the level of everyday state practices which seek to regulate informal markets and livelihood of urban informal retailers. I also show a concomitant shift in the organizational formations of street vendors in terms of their involvement in the collective bargaining process for the provision of urban spaces to eke out one’s livelihood. I analyze how both policy and forms of resistance mutually influence each other to transform the ways in which the formal/informal divide is managed, and more particularly the ways in which urban street vending gains new momentum in the opening decade of the 21st century. Although this work focuses on the political economy of urban street vending in Kolkata in the post liberalization period, I argue that it is just an instance of similar formations visible in many urban centers in India and around the world. I highlight this case of state intervention in urban street markets (to realign the contours of formality

(Agarwala 2013),(Goldstein 2016), (Hummel 2017). The view that emerges from this scholarship is not of a hapless monolithic mass of urban poor waiting to be squeezed out by the neoliberal state, but a conglomeration of various types of social groups with their own inter-group struggles and rivalries, that compromise, resist, and organize against policies detrimental to their livelihood, often relying on claims of equal citizenship.

and informality within spaces of selling), as an example of a larger global trend which is symptomatic of the neoliberal era, especially manifested in the context of postcolonial urban spaces where selling final goods are mostly a part of the informal sector of the domestic economy. In short, here I show how neoliberal management of urbanity is a constant struggle. Keeping in mind the impossibility problem inherent to neoliberalism, neoliberal policies spawn protracted, messy, and violent conflicts over spaces of selling. A result of these conflicts is the widespread hawkers movements at local, national, and international levels.

1.2.3 Question Three

(Q3) How are the rights to sell managed, negotiated and policed in urban spaces?
Who then has the right to sell in urban spaces?

On February 5, 2010 the long queues winding towards the admissions counters in front of the 34th International Kolkata Book fair were kicking up dust in the winter air. Nineteen years old Mitun³⁸ was selling tea and coffee to the people waiting to buy tickets and get in, and the business was brisk. After buying a *chaffee* (half instant coffee and half tea, concoctions you can only savor on the streets,) I started talking to him about the business. “It’s really good,” he said, “I had to restock my supplies thrice yesterday because people like my tea. I put cardamom.” He then spotted two uniformed Kolkata police constables approaching from far. He slowly moved behind a wall and asked me to slowly move stand in front of him. However, the police found him, and enquired about the price of tea. “5 Rupees,” he replied. “You are swindling from the public” the police retorted, looking at me askance, “this is why we evict you.” Mitun replied with a smile “but sir inside the fair the same tea”³⁹ “is selling for five times my price” and promptly poured

³⁸Mitun (tea seller), interview with Author February 5, 2010

³⁹Mitun here is referring to organized vendors who are allowed to sell beverages inside the fare at a much higher price of 10 to 15 Rupees

out two cups for the constables. “Drink this sir, you would like it, I use cardamom.” The constables accepted the tea and said “still you are swindling from the public” gave him two rupees and said “move now, don’t hover around here.” So we started moving away from the line, walking along the walled compounds of the fair towards the back, and a police van stood there, on the side of the road. A couple of policemen in their white trousers, blue sweaters and sunglasses were sitting around talking. Mitun went up to them asking if they want some tea. “Five teas,” said a policeman, “and how much” he asked, hoisting out a 10 rupee note. “That will do,” Mitun said. After we moved away a little bit and stood, I asked him if this is his sole occupation. He said he earns his livelihood by selling tea in football stadiums. The ruling Communist Party of India (Marxist) (CPM) has given him a card to sell refreshment for large football games. Then he complained about the regular harassment by the police who often accost him and traffic him out of the book-fair area. It takes him half an hour by foot to get back to the book fair area, avoiding policed routes: losing customers in the process. He asked me if I wanted to have another tea, and poured me a cup, I took out a five rupee coin to pay him, but he refused to take it and after repeated insistence gave me back three in change. As we kept talking, our conversations were interrupted by buyers, many with badges indicating personnel working inside the fair, who were more than willing to pay five rupees, occasionally commenting how the registered vendors inside are making a killing. The irony of those comments were not lost on Mitun who looked at me with a mischievous smile. Over a couple of hours he revealed that he lived in the town of Bongaon (about 80 Km north east of Kolkata, near the border with Bangladesh) and travelled every day to the Kolkata. His family lived in the rail colony *bustee* (low cost dwellings alongside railway tracks). His father buys sweets from Naihati (a town famous for its small informal sweet production and retail businesses 55 km west of Bongaon) and vends it on foot in north Kolkata. Each day they travel for about 4 to 6 hours, selling in the train, and on city streets. His mother works in house-

holds as a maid. The entire family is dependent on the market forces selling labor for services and selling commodities by laboring in the city streets and stadiums all through the year. None of it is formal in the sense of wage labor in modern manufacturing factories, or in the state's ability to enumerate the family run business. Nevertheless, this informal selling is an integral part of contemporary capitalism, since it constitutes a major portion of the economy. But although it is the empirical reality of how markets function it is never the norm because in academic and popular circles it is always the residual of the formal economy; always in the need to be formalized. In a neoliberal India, Mitun finds it difficult to use the market to his advantage, although, if one were to take his opinion seriously, he was a big champion of the ability of market institutions to provide him with a good living. He emphasized repeatedly that all he wants from the government is tell the police to not harass people like him and his father. Given he can do his business peacefully, he was confident save enough to buy land and open a small snack shack in Bongaon itself. His mother won't have to work as a housemaid then, and can make fresh snacks at his shop. He had in fact applied for some jobs in the formal sector (he mentioned a sari store,) but it demanded longer hours and less pay. Besides "I was rejected" he said, due to lack of education and experience. The case of Mitun, is representative of how vast amounts of finished commodities are sold to consumers in places like India by small enterprises who operate within a legal apparatus that makes business difficult. Their right to sell is constantly under question but never beyond negotiation. They are often portrayed as deviants of normal forms of capitalist enterprise but never ceases to exist. They keep coming back to sell more and perpetuate the logic of capital through profit making enterprises, but have to flirt and frustrate the repressive techniques of the state which sing the tune of markets but fails to recognizes market participation as a fundamental human right. This continues even in the advanced economies where most of the selling happens in the formal sector. As mentioned aboce, Alton Sterling had to be confronted and eventually shot by

the Baton Rouge Police while he was selling music and film discs in front of a convenient store.⁴⁰ News like Binod Bihari Sadhukhan, a newspaper hawker, beaten to death on the premises of a railway station near Kolkata by a constable of the Railway Police, is not an anomaly.⁴¹ In Mumbai, a 22 year old hawker selling tea and bottled water, in long distant trains were beaten up brutally by the constable of the Railway Protection Force for the failure to pay bribes.⁴² Due to the overwhelming presence and visibility of informal retailers in places like India, or perhaps because of it, the attack on market agents is normalized by the so called pro-market state. In fact, one can type “harassment of hawkers” in an online search engine and find thousands of reports of such incidents around the world. Thus, such incidents are neither sporadic nor rare.

Even though both David Harvey and Francis Fukuyama, would agree that the idea of free markets remains the corner stone of neoliberal thought or the victorious order emerging after the Cold War, the evidence overwhelmingly suggests that all markets are not created equal, and hence, all sellers don’t have equal rights to sell. The subject matter of the Chapter 4 and Chapter 5 is: Who gets the rights to sell, when and how. I show that through the interactions between state policies and the social movements surrounding the issues of selling in urban spaces (which I analyze in chapter three), a language of rights evolves. I show that although the policies aimed at control and management of informal markets (that are informed by the rights approach,) aim to bring street vending under a legal regulatory framework, it simultaneously seeks a long term systematic marginalization of street vendors and workers in the informal sector. This new regime of right based approach to buying and selling’ in urban spaces thus seeks to reduce and eliminate street vending though it claims to provide financial security, legal protection, and dignified life to sellers. I demonstrate the processes through which the radical language of the “right

⁴⁰See (Balko 2016).

⁴¹See (Hindustan Times 2012).

⁴²See (Nair 2017).

to the city” is co-opted by the state-capital nexus to legally and actively curtail peoples’ rights to livelihood on an everyday basis. I show how the new mode of rights based state control over selling makes the neoliberal state ever more deeply entangled in the functioning of markets, but more importantly, I also show how the new regime of legal regulatory control normalizes a systematic rightlessness to the city through increased barriers to entry, everyday police brutality, and punitive micromanagement of vendors. A far cry from free market capitalism, the evidence points more towards the conundrum of anti-market capitalism.

1.3 The Informal and the Formal

This section explains the significance of studying the political economy of selling (more precisely urban street vending) in the context of contemporary global capitalism. Why is the study of the politics of informal urban street vending a pertinent route to analyze and understand the essence of contemporary global capitalism? The puzzle I analyze throughout this work reveals significant discrepancies between the dominant understanding (scholarly and popular, leftist and rightist,) of neoliberalism, (and hence, the nature of the neoliberal state) and the reality of actual market interactions. This allows for a newer understanding of neoliberal ideas and policies. The study of market based conflicts and negotiations between state and profit seeking agents highlight the broader problems faced by the so-called neoliberal states like India, in the post Cold War period. In doing so I also underscore the continuities and discontinuities in this anxiety about markets in historical perspective. I, in agreement with other scholars, have mentioned above that none of this is novel. Such repressive policies towards selling in urban spaces were prevalent in the late nineteenth and early twentieth century, in the colonial and metropolitan urban spaces. But studying the urban contestations over profit, spaces, and markets, in the late twen-

tieth and early twenty first century (in a time of rapid and radical transformation in the forces of production and the international political-economic reality of a decolonized world populated by sovereign states) proves a shift/disjuncture from the previous order as the new focus of industrialization is directed towards the spaces of selling.

1.3.1 Spaces of Selling and Selling of Spaces

The capitalist mode of production depends on furnishing worker-consumers with finished commodities as much as it depends on the production of those commodities. Selling of finished goods is a service, in the sense of labor-time spent by a seller in providing convenience to the buyer by reducing their labor-time in acquiring the goods. But production is redundant if there is no finishing point of the supply chain. Only when the consumer meets the final product or hires services from a seller, does capital complete its renewal. The methods of selling, or the ways in which goods are sold back to the consumer-worker (which is crucial for reproducing the social relations of production and the advancement in the material forces of production) determines the accumulation process and the general production of commodities. Keeping this focus on the distribution of finished goods back to the end consumer it is helpful to conceptualize the capitalist mode of production in terms of two somewhat distinct sets of socially organized processes that accumulation of capital depends on: the first set includes the production processes geared towards creating final goods (let's call it the first space of capital $S1$) and the second set is selling finished goods and services back to the consumer-workers (let's call it the second space $S2$).⁴³ These two distinctly identifiable sets of processes are always dependent on the other, or one might argue is constituted by the other, i.e. processes that are geared towards production of commodities would be redundant without the processes involved in selling those

⁴³Selling of finished goods is also a service in the sense of labor-time spent by a seller in providing convenience to the buyer by reducing their labor-time in acquiring the goods. This purpose of labor is qualitatively different from that expended in the production of commodities.

finished commodities back to consumers, as well as the other way around.

Although scholars have analyzed the political economy of capitalist production in the context of the first space (the space of the factory and industrial workers), only recently has attention been given towards political economy of the second space (the space of streets corners, pavements, messy market places, or glossy hypermarkets). Products don't sell themselves. Without a detailed analysis of the political economy of how products churned out by capitalists and industrial workers are sold back to the end consumer, we would only have a partial analysis of capitalism, which conflates the dynamic of $S1$ and $S2$, and hence fails to notice the unique contestations over the means of production that happens in $S2$ when the worker is at once an entrepreneur (in the sense he or she is not tied to the strict wage relations prevalent $S1$). Several pertinent questions arise around $S2$. Are hawkers (who work as long or short as they wish) the same as industrial workers (who work legally fixed hours)? In the business of street vending who is the capitalist and who is the worker? What does extraction of surplus value mean in the context of a tea seller working on a street in Kolkata, or a used book seller in front of a government building, both of whom run their households by selling labor power and own some necessary means of production (tea, equipment, fuel, used books etc.)? If in capitalism the proletariat sell their labor to the owners of the means of production, how do we understand the labor of millions of street vendors and sellers that populate the vast economic landscape of informal retail trade?

If we are to view this topic in the framework of Marxist political economy, which I think provides a particularly useful approach to $S2$, then we need to understand that a street vendor who is operating within $S2$ is engaging in the "simplest form of circulation of commodities." Marx calls this a $C - M - C$ type circulation (i.e. "the transformation of commodities into money, and the change of the money back again into commodities; or selling in order to buy." "Selling to survive" is a dominant theme that rises from the pop-

ular and academic literature on street vendors, although, as we will see in the context of *S2*, this lends itself to a different interpretation. At the same time the vendor also initiates a $M - C - M'$ type circulation (i.e. “the transformation of money into commodities, and the change of commodities back again into money; or buying in order to sell”). Marx acknowledges: “Buying in order to sell, or, more accurately, buying in order to sell dearer, $M - C - M'$, appears certainly to be a form peculiar to one kind of capital alone, namely, merchants’ capital.” $M - C - M'$ to Marx “is therefore in reality the general formula of capital as it appears prima facie within the sphere of circulation.”⁴⁴ These people are also active economic agents in the service of capital accumulation especially because retail is a massively lucrative enterprise worldwide.⁴⁵ By studying a) how the spaces and processes of selling are formed controlled and transformed, b) how new forms of political struggles for the right to means of production (in this case urban space) are formed and sustained in *S2*, and c) how interaction between state and private economic agents in *S2* produce variety of capitalisms within the capital’s singular expansionary impetus, we can answer the aforementioned questions in a new light and thus provide alternative interpretations of concepts that are mainly developed to explain processes in *S1*. This would show that the prominent locus of present and future political-economic conflict in contemporary capitalism would be in *S2*. Selling, spaces for selling, and selling of spaces of selling are in the process of global transformation of tectonic proportions and this change would shape the future of contemporary global capitalism. Especially in the context of the radical advancements in the forces of production it is crucial to study the political economy of *S2*.⁴⁶ Even

⁴⁴See (Marx [1867] 2011, p.171-175).

⁴⁵“Retail in developing countries has seen excellent growth. While the developing world population has grown 21 percent to 6.2 billion, retail sales in those markets have increased more than 350 percent and now represent half of total global sales.” (Kearney 2006).

⁴⁶New forms of selling have developed especially because of the technological transformation. For example (Benner 2017) shows interesting conflict between “American Hotel industry” and “the company, which is based in San Francisco, was founded in 2008 as a way for people to easily list and rent out their spare rooms or their homes online. Since then, about 150 million travelers have stayed in three million Airbnb listings in more than 191 countries, according to the company.” Or consider this example “Guptaji, as he

in the countries where majority of $S2$ is formal, there is an ongoing transformation (of tectonic proportions) in ways people buy and sell final goods and services.⁴⁷

1.3.2 Enterprise and Employment

Any study concerned with the political economy of selling would have to confront the fact that in most urban spaces around the world, and especially in developing countries, much of the selling happens beyond the purview of the state, in a semi regulatory environment of the informal sector of the economy. Although I would analyze the concept of informality (and its attendant concepts like unorganized, or self-organized), in detail in the next chapter, as a short hand we can say that $S2$ is overwhelmingly populated by unincorporated private enterprises that often do not have a legal standing distinct from the owner function within the market system, in the sense that some of the goods and services produced are for sale and barter. In terms of informality of employment, the short hand for now can be those forms of employment that do not provide social security and related benefits, or do not resemble the strict wage relation that exists between the factory worker

is popularly called by his customers, has been selling vegetables from his cart in New Delhi's Bihari Mandi for 15 years. However, in the last one year many of his customers shifted to buying vegetables online and this was affecting his sales. That was when an acquaintance told Guptaaji about BigZop.com, an online grocery store. It is the latest entrant in the world of hyper local players, who are helping small vendors and neighbourhood kirana stores to compete with their bigger offline and virtual peers. A month after the tie-up with BigZop.com, Guptaaji got back his old customers and the sales increased two-fold. "Initially it was difficult to convince him to get him on our platform but now it has finally turned out to be a success story for both him and us," says Aaditya Goyal, an Indian Institution Technology, Kharagpur alumni and founder of BigZop. "We hope to reach 100 orders per day with his support in no time. Our experience with Guptaaji is helping us develop a platform that can be used by people across the country whether they are from cities or villages," adds Goyal. BigZop.com, which was founded in Gurgaon early this year, started its services by delivering hand-picked fresh fruits and vegetables to consumers' doorstep at their chosen time within two hours. In four months, the start-up has build technology for hyper local e-commerce and is expanding its services to edibles and household products. See (Pani 2015).

⁴⁷(Uberti 2014) reports "dying shopping malls are speckled across the United States, often in middle-class suburbs wrestling with socioeconomic shifts. Some, like Rolling Acres, have already succumbed. Estimates on the share that might close or be re-purposed in coming decades range from 15 to 50%. Americans are returning downtown; online shopping is taking a 6% bite out of brick-and-mortar sales; and to many iPhone-clutching, city-dwelling and frequently jobless young people, the culture that spawned satire like Mallrats seems increasingly dated, even cartoonish."

and the owner.⁴⁸ According to some estimate informal workers constitute half the global workforce.⁴⁹ Most of the entities and economic transactions within *S2* are not recorded or regularly monitored and/or directly taxed by the state.

To gauge the extent of this lack of visibility of economic transactions, for example, let us consider “the fifth largest global destination in retail space,” India, where “Organized retail penetration (ORP) is low (8% in 2015 compared 85% in the United States”).⁵⁰ In India the business of selling, or the retailing industry, is the second largest employer after agriculture. It is also the largest industry with the highest retail density in the world: 15 million outlets as compared to 0.9 in the US.” With a compounded annual growth rate of 7.46% since 2000, contributing 10% of the GDP and 8% of employment it seems the markets are profitable and growing rapidly.⁵¹ This means that much of the business of selling in India remains overwhelmingly within the unorganized sector. In a widely referred study (Sengupta, Kannan, Srivastava, Malhotra & Papola 2007, p.7) defines the unorganized sector as

All unincorporated private enterprises owned by individuals or households engaged in the sale and production of goods and services operated on a proprietary or partnership basis and with less than ten total workers.” According to this definition, these unorganized enterprises “have no legal personality of its own (other than the person who owns it); it is small in employment size and, more often than not, associated with low capital intensity and labour productivity. The diverse nature of these enterprises is often a response to the demand for a variety of low-price goods and services produced in different modes of self-employment, unpaid family labour and wage work (often concealed as self-employment).

Similarly (Guruswamy et al. 2005, p.619) understands “Unorganised retailing” to be comprised of “traditional formats of low cost retailing, for example, local ‘kirana’ shops,

⁴⁸See (Bhalla et al. 2009, p.7).

⁴⁹(Neuwirth 2012, p.18) argues that 1.8 billion people, almost half the global workforce are involved in the informal economy that is “neither registered nor regulated, getting paid in cash, and, most often, avoiding income taxes.”

⁵⁰See (IBEF 2018).

⁵¹According to 2018 industry estimates, about 70% of retail revenues are from the sale of food and grocery. Followed by apparel (8%) jewellery(6%) consumer durables and IT (6%). See (IBEF 2018).

owner operated general stores, paan/bidi shops, convenience stores, handcart and pavement vendors. . . is by far the prevalent form of trade in India.” Consider these conclusions reached by (Kohli & Bhagwati 2011, p.6).

First, total retail sales increased by approximately 70% between 2004 and 2009, from \$294 billion to \$496 billion. Second, sales grew over this period by about 43% for retailers in the formal sector and about 97% for retailers in the informal sector. The annual average rate of sales growth was about 11% for all retailing, 7.5% for organized retailing, and 14.5% for informal retailing. Thus, from 2004 to 2009, retail sales grew almost twice as fast in the informal sector as in the formal sector and at a substantially faster rate than India’s GDP, which grew at about 8.5% over the period. Third, in 2007, total retail sales in the informal sector surpassed those of the formal sector. By 2009, the informal sector held about 56% of retail sales, 8% higher than its 48% share in 2004. These data suggest that informal retailing is more than surviving; it is flourishing. At present growth rates, the gap between formal and informal retailing will continue to widen as family-owned stores and street vendors will take a larger share of retail sales.

Not only is retail the highest employer in the service sector, the unorganized/informal component of retail trade has increased over time. Large formal retail chains have started to close in many places in India.⁵²

1.4 Contemporary Capitalism and Informal Labor in Retail

In the context of large scale industrial manufacturing (*S1*) (Marx [1867] 2011, p.703-710) writes,

In the centres of modern industry — factories, manufactures, ironworks, mines, &c. — the labourers are sometimes repelled, sometimes attracted again in greater masses, the number of those employed increasing on the whole, although in a constantly decreasing proportion to the scale of production. Here the surplus population exists in the floating form.

⁵²See (Guruswamy et al. 2005). Digging through the news reports it seems large grocery stores have announced that such retail outlet closures are a coordinated move to invest more in wholesale business. See (Sarkar 2014).

He goes on to categorize this floating form into the following types: a) an element that entered “modern division of labor” as “large number of boys. . . employed up to the age of maturity” and then “regularly discharged.” b) the surplus agricultural workers in the face of mechanization “constantly on the point of passing over into an urban or manufacturing proletariat c) “the stagnant. . . part of the active labour army, but with extremely irregular employment. . . an inexhaustible reservoir of disposable labour power.” and d) the sphere of pauperism. Exclusive of vagabonds, criminals, prostitutes, in a word, the “dangerous” classes” e) “the light infantry of capital;” labor that is summoned “now to this point, now to that.” These workers seem to be operating in the waiting room of capitalism, always on the outside of the normal industrial form of factory workers, a “relative surplus” in the form of “the floating, the latent, the stagnant.” In the context of 19th century expansion of industrial production in England, Marx’s assumption, that “industrialization would draw workers into factory labor,” while simultaneously creating “a surplus of unwanted labor” seems reasonable, especially when we account for the mechanization of agriculture that frees up labor tied to the land, thus propitiating a mass urban migration towards factory based wage labor. However, as scholars like Thomas Barnes have argued (and as recent employment data from *S2* show), we might not understand this population of workers as a surplus to the modern industry, or in terms of attraction and repulsion, but as a modern industry in and of itself, populated by sellers and buyers, who complete the renewal of capital by reproducing the everyday consumption.⁵³

Theories of economic development like (Lewis 1954), (Rostow 1960), (Harris & Todaro 1970), (Kuznets 1966), and (Kuznets & Murphy 1966) predicted that the vast numbers of nonindustrial surplus workers would join the modern urban industrial sector, i.e. the formal economy, thus leading to slow annihilation of the traditional/informal sector in developing economies. Within this strand of literature, the dominant understanding of the

⁵³For a detailed treatment Marx and Informal labor see (Barnes 2014), (Barnes 2012).

consequences of the modern capitalist development was that, economic growth led by the modernized production processes would create a modern industrial workforce characterized by formal employment (wage) relations that are overseen by the regulatory apparatus of the state. Coincident to this transformation through modernization, the traditional economy (characterized by self-employment, lack of strict wage relations, and small unincorporated enterprises) that escapes state control and enumeration was supposed to vanish, if not, have only a marginal contribution to the national output. Although India holds a 6th place among the 10 largest manufacturing countries, informal employment accounted 92% of total employment in 2004-05. Relevant to our focus on *S2*, 95.5% workers in sales were unorganized. In the same time period, 71.2% of workers in manufacturing and 75.6% of workers in the construction sectors were unorganized.⁵⁴

The unorganized/informal sector, which was supposed to wither away with modernization contributed to 56.7% of the Net Domestic Product (NDP) in 2005. Within the first decade of liberalization the ratio of formal sector employment as a ratio of the total workforce has fallen significantly (a trend that defies the predictions of modernization theories).⁵⁵ Such macro level data suggests that a major portion of an industrialized market economy of India remains outside the regulatory control of the state, and is populated by small unincorporated enterprises, and at the same time growth of employment in the informal sector of the economy has been robust. At a micro level, many street vendor and other informal sector workers within the service sector that I talked to did not wish to work in a factory, (some of them had worked in the organized sector as wage workers and had resented it for reasons we will explore in the third chapter. Through my semi-structured interviews with hawkers in Kolkata, a consistent theme that emerged was: street vending need to buy buy the necessities of running the household. For example,

⁵⁴See (Sengupta et al. 2007) and (Hindustan Times 2016).

⁵⁵Although it is not immediately relevant to our analysis, it is important to note that majority of manufacturing (*S1*) also remains within the informal sector. See (Verma, Giri et al. 2017).

let us consider excerpts from this letter written by a hawker to the general secretary of a dominant Hawkers' union in Kolkata:

I had already introduced myself as Bimal, a physically challenged (blind) hawker with a family to support. My wife Rina (a graduate and incidentally, blind) and my child Karishma. I have been performing my duties by vending different items at different places, from Railway Stations to Bus Stops, to run the House Hold!

However, as we read on we find the following narrative:

As you are quite aware that the present world is tougher day by day, we would like to discuss with you some of our ideas in our quest to come to an effective solution to these! In this connection, we would like to state that currently, we are in the process of starting a small venture like attempting to manage a telephone booth at a railway station or Bus Terminus, or to run a food stall along with it, at a stadium; and thus, attempting to stand on our own feet! We would like to have your valuable comments in this regard which may give this impoverished family, a fresh lease of life! We, in this case, would like to know from you the following:

- whether you would consider helping us in this process, once we get the space we are striving for, from the authorities or by suggesting different ventures: we would like to be guided by you in this regard.

- While it is needless to state that our gratitude would always be there for you and your esteemed organisation and that any positive act of you in this regard can never be repaid, however, we would not like having everything from charity from you and your organization.

The content of this letter⁵⁶ is representative of numerous hawker narratives about their conditions of existence. Along with the economy of survival another consistent theme that emerges in my fieldwork is the willingness to seek out possibilities to improve upon existing selling conditions. Instead of joining the organized private sector these people simply seek to sell without hindrance. New empirical studies on street vendors and the informal sector show that industrial capitalist development and modernization creates and sustains the vast army of workers who are tied to the monetized markets of exchange for their livelihood, but unable or unwilling to enter a formal wage relation in the organized sector.⁵⁷ This overwhelming presence of informal retail could be rightly construed as a real

⁵⁶Letter to Hawker Sangram committee dated 10/8/2005 available from author on request.

⁵⁷For example, (Chen et al. 2005, p.5) shows that "Informal enterprises include not only survival activ-

example of “free markets.” It constitutes a permanent fixture of global capitalism rather than an aberration waiting to join the normal form of capital accumulation. As shown in chapters two and three, these sellers are firmly entrenched within vastly differentiated, diverse networks of buying and selling and have national and international allies. The vendors have been organizing, resisting, and collectively fighting back, against regulations and controls which they construe as an aggression against markets and against legitimate and necessary profitable enterprise.⁵⁸ And yet there is a resistance to formalization. If we are to study capitalism as a global process, where some areas of the world manufacture more commodities than others, the consequence of global capitalist development is not a modern industrial proletariat fluctuating with the cycles of industrial demand in each nation, but rather the sustained presence of labor across nation states that complete the cycle of capital by selling to the end consumer, and although it is an industry in itself, most of it is not in the formal sector (as an overwhelming majority of workers are not wage earners in the strict sense described above, and enterprises are not legally separable from their owners). I argue there is no normal and deviant form of capitalism differentiated by countries, which is not to say that some countries are not more industrialized than others.⁵⁹ The informal economy contributes significant portions of the GDP in many countries, ranging from 40.2% in Sub-Saharan Africa to 17.1 percent in High Income OECD countries.⁶⁰

ities but also stable enterprises and dynamic growing businesses, and informal employment includes not only self-employment but also wage employment.” Also see (Sethuraman 1981) and (Chen, Jhabvala & Lund 2001).

⁵⁸See (Agarwala 2013) and (Bhowmik 2012).

⁵⁹Capitalism as a mode of production and distribution of commodities (goods and services) based on individual property rights and market exchange is always a global phenomenon. To the extent that European industrial manufacturing in the 19th century was only possible through the provision of cheap raw materials and food from the colonies, the colonies were also equally capitalist as that of the metropolises although they might not be as advanced in terms of industrial manufacturing. Labor and capital has always been and would be sourced from anywhere in the world. Hence my starting point is to dispense with the notion that capitalism has a different logic in different places or that some countries are less capitalist than others. The primary logic of capital, which is to create more capital from existing capital, is fundamentally the same everywhere at all times, but the scale of accumulation, or industrialization would differ by regions and time. Thus there is only one history of capital: the history of constant worldwide accumulation and distribution (circulation) of capital.

⁶⁰(Schneider, Buehn & Montenegro 2010*b*, p.459) calculates: “The shadow economy has reached a large

1.5 Conclusion

Informality is as much a norm of global capitalism as formal industries are. Through this work I show that it is important to not understand informality as national aberrations to some normal form of capitalism, but the constitutive element of contemporary capitalism. Quite obviously then, the political economy of selling is intricately associated with the politics of managing this formal/informal divide within the economy. To the extent that neoliberalism is seen to be the dominant ideology of our times it is important to make the connection between the core tenets of neoliberalism, (especially its positive disposition towards markets) and the politics of managing the informal/formal divide. By studying the political economy of selling in general, this thesis casts light on the politics of governing the (in)formal economy in the neoliberal era.

size of a weighted (unweighted) average of 17.1% (33.0%) of official GDP over 162 countries over 1999 to 2007. However, equally important is the clear negative trend of the size of the shadow economy over time. The unweighted average size of the shadow economies of all of these 162 countries (developing, Eastern European and Central Asian and high income OECD countries) decreased from 34.0% of official GDP in 1999 to 31.2% of official GDP in 2007.”

Chapter 2

Theorizing Neoliberalism and Informality

2.1 Introduction

A well circulated contemporary textbook of International Political Economy (IPE) introduces the subject matter with a claim that “after nearly forty years of dormancy” and “being virtually non existent as a field of study before 1970s” it has “undergone a remarkable resurgence” in the last four decades.¹ Curiously enough, during the same time period, (i.e. since the 1970s) there has been a lot of academic work on neoliberalism and the informal sector, yet the IPE scholarship on the respective topics talk past each other, and have not studied the theoretical relation between these two. In fact, the aforementioned textbook on IPE completely ignores these two topics altogether.

There is a consensus among scholars of neoliberalism that it signifies a great transformation in the dominant ideas concerning the appropriate role of nation-states towards (governing) their economies, and the concomitant shift in policies which reflect this intel-

¹See (Frieden & Lake 2017, p.1).

lectual change.²

The concept of the informal sector, invented during the early 1970s, came to be widely circulated over the next couple of decades as an object of study. Imagined as a distinct space (of market based transactions) within the economy, the informal economy became worthy of discussion, measurement and intervention.³ The idea of formal/informal dichotomy in the context of labor and production has existed in texts before 1970. But informality was never construed and treated as a measurable space called the informal sector within the economy of a sovereign nation state. Nor was it a subject that NGOs, international institutions (ILO, WTO, IMF, World Bank, UN), and scholars talk and write about extensively. Policies and policy oriented discussions precisely directed towards the informal sector is thus a recent phenomenon.⁴

These two global changes, as the previous exposition suggests, have happened both in the intellectual and material domains: in thought and in policy. It is surprising that

²Locating its inception in US and UK during the 1970s and tracing its accelerated global proliferation after the cold war, many scholars have commonly understood this transformation as the emergence and eventual international dominance of the ideology of neoliberalism and its attendant (neoliberal) policies, that came to replace, Keynesian ideas and policies of embedded liberalism in place since the second world war. For example it is common in the academic world to encounter statements like “we live in an age of neoliberalism”. See (Palley 2005).

³Although I will get into the particulars of this concept and its intellectual history, for now we can think of informal economy as a space of profit generating productive activities that the state cannot, or finds it difficult to, record and govern, although a vast range of these activities happen without secrecy, and are not involving the production and distribution of illegal commodities. It conventionally imagined to be a space of market oriented economic transactions within the nation-state-economy which the states can't (easily) 'see' from its conventional record keeping methods that are geared towards registering the formal activities. See for example (Paul et al. 2000).

⁴Early work on the expanding nature of the informal sector in global capitalism by (Gershuny 1979) suggests “Governments have three options: they can ignore the informal economy, suppress it, or exploit it. The last appears preferable, but would require some initiatives from the state.” In 2008 we find, a USDA report by the name “Incorporating Understanding of Informal Economic Activity in Natural Resource and Economic Development Policy.” (Gershuny 1979) predicts “Informal economic activity is expanding in the United States and is likely to continue in the foreseeable future.” We can also refer to one of the promises made in the National Common Minimum Programme (and fulfilled) by the United Progressive Alliance (UPA) government after it came to power in the 14th Lok Sabha Elections in 2004. “The UPA government will establish a National Commission to examine the problems facing enterprises in the unorganized, informal sector. The Commission will be asked to make appropriate recommendations to provide technical, marketing and credit support to these enterprises. A National Fund will be created for this purpose.” See (Hindu 2004).

the interrelation between neoliberalism and informality has eluded rigorous study, simply because the politics of governing the economy which is the subject of neoliberal ideas, is logically and simultaneously also a politics of delineating the formal/informal divide within that economy.

In this chapter I concentrate on analyzing neoliberalism with a focus on explaining the contradictory reality where the so called neoliberal states systematically seek to suppress marketable informal enterprise. Through a close reading of the relevant literature I argue that the core principles of neoliberalism cannot be simultaneously satisfied in policy. This theoretical impossibility is manifested, in the politics of policing the formal and informal divide within the economy, often violently, as in my case of informal urban retail. I intend to demonstrate ways in which informality have informed, complicated, and contested the neoliberal ideas of governing the economy. This chapter lays out the theoretical groundwork for understanding neoliberal politics in its relation to the informal economy.

2.2 Conceptual problems

Studying the politics of governing the (in)formal economy in the neoliberal era entails professional hazards, especially if we were to closely evaluate the meaning of the terms ‘neoliberalism’ and ‘informal economy’. One might expect that, ever since their purported birth five decades ago, a cornucopia of material generated by state, non-state, academic, and media actors should have led to, if not an agreement, at least some amelioration in the general confusion regarding the fundamentals of these concepts. However, in reality, that is far from the truth. One can easily demonstrate the contested nature of these ideas, and show that they have all the trappings of being empty signifiers due to the lack of precision and widespread disagreement regarding their conceptualization (in terms of definitions) at the intellectual level, and their observation of empirical referents (in terms of

measurement and usage) at the material level.

2.2.1 Conceptual Problems with Neoliberalism

The term neoliberalism has systematically escaped critical evaluation of its “definition and usage” while there has been explosion in its academic circulation since the 1990s, with very sparse mentions in the 1980s.⁵ Scholars use the word neoliberal to designate certain types of state policies that attempt to reverse social and economic policies put in place in the US and Great Britain after the Second World War.⁶ Some stress that these policy shifts are a manifestation of a larger and more robust underlying thought process, that comes to dominate the philosophical understanding of how states should or do govern the economy after the Cold War. The policy implication of this thought is to dis-embed and liquidate “embedded liberalism,” which had, as the argument goes, come to guide social and economic policies in Europe, England, and North America since the late 1930s.⁷ Neoliberalism as a discourse is also seen to have normalized a particular way of being in, thinking, and talking about the economy of the nation-state. According to this observation neoliberalism has extended its tentacles into the minds and altered the behavior of rulers and citizens. Neoliberalism has “hijacked our vocabulary” argues (Massey 2013), as many of us have come to “embody it” writes (Guthman & DuPuis 2006). Yet with all this enormity in its force, the concept itself remains imprecise. As (Boas & Gans-Morse 2009, p.143) puts it “If there were a scholarly consensus regarding the meaning of neoliberalism, the lack of explicit definitions might not be so problematic. However, scholars’ use of the term does not evidence any such agreement as to what it actually means.”

⁵See (Boas & Gans-Morse 2009).

⁶See (Piven 2007).

⁷“On both the domestic and the international level, neoliberalism has undertaken the destruction of this social order and has restored the strictest rules of capitalism.” writes (Duménil & Lévy 2011, p.1).

2.2.2 Neoliberalism and Asymmetry of Usage

It seems obvious to many that by the first decade of the 21st century an idea called neoliberalism has become dominant throughout the world ever since its inception and inexorable expansion during the last third of the twentieth century. For example, a critical reader on the subject begins by proclaiming “in less than one generation” it has become so “widespread and influential,” in such diverse areas as “economics, politics, international relations, ideology, and culture,” that “we live in the age of neoliberalism.”⁸ As mentioned in the introduction, David Harvey’s historical study of neoliberalism emphasizes its “hegemony” “as a mode of discourse” to be so profound in its global seduction and momentum that “it has pervasive effects on ways of thought to the point where it becomes incorporated into the common-sense way many of us interpret, live in, and understand the world.”⁹ He locates neoliberalism in the activist political takeover of the economic elite, a backlash from the global capitalist class over Keynesian era pro labor policies. Without using the term neoliberalism even once, Francis Fukuyama reiterated his “end of history” claim in a Wall Street Journal essay, in 2014.¹⁰ He championed, western democratic capitalism instead. Fukuyama and Harvey’s work are just a glaring instance of this asymmetry in usage, in the sense that, the term neoliberal is mostly used by scholars who are against the principles that neoliberalism espouses, or against the state policies which seek to operationalize these principles. It is important to briefly address the problem of asymmetric usage of neoliberalism. Critics of neoliberalism associate it with a “more market”¹¹ philosophy that champions “private enterprise and consumer choice, rewards personal responsibility, and entrepreneurial initiative” but decries “the dead hand of the incompetent, bureaucratic and parasitic government that can never do good even if well intended.”¹² This

⁸See (Saad-Filho & Johnston 2005, p.1).

⁹See (Harvey 2007, p.30).

¹⁰See Chapter 1

¹¹See (Larner 2000).

¹²See (Chomsky 1999, p.7).

way of thinking resulted in a radical and unprecedented transformation in state policies on governing the economy “whereby a relative handful of private interests are permitted to control as much as possible of social life in order to maximize their personal profit.”¹³ thus dismantling previous forms embedded liberalism. However, texts that advocate the ideas of governing the economy which are thought to be neoliberal by their critics, never use the term neoliberal. “One compelling indicator of the term’s negative connotation is that virtually no one self-identifies as a neoliberal, even though scholars frequently associate others—politicians, economic advisors, and even fellow academics with this term.”¹⁴ The popular press reports “debates have turned uglier, the word has become a rhetorical weapon, a way for anyone left of centre to incriminate those even an inch to their right. (No wonder centrists say it’s a meaningless insult: they’re the ones most meaningfully insulted by it.)”¹⁵ In 2016 however, the IMF, a much reviled institution among the critics of neoliberalism, startled the intellectual and academic community by publishing an article titled “Neoliberalism: Oversold?”, where (Ostry, Loungani & Furceri 2016, p.38) claimed: “Instead of delivering growth, some neoliberal policies have increased inequality, in turn jeopardizing durable expansion.”

2.2.3 Conceptual Problems with Informal Sector

Conceptual problems plague the scholarship on informal economy as well. The informal economy operates below the radar of the state and its presence is overwhelming. In many countries informal sector far exceeds that of formal sector, where the the norm is informal, and not formal, employment.¹⁶ Although an overwhelming number of studies concentrate on countries outside Europe and North America (excluding Mexico), recent studies

¹³ibid

¹⁴See (Boas & Gans-Morse 2009, p.140).

¹⁵See (Metcalf 2017).

¹⁶See (ILO 2011), (Charmes 2012), and (Bacchetta, Ernst, Bustamante et al. 2009).

have also started to examine informal aspects of the economy in the context of Europe and US as well.¹⁷ Thus informal economy (like neoliberalism) is understood as a ‘global phenomenon’¹⁸ which according to the ILO, “comprises half to three-quarters of all non-agricultural employment in developing countries.”¹⁹ It is quite common to introduce the topic of the informal economy by claiming that “Most jobs in developing countries are found in the informal economy which presents a predominant role within the economy.”²⁰

It is also common to proclaim that “the concept of the informal economy remains inadequate to explain the dynamism of the informal economy in developing countries from its origin, causes and persistence.”²¹ Not only are the definitions of informal sector susceptible to cross national variations,²² scholars have also fiercely disagreed about its role in overall economic wellbeing of nation-states. While some view informal economic activity somewhat positively²³ others view this to have a negative effect and advocates against its expansion.²⁴ and (Farrell 2004) Some studies, following the Arthur Lewis’ Nobel prize winning “dual economy” approach conceptualize the informal economy as a residual of the formal which is, and should be, on its path to extinction. According to this argument a gradual formalization of economic activities, which is in turn an automatic byproduct of modernization and development, will eventually squeeze out informal productive activities.²⁵ Other studies hold a diametrically opposing view and characterize the informal economy to be persistent and increasing.²⁶ As (Kucera & Roncolato 2008, p.321) explains

¹⁷See (Venkatesh 2008), (Hazans 2011) For an account from the press see, (Surowiecki 2013).

¹⁸For quantitative approaches which stress informality to be a global phenomenon see,(Schniede 2006) (Schneider, Buehn & Montenegro 2011). For qualitative approaches, see (Neuwirth 2012).

¹⁹See the ILO webpage on informal economy. (<http://www.ilo.org/global/topics/employment-promotion/informal-economy/lang-en/index.htm>).

²⁰See (Cling, Lagrée, Razafindrakoto & Roubaud 2014, p.3).

²¹(Yusuff 2011, p.625).

²²Since the informal sector manifests itself in different ways in different countries and hence national definitions of the informal sector are not harmonised. See for example, (Hussmanns 2004).

²³See (De et al. 1989).

²⁴See (Levy 2010).

²⁵See (La Porta & Shleifer 2014).

²⁶(International Labor Organization 2002, p.1) find that “Contrary to earlier predictions, the informal

humorously, “There are at least ten publications to date whose titles tell us that informal employment is being “revisited.” With so many visits and revisits, one risks a worn out welcome. Yet disaccord persists on such fundamental issues as the causes and quality of informal employment.”

Given this murkiness one can, somewhat flippantly, analogize neoliberalism and informal economy with ghostly apparitions: they could be everywhere but most disagree about their precise nature and presence. Anyone who uses essentially contested concepts is obligated to clearly situate their understanding. The following two sections I theorize neoliberalism to unearth its inner core.

2.3 Questions of State and Commerce

It is a self-evident truth that the necessary condition for the very existence of territorial sovereign power (*TSP*), (for example, an emperor, a tribal leader, a prince, or our modern state) is the survival of subjects the *TSP* rules over. Irrespective of the consent of the ruled or the lack thereof, it is impossible to imagine an entity with monopoly over violence without anyone in the receiving end. The Leviathan must collapse without the worldly configuration of bodies. We can combine this, with another axiom, that survival of subjects is impossible without production, distribution, and consumption of commodities (agricultural and non-agricultural goods and services) or what I call commerce. So, we must logically conclude from these two axioms that the very reason for the existence of *TSP* is predicated on commerce, in so far as it entails the survival and reproduction of the ruled. No matter what or who is the source of sovereignty, the *TSP* faces two existential questions.

economy has been growing rapidly in almost every corner of the globe, including industrialized countries – it can no longer be considered a temporary or residual phenomenon. The bulk of new employment in recent years, particularly in developing and transition countries, has been in the informal economy.”

Q(A) What is the appropriate role of sovereign power towards domestic and foreign commerce?

Q(B) What is the appropriate role of the sovereign power towards creation and distribution of wealth?

2.3.1 State, Commerce, and Wealth in the *Longue Durée*

In the *longue duree* of political history where rule by coercion rather than consent was often the rule, *TSP*, however localized or centralized it was, assumed a supreme role in governing commercial life. Production and distribution of commodities were micromanaged with a minute calibration of weights, measures, money, taxes, and rate of profit. The appropriate role of the sovereign power was to facilitate, thwart, and advocate every aspect of commercial life till late 17th century.²⁷ During the late 17th century, it was “impossi-

²⁷This can be demonstrated across time and space. I include some historical evidence here.

From around 275 BCE we find Kautilya’s advice “In the happiness of his subjects lies his happiness; in their welfare his welfare; whatever pleases himself he shall not consider as good, but whatever pleases his subjects he shall consider as good. Hence the king shall ever be active and discharge his duties; the root of wealth is activity, and of evil its reverse. In the absence of activity acquisitions present and to come will perish; by activity he can achieve both his desired ends and abundance of wealth. A wise king shall observe that form of policy which, in his opinion, enables him to build forts, to construct buildings and commercial roads, to open new plantations and villages, to exploit mines and timber and elephant forests, and at the same time to harass similar works of his enemy.” See (Shamasastri 1956, p.53, 371).

In classical Greece “The involvement of the state in trade was relatively limited; however, a notable exception was grain. For example, so vital was it to feed Athens’ large population and especially valuable in times of drought, trade in wheat was controlled and purchased by a special ‘grain buyer’ (sitones). From c. 470 BCE the obstruction of the import of grain was prohibited, as was the re-exportation of it; for offenders the punishment was the death penalty. Market officials (agoranomoi) ensured the quality of goods on sale in the markets and grain had its own supervisors, the sitophylakes, who regulated that prices and quantities were correct. Besides taxes on the movement of goods (e.g.: road taxes or, at Chalkedon, a 10% transit charge on Black Sea traffic payable to Athens) and levies on imports and exports at ports, there were also measures taken to protect trade. For example, Athens taxed those citizens who contracted loans on grain cargo which did not deliver to Piraeus or those merchants who failed to unload a certain percentage of their cargo. Special maritime courts were established to tempt traders to choose Athens as their trading partner, and private banks could facilitate currency exchange and safeguard deposits. Similar trading incentives existed on Thasos, a major trading-centre and large exporter of high quality wine.” See (Cartwright 2012)

In the 16th century Machiavelli suggests that, “A prince ought also to show himself a patron of ability, and to honour the proficient in every art. At the same time he should encourage his citizens to practise their callings peaceably, both in commerce and agriculture, and in every other following, so that the one

ble for any man, to bee a states-man, that doth not understand trade in some measure,” and hence in terms of the interest of the state, William Cavendish advised the Prince of Wales, to control trade, discouraging the ones that drain the treasury and encouraging the ones that fill it. Francis Bacon counselled the Duke of Buckingham to discourage trade in luxuries and encourage labor intensive trade that would employ the subjects.²⁸ Commercial life was embedded in the social and religious traditions and political command wielded by *TSP*. Irfan Habib’s seminal work on Mughal India shows that the *TSP* was deeply entrenched in expansion and deepening of commercial activities in South Asia.²⁹ As in South Asia, so in Europe. It appeared to Adam Smith, the primary reason for the ex-

should not be deterred from improving his possessions for fear lest they be taken away from him or another from opening up trade for fear of taxes; but the prince ought to offer rewards to whoever wishes to do these things and designs in any way to honour his city or state. Further, he ought to entertain the people with festivals and spectacles at convenient seasons of the year; and as every city is divided into guilds or into societies, he ought to hold such bodies in esteem, and associate with them sometimes, and show himself an example of courtesy and liberality; nevertheless, always maintaining the majesty of his rank, for this he must never consent to abate in anything.” See (Machiavelli [1532] 2016, p.51)

(Heilbroner 2011, 22, 23) brings us the evidence of the states’ (micro?) management of commercial lives separated by continents and centuries. Roughly around 1550 Germany we find a merchant, Andreas Ryff, “troubled by the nuisances of the times; as he travels he is stopped approximately once every ten miles to pay a customs toll; between Basle and Cologne he pays thirty-one levies.” More remarkably from 1639 Heilbroner documents this incident where the profit motive itself is the source of serious public consternation.

A trial is in progress; one Robert Keayne, “an ancient professor of the gospel, a man of eminent parts, wealthy and having but one child, and having come over for conscience sake and for the advancement of the gospel,” is charged with a heinous crime: he has made over sixpence profit on the shilling, an outrageous gain. The court is debating whether to excommunicate him for his sin, but in view of his spotless past it finally relents and dismisses him with a fine of two hundred pounds. But poor Mr. Keayne is so upset that before the elders of the Church he does “with tears acknowledge his covetous and corrupt heart.” The minister of Boston cannot resist this golden opportunity to profit from the living example of a wayward sinner, and he uses the example of Keayne’s avarice to thunder forth in his Sunday sermon on some false principles of trade. Among them are these: I. That a man might sell as dear as he can, and buy as cheap as he can. II. If a man lose by casualty of sea, etc., in some of his commodities, he may raise the price of the rest. III. That he may sell as he bought, though he paid too dear ... All false, false, false, cries the minister; to seek riches for riches’ sake is to fall into the sin of avarice.

²⁸See (Walter 2013, p.13).

²⁹See (Habib 1969).

istence of *TSP* in violently feudal medieval Europe was the protection and sustenance of commerce and that political sovereignty was embedded in the social-commercial context.³⁰ In fact, for Smith, protection of commerce is the crucial reason behind rise of new *TSPs* (like towns, groups of traders) and consolidation of the power of existing *TSPs* (Kings). Although commercial life was molded and managed through intricate rules and rituals emanating from the divine will of the *TSP* (or the mandate of heaven), the business of ordering business was an uncomfortable concoction to swallow. The *TSP*, as Robert Heilbroner meticulously shows, was also caught up in a contradictory relation with commerce, where the simultaneous need for projecting strength abroad through amassing bullion and a general ethical disdain towards lust for pecuniary gain, often put the noble and the commer-

³⁰“In the infancy of society, as has been often observed, government must be weak and feeble, and it is long before it’s authority can protect the industry of individuals from the rapacity of their neighbours. When people find themselves every moment in danger of being robbed of all they possess, they have no motive to be industrious. There could be little accumulation of stock, because the indolent, which would be the greatest number, would live upon the industrious, and spend whatever they produced. Nothing can be more an obstacle to the progress of opulence.” (Adam Smith’s lecture notes on Jurisprudence) c.f (Weingast 2016, p.4).

cial class in a social relation best described as an acrimonious harmony.³¹

2.3.2 Modern Transformations

The advent of political modernity is often defined by a conceptual transformation in the common sense that the legitimate source of *TSP* is not divine ordinance but public interest or popular will, where the contours of “the public” itself goes through its own violent contestation, with canons and canine, slowly expanding towards universal franchise *de jure*. But such a transformation cannot be understood separately from the slow and violently conflictual advent and consolidation of, what (Heilbroner 2011) calls, the market

³¹Two important extracts from (Heilbroner 2011, p.24-25,34) sum this up succinctly.

The idea of gain, the idea that each working person not only may, but should, constantly strive to better his or her material lot, is an idea that was quite foreign to the great lower and middle strata of Egyptian, Greek, Roman, and medieval cultures, only scattered throughout Renaissance and Reformation times; and largely absent in the majority of Eastern civilizations. As a ubiquitous characteristic of society, it is as modern an invention as printing.

and

An aspect of the political change that was revolutionizing Europe was the encouragement of foreign adventure and exploration. In the thirteenth century, the brothers Polo went as unprotected merchants on their daring journey into the land of the great Khan; in the fifteenth century Columbus sailed for what he hoped would be the same destination under the royal auspices of Isabella. The change from private to national exploration was part and parcel of the change from private to national life. And in turn the great national adventures of the English and Spanish and Portuguese sailor capitalists brought a flood of treasure and treasure-consciousness back to Europe. “He who has gold,” Christopher Columbus said, “makes and accomplishes whatever he wishes in the world and finally uses it to send souls into paradise.” The sentiments of Christopher Columbus were the sentiments of an age, and hastened the advent of a society oriented toward gain and chance and activated by the chase after money. Be it noted, in passing, that the treasures of the East were truly fabulous. With the share received as a stockholder in Sir Francis Drake’s voyage of the Golden Hynd, Queen Elizabeth paid off all England’s foreign debts, balanced its budget, and invested abroad a sum large enough, at compound interest, to account for Britain’s entire overseas wealth in 1930!

system: a society conceived upon “the idea of gain...so firmly rooted that men would soon vigorously affirm that it was an eternal and omnipresent part of human nature.”³²

Because of this twin transformation over the 17th and 18th centuries, the political realm of *TSP* could now be conceptually separated from that of the commercial or the economic.³³ As the economic extricated itself from the socio-political context, and as political power was to be derived from societal rather than heavenly forces, our political-economic modernity ushered a dissolution of the uneasy cohabitation of commercial gain and political sovereignty of previous centuries. A widespread purchase of the idea that, in terms of domestic or foreign commerce the *TSP* was to behave like a commercial enterprise itself and be entrenched in the business of doing business, became fixated in popular prejudice. That the *TSP* should be preoccupied with making a profit for itself (which was to be distinguished from the personal profit of the prince,) was commonsense by the 17th century. For example, Ryan Walter shows an intellectual consensus within the European genre of the Counsel to the Sovereign that generating economic wealth through governing and directing domestic commerce and foreign trade was synonymous to military strength and survival of European *TSPs*. *TSP*'s supreme role in accumulating public

³²It is impossible not to quote this pertinent passage if only to demonstrate the mass hysteria of pursuing gain.

In the world of affairs a new fever of wealth and speculation had gripped Europe. In France in 1718 a Scottish adventurer named John Law organized a wild blue-sky venture known as the Mississippi Company, selling shares in an enterprise that would mine the mountains of gold in America. Men and women fought in the streets for the privilege of winning shares, murders were committed, fortunes made overnight. One hotel waiter netted thirty million livres. When the company was about to topple with frightful losses for all investors, the government sought to stave off disaster by rounding up a thousand beggars, arming them with picks and shovels, and marching them through the streets of Paris as a band of miners off for the Land of Eldorado. Of course, the structure collapsed. But what a change from the timid capitalists of a hundred years before to the get-rich-quick mobs jostling in the Rue de Quincampoix; what a money-hungry public this must have been to swallow such a barefaced fraud! (Heilbroner 2011, p.37-38)

³³See (Heilbroner 2011, p.24).

wealth created conditions and discourses on the projection of political power over other *TSPs*. Above all, keeping peace and maintaining the survival of sovereign territory was paramount. This need was reinforced by the impulse to incessantly frustrate and destroy other sovereigns in search of control over lands and treasures, resources, subjects and hence over commercial activity within those foreign territories.³⁴

Sudipta Sen's meticulous work on 18th century Indian market places reveals that control over the existing spaces and networks of commercial activity and passage remained the primary focus of colonial power. outsourced as it was, to a joint stock company. The reason for existence of the East India company was to gradually insert itself in the nodes of commercial activity and assert (a conflictual and tentative) sovereignty over the space of exchange. For the greater part of the 18th century, the British acquiesced to the idea, that the ruling house of Timur, despite its state of utter disrepair, is ultimately the source of visible, if not legitimate authority."³⁵ After all, as in Britain so in "Hindustan," the commercial enterprise of the Joint Stock Company could not ignore the supreme role of *TSP* in commerce. Even though the market system was being thought and forged out of the socially and politically embedded exchange networks based on rights and obligation dictated and micromanaged by the *TSP*, and even though a new era, where economics and politics

³⁴Hobbes argued in 1651 that circulation of gold and silver and hence commodities "make common Wealths move, and stretch out their armes, when need is, to forraign countries and supply whole armies with provisions." The most telling examples comes from Thomas Mun who, in 1664, was encountering the tension between the Prince's personal wealth and wealth of the kingdom. The prince is advised to measure the vault of treasures not just in terms of net revenues but by value of net exports "lest he impoverish the policy." Contrary to public opinion Mun argues exporting bullion could be exported if the goods and services that were bought could be sold at a higher price, thus increasing the flow of treasure and in fact, a wise prince would not simply store treasure but return it to his subjects in useful ways, by having ships of war built and by creating stores of armament and ammunitions. The *TSP* should make the poor produce luxury items as an import substitution and teach them fishing so that they become involved in long distance sea trade. The 1650 Act of English Parliament established Council on Trade to keep an account of all imports and exports. Towards the end of that century we find proposals of creating another council of trade that will parse the trade balance data to see what costly imports could be discouraged and banned, so that "we might thereunto fit and Adapt Sumptuary Lawes, such as might prohibit at home the Use of Commodities from those Country's(sic) where We Loose in the Balance, and where Trade us hurtful to us." See (Walter 2013, p.29-32).

³⁵See (Sen 2002, p.14).

will be seen as different realms, was ushering in, commercial power, for eminent people like Edmund Burke, had to be derived from or formally sanctioned by the *TSP*. International commerce carried on by the company stood on two legs, which “were the charter endowed by the crown and authorized by the act of parliament” and “the second derived from the collective charters and grants bestowed on the company by the Moghul Emperor, particularly the great Charter by which they acquired the High Stewardship of the Kingdoms of Bengal, Bahar, and Orissa in 1765.”³⁶ As classical political economy of the Smithian form slowly started to draw the economic sphere in isolation from its socio-political and religious context, the colonial imperative “to promote a self-regulated economy in a society where market places and their patrons were a part of an extended social and political landscape” fomented “conflict over marketplaces” between the company officials and the existing *TSPs*.³⁷

This was not simply a problem within the colonies, as Robert Heilbroner shows in the European context, birth pangs of the market system was enormously disruptive as well. What is important to note is that a product of that transformation was not the depreciation of *TSP* in favor of private commercial enterprise, but rather the realization that the *TSP* should also behave like a commercial (profit making) entity, or more accurately the supreme commercial entity, and learn the tricks of trade to increase its own revenue. Seen

³⁶Even when the Moghul Emperor lost effective power, his sovereignty was in a way invoked in order to validate the source of legitimacy of the Company. “For when the company acquired that office in India, and English corporation became an integral part of the Moghul Empire.” See (Sen 2002, p.15).

³⁷For “Precolonial rulers in India it was much more important for ruling houses to be able to display rights over people and goods and thus partake in the creation of affluence.” The East India Company, driven as it was by the need for profits coincidental to the mercantilist policies of the Georgian fiscal military state, came in constant conflict with “these various overlapping authorities and obligations along with the demand of the administrative and religious households, [that] constituted the world of exchange characterized by multiple domains.” Thus the colonizing state became preoccupied with the “sequestration of the indigenous marketplace from its traditional lineage. When the officials of the Company became, through legitimacy of conquest, the ideologues of a colonial state, the protean nature of authority in exchange was seen simply as the tyrannical exploitation of commerce and thus was made the object of reform, regulation, and appropriation for the (larger and rightful) share of the state revenue.” (Sen 1998, p.10-18).

differently, political modernity then can be defined by the moment where the commercial classes and their thoughts gripped the public imaginary and power. The uneasy cohabitation of acrimonious harmony between commerce and *TSP* was transformed to active participation in accruing commercial gain. I need not go into the global history of thought regarding the role of sovereign power, commerce, and wealth, because it is not necessary for the distillation of concepts concerning neoliberalism. However, it is important to note that the political and economic modernity ushered in a *TSP* whose legitimacy was not only to be derived from popular will, but also from the collective gain it can muster for all its citizens by engaging in profit making itself. The only difference was that, for the *TSP* to be profitable, it had to shed its general disposition of bellicosity towards commerce and orient state power to manage commerce in a way that increases the collective wealth and expands the treasury.

In the context of mid twentieth century, Timothy Mitchell has shown how this modern distinction of the political and economic spheres solidified further into the contemporary (post second world war) commonsense term: “the economy.”³⁸ I have argued before, the idea of “the economy” provides the marker of certainty for the modern *TSP* based on popular will and solves the radical problem of legitimacy ensuing from the dissolution of transcendental markers sovereignty. During the second world war “the economy” emerges as the primary space of legitimation of state power. The primary source of legitimacy of modern *TSP* would now depend upon its ability to improve “the economy.” But its existential need to provide answers to those age-old questions $Q(A)$ and $Q(B)$ remain as pertinent as before. I situate neoliberalism within this theoretical and historical context, as a set of ideas that (like Mercantilism, Liberalism, Marxism, and Keynesianism) primarily attempt to answer those questions.

However, since the locus or language of analysis has now shifted focus to the idea of

³⁸See Chapter 1 of this work

economy, we can reformulate our questions in the contemporary context as

(Q1) What is the appropriate role of TSP towards the national economy?

(Q2) What is the appropriate role of the sovereign power towards creation and distribution of national wealth?

In what follows I will analyze the literature on neoliberalism in the way it answers these two questions and distill the core elements of the neoliberal discourse.

2.4 Core Components of Neoliberalism

In 1926, John Maynard Keynes pronounced the swan song of Laissez Faire in an essay straightforwardly titled “The end of Laissez Faire.” Here he claimed the doctrine’s insistence “that individuals acting independently for their own advantage will produce the greatest aggregate of wealth, depends on a variety of unreal assumptions,” and clearly spelled out the role of the state towards the economy as follows.

I come next to a criterion of agenda which is particularly relevant to what is urgent and desirable to do in the near future. We must aim at separating those services which are technically social from those which are technically individual. The most important Agenda of the State relate not to those activities which private individuals are already fulfilling, but to those functions which fall outside the sphere of the individual, to those decisions which are made by no one if the State does not make them. The important thing for government is not to do things which individuals are doing already, and to do them a little better or a little worse; but to do those things which at present are not done at all. (Keynes [1926] 2010)

In the next two decades, catalyzed by economic depressions, second world war, and widespread (yet partial) decolonization, popular and academic support for “free market thinking” in the western and non-western worlds evaporated, and the role of *TSP* was seen to be not just as an eminent business entity (like that of the previous order), but also

as a redistributive business entity. Keynes observes the popular reaction against contemporary role of state inaction towards economic well being of its subjects.³⁹ The literature that is critical of neoliberalism unanimously locates its germination in the collective distrust and skepticism among an increasingly marginalized and predominantly transatlantic group of economists who remained, against the popular, perhaps Keynesian current of the inter-war period. As free market advocates they were automatically opposed to state planning and Keynesian measures of fiscal spending for economic justice. Primarily based out of the London School of Economics and the University of Chicago, they found their free market advocacy sequestered within small academic bubbles. Namely, within Hayek's elite Mont Pelerin Society(MPS) launched from a Swiss mountain village of the same name in April 1947. In 2012 the society claimed to have 699 members and that "it has no official views, formulates no policies, publishes no manifestos. . . It does not even try to reach agreement in its discussions; no votes are taken, and to promote frank argument, its proceedings go unreported."⁴⁰ The critical literature is correct in locating the reactionary im-

³⁹In his criticism of a sort of dogmatic capitalism he says,

Many people, who are really objecting to capitalism as a way of life, argue as though they were objecting to it on the ground of its inefficiency in attaining its own objects. Contrariwise, devotees of capitalism are often unduly conservative, and reject reforms in its technique, which might really strengthen and preserve it, for fear that they may prove to be first steps away from capitalism itself. Nevertheless, a time may be coming when we shall get clearer than at present as to when we are talking about capitalism as an efficient or inefficient technique, and when we are talking about it as desirable or objectionable in itself. For my part I think that capitalism, wisely managed, can probably be made more efficient for attaining economic ends than any alternative system yet in sight, but that in itself it is in many ways extremely objectionable. Our problem is to work out a social organisation which shall be as efficient as possible without offending our notions of a satisfactory way of life.(Keynes [1926] 2010)

⁴⁰Although expressly non-political the society boasts an impressive roster of members who are politically influential.

Some have become senior government ministers (such as Sir Geoffrey Howe of the United Kingdom, Antonio Martino of Italy, Ruth Richardson of New Zealand, and

pulse of MPS against the dominant ideas of state intervention in the economic life of individuals that became politically salient after the second world war. According to its self description posted on its website the initial members of MPS wanted to rejuvenate liberalism in the “European sense” of the term.⁴¹ In the official historical narrative available from the MPS website, (Butler 2012, p.1) claims, “the original members, shared a common sense of crisis – a conviction that freedom was being threatened and that something should be done about it.” According to this official history the MPS has been successful in this battle against state intervention in economic life of its subjects, even though still somehow claiming to remain unequivocally against political action. (Butler 2012, p.2-3) maintains,

The Society’s contribution to world affairs is its provision of a forum for debate, discussion, study and self-education among its members, not through political action...The Society has played a crucial role in that battle. It has done more than just keep liberal ideas alive; it has expanded and deepened liberal philosophy and spread liberal thought across the globe. Equally profound and even more subtle has been the strength, courage, friendship, learning and ideas that members draw from each other. And as members of the Society, liberals who may otherwise feel intellectually isolated and overwhelmed can take strength from the realization that they are not alone in their views...And new liberal ideas are taking hold. A score of countries are replacing their old state-run Ponzi-scheme pension systems with individuated private pension accounts, like those designed by Chile’s Labor minister (and Society member), Jose Pinera. School choice and school vouchers, an idea rediscovered and popularized by Friedman, are reforming and improving education in many more places.

George Shultz of the United States) or senior officials (e.g. former Federal Reserve Chairman Arthur Burns). A few have even become presidents or prime ministers (among them Ludwig Erhard of Germany, Luigi Einaudi of Italy, Mart Laar of Estonia, Ranil Wickremasinghe of Sri Lanka and Václav Klaus of the Czech Republic). And others, including academics, educators, journalists, authors, businesspeople and many in policy research institutes, have wielded influence in other ways. But they have done all this as individuals, not as representatives of the Mont Pelerin Society. The Society’s contribution to world affairs is its provision of a forum for debate, discussion, study and self-education among its members, not through political action.(Butler 2012, p.1)

⁴¹This is an important distinction that MPS members want to clarify time and again. It is emphasized elsewhere in their website. below the Statements of Aim, it says, “Here, liberal is used in its European sense, broadly epitomized by a preference for minimal and dispersed government, rather than in its current American sense which indicates the opposite preference for an extension and concentration of governmental powers. See (MPS 1947).

Property rights are being restored and business paperwork scaled back in large parts of South America, thanks to Peruvian economist and Society member Hernando de Soto.

According to the same document Lionel Robbin's of The London School of Economics (LSE) wrote the statement of aims which "remains the guiding statement to this day." for the sake of clarity I reproduce parts of the statement below with added emphasis for the purpose of our analysis.

The central values of civilization are in danger. Over large stretches of the Earth's surface the essential conditions of human dignity and freedom have already disappeared. In others they are under constant menace from the development of current tendencies of policy. *The position of the individual and the voluntary group are progressively undermined by extensions of arbitrary power.* Even that most precious possession of Western Man, freedom of thought and expression, is threatened by the spread of creeds which, claiming the privilege of tolerance when in the position of a minority, seek only to establish a position of power in which they can suppress and obliterate all views but their own. The group holds that *these developments have been fostered by the growth of a view of history which denies all absolute moral standards and by the growth of theories which question the desirability of the rule of law.* It holds further that they have been fostered by a decline of belief in private property and the competitive market; for without the diffused power and initiative associated with these institutions it is difficult to imagine a society in which freedom may be effectively preserved. The group does not aspire to conduct propaganda. It seeks to establish no meticulous and hampering orthodoxy. *It aligns itself with no particular party. Its object is solely, by facilitating the exchange of views among minds inspired by certain ideals and broad conceptions held in common, to contribute to the preservation and improvement of the free society.*⁴²

Again we see, although the reactionary nature to increasingly dominant ideas about the role of the *TSP* as a redistributive business entity, centralizing interventionist, etc. is obvious, it is "liberalism in the European sense" and not neoliberalism the MPS wants to keep alive. But according to its self-representation it is strangely at odds with itself. First, there is a general discomfort with political affiliations, political action, or politics in general while taking the task of fighting an intellectual battle concerning centuries old political concepts like liberty and liberalism, not to mention, many of their members are

⁴²See (MPS 1947).

politicians. Second, the texts are completely silent about the uncomfortable coexistence of European liberalism with imperialism and colonization, capitalism and slavery, or the ideological support it provided for shaping these institutions. Third, it is indeed ironic to note that original founders were lamenting the death of freedom in a precise moment in history, when millions of people in South Asia were celebrating freedom from the political control of the European *TSPs*. India in 1947, for example, with its 400 million people upheld the rubric of private property, electoral democracy, in a continent which had two significant communist states. Yet the members felt “the precious possession of western man” is plummeting into the nadirs of illiberalism. And finally, although any authoritarianism either from left or the right is decried as a principle, this narrative always remains conspicuously and perhaps tellingly silent about overwhelming journalistic and academic work on the unfree rule of various pro-market right wing governments in Latin American and other countries, where the pro-market forces came with profoundly unfree policies of violent suppression of rightful dissent and undemocratic coups of democratically elected governments, extra-judicial killing, not to mention unbelievable human misery and deprivation.

These elements of contradiction, systematic omission, the apolitical approach, and general lack of direction, clarity, or label, championed by this group, is a boon in disguise because one can explain such a contradictory dissociation with politics as a function of the historical context in which it was produced and the internal logic of their ideas. As (Burgin 2012, p.10) argues, “in the interwar and the early post-war years ‘neoliberalism’ held a valence, on the rare occasions when the term was employed, that diverged significantly from that associated with it today.” It was a grim historical moment for a group of free market advocates where they couldn’t see themselves as conservatives and yet in popular imagination they were construed as such. They couldn’t be liberals either because in the popular imagination meaning of liberalism, meant a large redistributive state, which was in opposition to their understanding of the same. In fact, Hayek himself became in-

creasingly frustrated with the world around him where the meanings of words like “liberalism” and “democracy” became incoherent. The members of the society almost certainly despised “conservatism” as an idea that resists change, because the chains of an emerging and increasingly consolidated redistributive state (something that was being forged for the first time in human history over the ashes of worldwide economic and human misery) is what they wanted to break asunder. However, in popular imagination “their council of quietism” was the status quo itself which the *TSP* wanted to change in the middle of global economic misery. The word liberalism on the other hand was a double-edged sword. To the members it reflected the Smithian ‘common sense’ of “free market” political economy, and the glories of capitalist enterprise. But in popular prejudice it signified the commonsense legitimate authority of the *TSP* in safeguarding positive liberties like freedom from basic needs, which the MPS members *prima facie* rejected as the epitome of aggression on negative liberties of private property. Cordoned off as they were within tiny academic cliques in LSE and Chicago and without many allies, mired by confusion rather than clarity. Angus Burgin points out

The conversation circled relentlessly back on the question of what term might serve as a formal designation, and “liberalism”, “neoliberalism”, “individualism”, “laissez-faire”, and “liberalism of the left” were all variously raised and rejected. The continual focus on matters of wording...which might seem at first consideration trivial, attested to the importance of developing a single rubric to encompass the various members of an ideological group.⁴³

Even Milton Freedman, who the critics of neoliberalism have positioned as an icon of neoliberal thought recalled later that the proposition: “you just have to let the bottom drop out of the world” was not a convincing argument to him and many other in the MPS at that time. He concluded that by encouraging a “do-nothing policy both in Britain and the United States,” Hayek and Robbins “did harm.”⁴⁴ Henry Simons and Frank Knight

⁴³See (Burgin 2012, p.65).

⁴⁴By this time Hayek’s own work has considered dated and he himself confirmed this outlook was prevalent among younger economists. See (Burgin 2012, p.30).

held similar views as well, and were publicly critical of the anti-statist stance of Lionel Robbins and Ludwig von Mises.⁴⁵

Even though there were no appropriate singular label to encompass the diversity of opinions regarding a just society, we can argue that one of the core elements of the underlying unity of the thought was unanimously against totalitarianism and even if in an uneasy manner in favor of liberalism “in the European sense.” The role of the *TSP* was to uphold a charter of negative individual liberties against any kind of collective claim, and refrain from governmental intervention in the automatic functioning of the price system, the system of private property, and the system of capital/profit accumulation.⁴⁶ As Hayek explains in *Road to Serfdom*:

It is necessary in the first instance that the parties in the market should be free to sell and buy at any price at which they can find a partner to the transaction, and that anybody should be free to produce, sell, and buy anything that may be produced or sold at all. And it is essential that the entry into the different trades should be open to all on equal terms, and that the law should not tolerate any attempts by individuals or groups to restrict this entry by open or concealed force. Any attempt to control prices or quantities of particular commodities deprives competition of its power of bringing about an effective co-ordination of individual efforts, because price changes then cease to register all the relevant changes in circumstances and no longer provide a reliable guide for the individual's actions.⁴⁷

It is important to note that these ideas are indeed very similar to the standard early-to-mid 19th century thinking in political economy that Keynes is critical of and sets out

⁴⁵For example Henry Simons' thought Ludwig von Mises's and Lionel Robbins' ideas of minimalist state were “fanatically extreme.” “We confront a picture of laissez faire bordering on the conception of a worldwide anarchist utopia...a vision of universal freedom and brotherhood, if only governments would cease from troubling and politicians go out and die, except for police functions.” Concerned about the moral implication of the model of economic man he calls the construct it “selfish ruthless object of moral condemnation.” He is clear that “Market societies encourage such undesirable behaviors while discouraging the production of values not reflected by the price mechanism. “In a social order where all values are reduced to the money measure in the degree that this is true of modern industrial nations...a considerable fraction of the most noble and sensitive characters will lead unhappy and even futile lives.” c.f. (Burgin 2012, p.33-36).

⁴⁶As (Burgin 2012, p.58) puts it “However halting and imperfectly considered, their actions cultivated a sense of solidarity and developed networks of communication that persisted beyond the collapse of the institutions they built. The sense of crisis that brought them together would continue to inspire their shared project long after its specific conditions had fallen away.”

⁴⁷See (Hayek [1944] 2014, p.38).

to debunk in his aforementioned essay.⁴⁸ Keynes demonstrates that such a line of argument which claims to provide a scientific justification of a non-interventionist state (based on the conviction that social and private interests are necessarily harmonious), has fallen out of favor by the late nineteenth century. “Scarcely a single English economist of repute,” Keynes writes, “will join in a frontal attack upon Socialism in general.” According to Keynes, even the forceful advocates of laissez-faire were declaring “the maxim of laissez-faire has no scientific basis, but at best a handy rule of practice.”⁴⁹ In fact, Keynes shows in detail throughout the essay that in his contemporary times “the general opinion that an individualistic laissez-faire is both what they ought to teach and what in fact they do teach” was orthodox thinking based on misreading of important authors, but more importantly a function of political developments of the 18th and 19th centuries.⁵⁰

In some sense Keynes saw Hayek and others to be perpetuating an increasingly debunked dogmatic and orthodox political economy which, contrary to the claim of its advocates, was not scientific. However, Hayek was making a point that was similar to the laissez-faire of the last centuries, yet quite radically different from a simple return of the *TSP* to nineteenth century role of a business entity that is its hostile to commerce, and allows commercial activity to take its own form. Like Hayek, Milton Friedman in his 1951 essay *Neo-Liberalism and its Prospects* also forcefully makes the case that the “collectivist belief” the state can “remedy all evils itself” is a reaction to the erroneous philosophizing

⁴⁸For example Keynes writes,

“By 1850 the *Easy Lessons for the Use of Young People*, by Archbishop Whately, which the Society for Promoting Christian Knowledge was distributing wholesale, do not admit even of those doubts which Mrs B. allowed Caroline occasionally to entertain. ‘More harm than good is likely to be done’ the little book concludes, ‘by almost any interference of Government with men’s money transactions, whether letting and leasing, or buying and selling of any kind.’ True liberty is ‘that every man should be left free to dispose of his own property, his own time, and strength, and skill, in whatever way he himself may think fit, provided he does no wrong to his neighbours’. In short, the dogma had got hold of the educational machine; it had become a copybook maxim.” See (Keynes [1926] 2010, p.278)

⁴⁹See (Keynes [1926] 2010, p.282).

⁵⁰For example he states unequivocally that, “the divine or scientific harmony (as the case might be) between private interest and public advantage pointed to laissez-faire. But above all, the ineptitude of public administrators strongly prejudiced the practical man in favour of laissez-faire.”

about the role of the state towards commerce. 19th century orthodoxy was, according to Friedman “a negative philosophy,” because it posited that the state actions were by default detrimental to commerce. As a result, “this philosophy assigned almost no role to the state other than the maintenance of order and the enforcement of contracts,” leaving open the possibility of collusion among “private individuals” to “usurp power” and “effectively limit the freedom of other individuals.” According to Friedman’s understanding, 19th century thought championed laissez-faire for its own sake: “Laissez-faire must be the rule.” this disposition failed to consider market failures: “some functions that the price system could not perform.” Yet the provision of these functions were the necessary conditions for the price system to “discharge effectively the tasks for which it is admirably fitted.” “A new faith,” “the doctrine sometimes called Neo-liberalism,” Friedman claims, avoids the errors of the 19th century thinkers. While recommending a “severe limitation” on state power “to interfere in the detailed activity of individuals”. According to Friedman, the doctrine of neoliberalism also recognizes “important positive functions that must be performed by the state.” But what exactly are these positive functions? Friedman replies

Neo-liberalism would accept the nineteenth century liberal emphasis on the fundamental importance of the individual, but it would substitute for the nineteenth century goal of laissez-faire as a means to this end, the goal of the competitive order. . . . The state would police the system, establish conditions favorable to competition and prevent monopoly, provide a stable monetary framework, and relieve acute misery and distress. The citizens would be protected against the state by the existence of a free private market; and against one another by the preservation of competition.⁵¹

It is evident from the text that neoliberalism doesn’t seek to nullify the role of the *TSP* in the realm of economic activities, but to realign it towards competition. For example, Hayek doesn’t debunk the rational planning of experts; after all he maintains that “an economist” is the last person to “object to planning in a general sense,” as in a nominal fashion “everybody who is not a complete fatalist is a planner.” After all, “every political

⁵¹See (Friedman 1951).

act is (or ought to be) an act of planning,” which could be “good or bad,” “short-sighted or fore-sighted.” But he distinguishes his idea of planning in opposition to what he calls “modern planners” “who demand a central direction of all economic activities according to a single plan, laying down how the resources of society should be ‘consciously directed’ to serve particular ends in a definite way.” This opposition, he warns, is not to be conflated with a “dogmatic laissez-faire attitude,” because after all the “liberal argument” is “not an argument for leaving things as they are,” but the best way to harness “forces of competition as means of coordinating human efforts.” Oddly enough, it seems this “liberal argument” might not even be an actual argument after all, but rather based “on the conviction that where effective competition can be created, it is a better way of guiding individual efforts than any other,” and competition is superior because “in most circumstances it is the most efficient method known” such that “our activities can be adjusted to each other without coercive or arbitrary intervention of authority.”⁵² One is also not sure why and if competition based on pecuniary motive necessarily encompass the entire idea of just society. But for this liberal conviction to work, the *TSP* should act as a planner who institutes a deliberate and rational planlessness by creating and enforcing the legal system that serves the purposes of efficient market competition. After all, planning for competition “does not deny, but even emphasises, that, in order that competition should work beneficially, a carefully thought-out legal framework is required.”⁵³ Notice that this framework is agnostic about the source of such a pro-competitive legal system, and the process by which it will be implemented. It doesn’t require any particular form of government or political party. In theory this legal system is entirely compatible with an undemocratic government. Logically, the legal design must be conceived by an all-knowing mind that is convinced about the superiority of competition and comes to the realization that

⁵²See (Hayek [1944] 2014, 38).

⁵³See (Hayek [1944] 2014, p.36).

the market itself is the all-knowing mind. This realization, that the total of social reality can and ought to be modeled on market competition, cannot be however itself subject to the market forces of ideas, it is an a-priori condition, which produces society in the image of competition, but is not produced by it. He maintains that “an effective competitive system needs an intelligently designed and continuously adjusted legal framework as much as any other.” Here we see a striking similarity to the Freiburg School of post war Germany, or what is more commonly known in the literature as Ordo-Liberals. Foucault indicates in his lectures that this school of thought was convinced about “anti-naturalistic conception of the market”- that market competition is not driven by natural laws which a *TSP* needs to uncover only to keep untouched. Rather, for Ordo-liberals, market competition must be instituted and maintained by the *TSP*, through incessant and active politics of fine tuning.⁵⁴ Planning has not vanished, human interactions ought to be shaped, controlled and planned by the all-knowing *TSP* who knows that only market is the all-knowing mind that preserves individual liberty. To put it differently the ambit of individual liberty posits the right to participate and engage in fair market competition to be most important of all: all rights in this political system are not made equal. Based on understanding, the

⁵⁴To use Foucault:

In this view, like the market, competition, too, is not a natural fact always already part and parcel of the economic domain. Instead, this fundamental economic mechanism can function only if support is forthcoming to bolster a series of conditions, and adherence to the latter must consistently be guaranteed by legal measures. Pure competition is therefore neither something that exists ‘naturally’ nor is it something ever completely attained, but provides the justifications for a projected target which necessitated incessant and active politics. In such an approach there is no room for a conception that distinguishes between a limited domain of liberty and the legitimate domain of government intervention. Unlike this negative conception of the state typical of liberal theory in the eighteenth and nineteenth centuries, in the Ordo-liberal view, the market mechanism and the impact of competition can arise only if they are produced by the practice of government. The Ordo-liberals believe that the state and the market economy are not juxtaposed but that the one mutually presumes the existence of the other.

See (Lemke 2001, p.193).

TSP sets out to institute the omnipotence of markets by creating a legal system which structures society for the primary purpose of maintaining and/or imposing competition. Seen in this way the *TSP* is subsumed under, or made subservient to the sovereignty of value-free market forces. Insofar politics is concerned with the idea of the good and bad in collective life, neoliberalism robs politics of its political content, one can say it is politics without politics, it is politics for the sake of “successful competition.” According to (Friedman 1951, p.43) “planning and competition can be combined only by planning for competition, not by planning against competition. The planning against which all our criticism is directed is solely the planning against competition.” Moreover Hayek also makes an exactly similar point when he writes

Neither the provision of signposts on the roads, nor, in most circumstances, that of the roads themselves, can be paid for by every individual user. Nor can certain harmful effects of deforestation, or of some methods of farming, or of the smoke and noise of factories, be confined to the owner of the property in question or to those who are willing to submit to the damage for an agreed compensation. In such instances we must find some substitute for the regulation by the price mechanism. But the fact that we have to resort to the substitution of direct regulation by authority where the conditions for the proper working of competition cannot be created, does not prove that we should suppress competition where it can be made to function.⁵⁵

The government is relegated to the accomplishment of mundane chores like an obedient disciple in a road to being serfs of market competition: “to prohibit the use of certain poisonous substances, or to require special precautions in their use, to limit working hours or to require certain sanitary arrangements.” The provision of an “extensive system of social services” by the *TSP* are entirely compatible with competition “so long as the organisation of these services is not designed in such a way that makes competition ineffective over wide fields,” and only if “the advantages gained are greater than the social costs.”⁵⁶ Since the market itself, as Wendy Brown notes, becomes the “organizing and regulative principle of the state and society” the *TSP* is supposed to become a competitive business

⁵⁵See (Hayek [1944] 2014, p.40).

⁵⁶See (Hayek [1944] 2014, p.39).

entity itself, competing with other similar TSPs for wealth and resource, and subjecting itself to the game of market driven accumulation, along with the individuals over which it rules. The legitimacy of the sovereignty of the *TSP*, is now to be derived only from its ability to propitiate and increase economic activity and its ability to act as a successful economic unit in a world market populated by other *TSPs*. Legitimate authority of the state should only be evaluated in terms of a narrow concept of economic growth.⁵⁷ We will return to the effects of this thinking on the politics of our times. For now, it is sufficient to note that Hayek's liberal prescription of the role of state towards the economy is different from that of classical liberalism. The state here takes as an active role by instituting and maintaining market competition rather than passive nonintervention in existing markets. At the same time, the *TSP* also seeks to subject its sovereignty to market forces by enforcing the legal framework that privileges competition and allows pecuniary motives to be the main driver of distribution of resources. In this sense, the *TSP* seeks to become a competitive business entity itself, constantly competing with other *TSPs* to attract business and wealth towards its boundaries, and constantly reformatting its legal system to serve this purpose of the international market. Thus, the members of the MPS, or what Mirowski calls the "Neoliberal Thought Collective,"⁵⁸ universally shared a commitment to profess a societal transformation where the rule(r) of law protects negative individual freedoms against collective claims, putatively the most important freedom of all, the right to buy and sell goods and services without hindrance at market driven prices. The *TSP* is charged with enforcing this legal framework compatible with private property and material gain. In a way, it is sort of a liberalism lite, where the role of the *TSP* towards positive aspects of liberty is delegitimized, or positive liberty is seen to be a function of the proper enforcement of the narrowly defined negative ones. In this limited role, the *TSP* should

⁵⁷See (Brown 2015, p.41).

⁵⁸See (Mirowski & Plehwe 2015).

also make itself profitable, by withdrawing from spending and orienting itself to competitive accumulation with other *TSPs*. This form of liberalism can also be called “authoritative liberalism” where the *TSP*’s role in the protection of negative rights, is emphasized a priori in an opposition to claim of positive rights, (for example right to livelihood, right to livable wage, right to education). More importantly within the roster of negative rights it accords the right to market participation, or rather right to markets where they don’t exist, a hierarchically superior position.

This thought process is robust enough to be reiterated several times in the historical narrative available at the MPS website. For example, in the context of 2012 General meeting (“a glittering affair” in the Prague Castle, hosted by the President of the Czech Republic, and MPS member Vaclav Klaus) it is noted that, more than two decades after the disintegration of the Soviet Union

Members had become acutely aware of “liberalism’s manifest inability to translate its intellectual victories into political victories that seriously roll back the size and power of the socialist welfare state,” as Feulner had put it. “Ideas,” he had told the special 50th anniversary gathering in Mont-Pèlerin, “are decisive, but not self-implementing.” Big government had been discredited intellectually, but government was still bigger than ever; central planning had been abandoned, but a mass of suffocating regulations had filled the interventionist void. Soviet socialism might have ended, but there were new threats to freedom – and the Prague meeting focused on the growing politicization, regulation and centralization of the European Union, and the single European currency that was raising tensions between countries and making the post-crash economic adjustment much more difficult.⁵⁹

We can thus isolate three core principles of neoliberalism that provides answers to the age old existential questions (*Q1-Q3*) regarding the relation between sovereign power and commerce.

Principle 1 (P1) *The TSP should enforce fair market competition and impose market structures where there is none. The legal framework should be planned and implemented primarily towards this goal of marketization.*

⁵⁹See (Butler 2012, p.22).

Principle 2 (P2) *The TSP should reduce spending by withdrawing from welfare and re-distribution functions, and must bring in more than it spends.*

Principle 3 (P3) *The TSP should orient itself to the role of a competitive business entity which primarily strives towards increasing the rate of accumulation within its borders, constantly vying with similar other TSPs in a world of markets.*

Such a theoretical construct is predicated upon an ideal type model of human behavior. After all, it will be individuals who will compete. Market competition is dependent on the ideal subject who is required to keep the competition alive by conforming to the model of rational calculation, advertently or inadvertently striving at all waking moments to maintain their positive net benefits. The disease of market failure that both Hayek and Friedman want the state to cure, preferably using the price system, logically arises from the utility maximizing model of rational behavior that the individuals are assigned to. Re-counting the history of neoclassical marginal revolution in Economics and its characterization of human nature is beyond the scope of this project, but it suffices to say that it simplifies human rationality to only include “market rationality”. The ideal type individual should only possess pecuniary motivation, or to use Wendy Brown’s phrase “the human being configured exhaustively as homo oeconomicus”.⁶⁰ Gary Becker’s understanding of marriage is an illuminating example:

According to the economic approach, a person decides to marry when the utility expected from marriage exceeds that expected from remaining single or from additional search for a more suitable mate. Similarly a married person terminates his (or her) marriage when the utility anticipated from becoming single or marrying someone else exceeds the loss of utility from separation...Since many persons are looking for mates, a market in marriages can be said to exist: every person is trying to do the best he can, given that everyone else in the marker is trying to do the best they can.⁶¹

The rational subjects then look at all aspect of their lives through market rational-

⁶⁰(Brown 2009, p.40) Also see (Brown 2003).

⁶¹See (Becker 1990, p.10).

ity or behave in a way as if everything should be filtered through a cost benefit calculator. The legal framework that the activist *TSP* is supposed to constantly “fine tune” for the chorus of competition will logically reward this behavioral norm. I argue that taken to its logical limit, the universal competitive order that neoliberalism envisions and prescribes, posits an accumulative individual at its center and endows it with moral authority. In the neoliberal scheme of things comprehending all of life within a network of competition for scarce resources and behaving in a rational fashion to accumulate is a good thing to do. In this way, the individual is nothing but a microcosm of the *TSP*, both are in the service of the market, both need to accumulate to be remain legitimate entities in each other’s eyes, and both need to be protected from each other. In this interpretation of neoliberalism, political parties wouldn’t, and more importantly, shouldn’t make a difference to the role of the state. The ideal individual’s rights to participate in competition without impediments, which the intelligent design of the *TSP* will protect by deploying an appropriate legal system, must be matched with corresponding moral duties to compete in the service of personal accumulation. It is impossible not to see the similarity of all this to the student Caroline, (in Mrs. Marcet’s *Conversations on Political Economy* from 1817, c.f. Keynes) who initially in favor of “controlling the expenditure of the rich” conceded and conceives “that the interest of nations, as well as those of individuals, so far being opposed to each other, are in perfect unison.” But the moral that Caroline received from the educator is strikingly different from the “accumulation as moral action” that I argue is the true essence of the MPS synthesis. To Mrs.B. “the superiority of science over mere practical knowledge” activates “liberal enlarged views” that “teach us to cherish sentiments of universal benevolence towards each other.”⁶² Such an option of benevolence is not available to “the last man” at the end of Fukuyama’s history. His motive is still same as that of the *TSP* but now they are both endowed with the moral duty to accumulate, or strive for accumula-

⁶²See (Keynes [1926] 2010).

tion, through engaging in competition with other similar entities. The territorial sovereign power is just an individual who competes to grow.

How does this normative prescription pan out in the real world? After all, global politics has undergone tectonic transformation since the first five decades of the of the 20th century. Fomented by steady decolonization and the spectacular Soviet disintegration, we live in a fundamentally different world, made unrecognizable, unfathomable, inconceivable to our late nineteenth and early twentieth century thinkers. In the face of new industrial revolutions in the forces of production through marvels of electronics and computational power, the steady acceleration of world trade in goods and services, and the tentacular growth and embedding of the power of international institutions displacing the older imperial orders, what are the practical implications of such an intelligent design that orients the TSP towards the reification of market sovereignty? Here it is not my intention to rehearse the ways in which neoliberal thought, after languishing decades in academic trenches, achieved its political victory in Anglo-American domestic politics by the Reagan-Thatcher-Right only to be consolidated and furthered by the Clinton-Blair-Left. It only suffices to note the underlying stability of some new common-sense notions of legitimate role of the *TSP* towards “the economy” fixated in contemporary popular imagination. Bringing together theoretical works of Timothy Mitchell, Claude Lefort, and Thomas Blom Hansen I have argued before that the idea of “the economy”⁶³ came to solve the problem of radical indeterminacy of power in modern nation-states.⁶⁴ During the gradual

⁶³An objective, asocial, and apolitical space; a natural reality with its own laws to be discovered through observation and measurement; a space mapped onto the body of each nation-state; a space continuously represented through popularized measures of worth, health, growth based on which the nation-state-economies could be constantly categorized and ordered like one can order and categorize individuals based on their basic metabolic rates; a space, although amenable to human intervention, normally understood to be incompatible to ethical judgments since it is like the natural world. See (Mirowski 1989), (Mitchell 1998), (Walter 2013).

⁶⁴“The economy” took the position of “the divine” in the sense that, legitimacy of ruling would be primarily predicated upon the rulers’ ability to nurture and govern the economy instead of the legitimacy predicated on divinely ordained powers or divinely ordained imperial powers which marked the earlier political orders. It was a constructed and imagined space that came to occupy the “empty center”

and worldwide transition from the empire-state-economy system to nation-state-economy system from 1950s and 1960s, as the idea of the economy (in the sense we understand and talk about it today) slowly came into being, the appropriate role of *TSP* was increasingly seen to be attending and serving the economy of the nation-state. By the early 1990s, for example, it was completely natural for one to be considered stupid if they didn't understand that it was "the economy" that is sacrosanct in democratic politics.⁶⁵ Nowadays it is common to conceive a world consisting of sovereign nation-states each possessing its own economy. This conception is represented through, what I call, a numerical and pecuniary picture of the world. A cornucopia of congealed numerical and monetary estimates which attempt to specify, among other things, monetary worth of countries statistically recorded, reported, disseminated, circulated, and ranked by state, transnational, and private entities. With exponential and astronomical advances in global connectivity there has been a rapid proliferation of economic data that catalogs the wealth of nations and their peoples. To modify Timothy Mitchell's formulation in the context of a globalized world, we live in a world of perpetual "world exhibitions" where countries exhibit a resume of different aggregate (monetary and non-monetary) quantitative and statistical estimates. These estimates are of course not value neutral but are imbued with moral undertones. These numbers become legible only because they serve as indicators to conditions that are to be understood as good or bad for a NSE. Each measure in the resume of TSP is constantly compared with that of other resumes, ranked, mapped with distinct color codes, observed through time. It is only through this constant comparison of the vitals of the economy across time and space that we provide meaning and life to "dead" data. One could read out a country from its charts in comparison with other charts and prescribe remedies to better its

which is, as Lefort points out, an ontological problem of political power based on people's sovereignty. See (Lefort 1988).

⁶⁵Those who didn't want to feel stupid voted for William Clinton for the office of POTUS in 1992 based on his campaign slogan "It is the economy, stupid."

numbers. Thus, the comparisons of resumes of national well-being try to validate and perpetuate a directionality to these statistical estimates such that they are to coincide with, or fit into the overarching norm of increasing economic power, which is now the moral and legitimate role of the TSP. This vision of growth is clearly manifested in a “A Neoliberal’s Manifesto” from 1983 written by one Charles Peters who was the editor of the Washington Monthly.

If neo-conservatives are liberals who took a critical look at liberalism and decided to become conservatives, we are liberals who took the same look and decided to retain our goals but to abandon some of our prejudices. *We still believe in liberty and justice and a fair chance for all, in mercy for the afflicted and help for the down and out. But we no longer automatically favor unions and big government or oppose the military and big business.* Indeed, in our search for solutions that work, we have come to distrust all automatic responses, liberal or conservative.⁶⁶

The piece goes on to claim that neoliberalism’s “primary concerns” are ideas of “community, democracy, and prosperity.” and “economic growth is most important now, because it is essential to almost everything else we want to achieve.” The ideal subject who is the vehicle of this growth, the “hero” “is the risk-taking entrepreneur who creates new jobs and better products.” Raghuram Rajan, the governor of the Reserve Bank of India, recently commented “There are so many other things that we can lecture the rest of the world - cultural achievements, historical achievements etc., but on growth, let us lecture once we have achieved another 10 years of 8-10 per cent.”⁶⁷ This expectation for growth impetus to be provided by the *TSP*, while remaining within a competitive order has become common sense. Here the divine or scientific harmony (as the case might be) between private interest and public advantage pointed to *laissez-faire*. But above all, the ineptitude of public administrators strongly prejudiced the practical man in favor of *laissez-faire* - a sentiment which has by no means disappeared. Following is a representative narrative produced by Ricardo Hausmann, (who was a minister of planning of Venezuela and teaches

⁶⁶See (Peters 1983, p.9)[e.a]

⁶⁷See (TheEconomicTimes 2017).

in Harvard University) who explains that developing countries can converge with the more developed ones.

Learning to master new technologies and tasks lies at the heart of the growth process. If, while learning, you face competition from those with experience, you will never live long enough to acquire the experience yourself. This has been the basic argument behind import-substitution strategies, which use trade barriers as their main policy instrument. The problem with trade protection is that restricting foreign competition also means preventing access to inputs and know-how. Participating in global value chains is an alternative way to learn by doing that is potentially more powerful than closing markets to foreign competition. It enables a parsimonious accumulation of productive capabilities by reducing the number of capabilities that need to be in place in order to get into business. This strategy requires a highly open trade policy, because it requires sending goods across borders many times. But this does not imply *laissez-faire*; on the contrary, it requires activist policies in many areas, such as education and training, infrastructure, R&D, business promotion, and the development of links to the global economy. Some dismiss this strategy, arguing that countries end up merely assembling other people's stuff. But, as the famous astronomer Carl Sagan once said: If you want to make an apple pie from scratch, you must first invent the universe. ⁶⁸

In practice then, *P3* translates to the *TSP*'s primary role as an accumulative creature competing with other *TSP*s in a world of scarce resources. This in turn translated to its primary role in increasing the economic growth rate measured most popularly by GDP.⁶⁹ The *TSP* is tasked with keeping constant records of market transactions of final goods and services undertaken within its border, including the transactions made by the state itself. At the same time, the legitimacy of the *TSP* is derived from its ability to achieve a progressively high yearly growth rate of the total market value of all final goods and services produced the nation-state. The synoptic measure of GDP fixes the status of “the nation-state-economy” as it enters the common parlance. Within the competitive order harnessed by neoliberal thought, legitimacy of *TSP* translates to being, first and foremost, an able manager of high GDP growth. Increasingly after the cold war, in the realm

⁶⁸See (Hausman 2014).

⁶⁹For detailed treatment of ascent of GDP as a preeminent measure of the national economy see (Appel 2017). The author notes “Countries that wanted to receive post-war aid under America’s Marshall plan had to produce an estimate of GDP...To be a nation was, in part, to know your GDP.” Also see (Economist 2016).

of policy core principles of *P1* and *P2* are manifested in the form of D-L-P formula (deregulate, liberalize, privatize) instituted by *TSPs*, to disembed the liberalism of the Keynesian/centrally planned states. *P1* and *P2* also indicates the general propensity towards contracting social expenditures related to aspects of positive individual liberty and expansion of the movement of goods and services across borders by lowering controls on trade. *P3* is realized through the hegemonic status of GDP growth which a world full of *TSP* competes to achieves.

2.5 Observations on (In)formal Economy

Before I tease out the contradictions that neoliberal principles run into, in the context of the informal sector of the economy, it is useful to clarify the concepts of informality. It is standard in the literature on informality to trace its discovery to Keith Hart's study of employment opportunities in 1970s Ghana where he observed:

The distinction between formal and informal income opportunities is based essentially on that between wage-earning and self-employment. The key variable is the degree of rationalisation of work - that is to say, whether or not labour is recruited on a permanent and regular basis for fixed rewards. Most enterprises run with some measure of bureaucracy are amenable to enumeration by surveys, and - as such - constitute the 'modern sector' of the urban economy. The remainder - that is, those who escape enumeration - are variously classified as 'the low-productivity urban sector', 'the reserve army of underemployed and unemployed', 'the urban traditional sector', and so on.⁷⁰

In Hart's scheme of things informal sector comprised both legal and illegal activities, and was primarily distinguished from its modern or formal counterpart in terms of a) the absence of regularized wage relation and b) absence of enumeration. Such a characterization remains agnostic about the nature and characteristic of regularized wage work in the formal sector. As a representative example of the condition of work and wages in the formal

⁷⁰See (Hart 1973, p. 68).

and the informal sector, I think is important to highlight the following two examples. The first example is from a self-employed worker in the informal service sector and the second one is a salaried worker in the formal service sector.

A taxi driver, let's call him Rana, in 1991 worked for a leather factory as a truck driver hauling leather jackets that were, as he put it, "for fashion shows." He often used to get cheated on wages, in some cases he was not sure if there was any overtime pay. "Whenever they wanted me I'd go, day or night for 55 rupees a day." He and his coworkers were denied even a 5 rupee / day raise, and the factory, often embroiled with disputes between labor and management, finally closed in the mid-nineties relocating to Chennai. Since then, unable to find "a comparable job," he drives taxis. Due to the recent government ban on taxis older than 15 years, the market has become "extremely competitive." He thinks "this is long work but the money is better" and "he works for himself," as long as 'malik' (the owner of the cab) gets his share of 400 per day. "I can work whenever" he mentions time and again. In terms of the job itself, the "only problem" even "bigger than unions," is the regular harassment by the police, for example the 50 INR ticket that he got the other day for wearing slippers while driving, because of a rule that "drivers of public vehicles must wear shoes." When I asked Rana about his understanding of a good job, he plainly said, "there are no good company jobs for people like us." He is thinking of getting some contract work through the Calcutta Municipal Corporation, and perhaps after some years he can become permanent, because of his high-school degree.⁷¹

In a different situation⁷², Rajiv's father worked in the leather factories in the Park Circus area, but it closed and he remained on a "no work no payment" for a year. After 'recovering' now working in "plumbing[sic] and labor contract." Rajiv himself was trying to find a job after his undergraduate degree in commerce and was accepted for a sales

⁷¹Rana(taxi driver) in discussion with the author, January 10 2010.

⁷²Rajiv (call center worker) in discussion with the author, February 3, 2010.

representative position for a Reebok Showroom in the big South City Mall in Kolkata. It was 9-10 hour days for 4500 INR per month, where they deducted 40 INR from every paycheck to pay for the Reebok uniform he had to wear at the job. On days leading up to important festivities he was made to “roam around the mall with a pair of sneakers strung around his neck” as a mode of advertisement. He left the job soon after and is preparing for statewide exams for government positions, “because of pressure from parents.” But he pointed out that government jobs “are not for everyone” because it requires “luck, backing, and cash” and “not many government jobs are available.” So, he is now trying to figure out a career in BPO (call center). The one he works for is a vendor working for another vendor working for Reliance India and Citi Finance. Here he gets 4500 INR per month after formal deductions of 500 INR. This was not quite a monthly salary, but rather disbursed at the rate of 150 INR a day, for a six-day work week starting from 4pm and ending at 1am each day. His performance is tied to the call duration, nature of communication with customers, and mistakes in providing information. The primary goal is to maximize the volume of calls and reduce call durations (in the first 10 seconds you must be able to understand what the customer's problem is). During “high volume” nights where he takes about 200 calls (25-30 an hour) the manager screams to “wrap up the calls fast.” Unions are not possible here, because firstly there will be problems (*chaap acchhey*) and secondly there is simply no time, “unionizing in these places has no benefit” (*koraar kono maaney nei*). He cannot really ask anyone for a raise. For entry level “agents” like him, high school graduates get a gross salary of 4500 INR a month, college graduate get 5000 INR, and if he becomes a “senior agent” he will make 5500 to 6000 INR per month. “This is not a real job,” he tells me, “even a daily laborer (*matikata lok*) makes more than that” and “you can't do this for long.” According to his colleagues at the call center about a third of the people leave. His father has agreed to pay for “a course on costing,” which will help him in the job market. To him, a good job was definitely a government job, but

short of that a “private industry” job was good if it was a “high post.” In many ways, these accounts don’t fall very far from the recounting of the nature of work in American warehouses or nomadic workers hired by, say, Amazon’s ‘Campforce’ initiative.⁷³ I want to underscore three critical issues about, a) the perception and experience of what it means to have a good job, b) the perception of the role of the state in economic life of citizens, and c) the enterprise and employment approach to the informal economy.

First, my field research demonstrates is the precarious nature of regularized wage relations in the enumerable modern sector. It also shows a general perception in the lack of “good jobs” in the formal sector that pay better than comparable jobs in the informal sector. My interviewees didn’t use or were cognizant about the formal/informal dichotomy and phrases used were “company job” “factory job,” and occasionally among those with a formal college education “private sector.” In many cases, the formal factory jobs simply weren’t there any more, as is a familiar result of the logic of capital mobility in a world of free competition. The own account/self-employed workers also characterized their formal sector work by abysmally low and irregular wages, long hours, and precarious employment (ease with which one could be fired if they didn’t perform or obey). A cab driver, after all, is making more money than a call center agent, and both aspire to work for the government. In fact, of the 50 informal sector workers (40 of them street vendors) I have interviewed, 38 of them have worked in the formal private sector jobs at some point in their lives. 12 of them have never worked in the formal sector and were tied to urban-rural seasonal migrations, spending significant times in agricultural activities beside working in the informal sector in Kolkata. Since call center and formal retail jobs were identified and invoked as a viable alternative to their present employment in the informal sector (especially among people in their twenties) I also interviewed 5 people who had “nominally formal” jobs where the characteristics of employment was comparable to, (and sometimes

⁷³See for example, (Bruder 2017) and (McClelland 2012).

perceived as worse than) that of informal work. In all 55 of such interviews, everyone unequivocally expressed their aspiration to have (apply for, look for, or want) a government job over a “company job.” Those who have worked in the formal sector before had no desire to work in those jobs again, not just because of depressed wages, but also due to lack of leisure and freedom, more importantly lack of dignity (*shomman nei*). Second, in the Indian case, this perception that state jobs are the ultimate source of economic betterment and stability, and that the state has a direct obligation/mandate to ameliorate the economic conditions of workers is a commonly held perception. After all there is a constitutional guarantee that (with qualifications) everyone has a right to “life and personal liberty” and the “freedom to practise any professions, or to carry on an occupation, trade or business.” These have been a fountain of authority from where the case for the right to livelihood is made. In a 1986 court case concerning pavement dwellers (who work within the informal sector) the Supreme court maintained

The question which we have to consider is whether the right to life includes the right to livelihood. We see only one answer to that question, namely, that it does. The sweep of the right to life conferred by Article 21 is wide and far-reaching. It does not mean, merely that life cannot be extinguished or taken away as, for example, by the imposition and execution of the death sentence, except according to procedure established by law. That is but one aspect of the right to life an equally important facet of that right is the right to livelihood because, no person can live without the means of living, that is, the means of livelihood.⁷⁴

In subsequent chapters, we will see the ways in which such legal prerogatives are deployed by the street vendors in shaping state policy, but for now it is important to note the neoliberal mandate of the minimalist state as understood in *P3* is creates complication in the India case. This is view simply corroborated by the overwhelming evidence in the macro-political realities concerning the informal sector workers. For example,(Agarwala 2013, p.7) has meticulously shown how “Informal Worker in India have launched an innovative labor movement that has nudged an increasingly neoliberal state to open potentially

⁷⁴c.f. (Azad 2013).

new paths to state based welfare.” Even the pessimistic predictions that organized class based politics will wither away in the face of neoliberal policies of the minimalist state, deindustrialization due to capital mobility, the proliferation of subcontracting and casual employment in the formal sector, has been proven untrue. Lastly, due to practical need to distinguish between diverse types of employment within the formal sector, one needs to treat employment separately from the formal and informal enterprises which escape the enumeration of the state. In the context of India, “informal” and “unorganized” are not used interchangeably. Based on the International Conference of Labor Statisticians in 2003 this differentiation is used to distinguish between the employment and sectoral approaches to informality. In the sectoral sense, that is in the sense of an imagined space within “the economy,” the Unorganized Sector is comprised of unincorporated private enterprises which produce goods and services but do not have a legal personality separate from the owners, and operates with less than 10 workers. Here enterprise means an active economic unit that produces goods and services for money or barter. This might involve self-employed, own account workers, and owners who, working in a proprietary or partnership basis hires employees. Accordingly, enterprises which are in the organized sector, are “corporations, non-profit institutions, unincorporated enterprises owned by government units.” The employment approach to informality on the other hand considers the conditions of work, especially in terms of the regulatory mechanisms of labor legislation that pertains to workers. Hence informal unemployment involves employees whose jobs are

in law or in practice, not subject to national labour legislation, income taxation, social protection or entitlement to certain employment benefits (advance notice of dismissal, severance pay, paid annual or sick leave, etc.) for reasons such as: nondeclaration of the jobs or the employees; casual jobs or jobs of a limited short duration; jobs with hours of work or wages below a specified threshold (e.g. for social security contributions); employment by unincorporated enterprises or by persons in households; jobs where the employee’s place of work is outside the premises of the employer’s enterprise (e.g. outworkers without employment contract); or jobs, for which labour regulations are not applied, not enforced, or not complied with for any other

reason.⁷⁵

The following table 2.1 disaggregates the Indian Economy in terms of employment and organizational types during the the time period that is relevant to my work.⁷⁶

2004-2005			
	Organized	Unorganized	Total
Formal	32.05 (52)	1.35 (0.3)	33.41 (7.3)
Informal	29.54 (48)	396.66 (99.7)	426.20 (92.7)
Total	61.61(13)	398.01 (87)	459.61 (100)
2011-2012			
Formal	37.18 (45.4)	1.39 (0.4)	38.56 (8.1)
Informal	37.18 (45.4)	390.02(99.6)	435.66 (91.9)
Total	81.92 (17.3)	392.31 (82.7)	474.23 (100)
Figures in Millions and (Percentage)			

Table 2.1: Employment Type by Sector between 2004-2012

It is astounding to note that, 90 percent of workers are employed informally and less than a fifth of workers are employed in the organized sector. More importantly we notice an increase in employment in the organized sector was more informal in nature: between 2005 and 2012 informal employment in the organized sector increased from 48% (of total employed in the organized sector) to 54.6%. Formalization of enterprises have not led to higher formal employment in the organized sector.

We are finally in a position to tease out the contradictory tensions that arise in terms of governing the economy based on the neoliberal principle $P1-P3$. In India, competitive markets are everywhere in their text book version of many buyers and many sellers, but most of the business happens within the unorganized sector. The reality is that the Indian Economy is primarily informal and yet driven by market competition. Thus, the neoliberal prescription of achieving high growth rate of GDP($P3$), will inevitably face a significant impediment as the growth rate will be quite logically underestimated as it will fail to enu-

⁷⁵See (Sengupta 2009).

⁷⁶Source: (Srija & Shirke 2014, p.41).

merate and tax the informal economy. The following arguments are representative samples that advocate formalization for achieving an accurate, higher growth rate.

Given the spread of cellphones, roads and electrification/ automation, productivity growth has been the most dramatic in the informal side of the economy. For example, a casual worker has to find a job every few weeks: a cellphone sharply reduces the time taken to find the next opportunity, and a road to the village makes remote jobs more accessible. But if half of the GDP (the informal part) and 90 per cent of India's workforce is seeing such dramatic changes, why is this not reflected in GDP growth? This doesn't show up in the current GDP statistics because we don't measure it. Given the paucity of accurate data on the informal economy that can be collected with reasonable frequency, the national accounts team (that calculates GDP) uses assumptions and past surveys to estimate its growth. The assumptions for the most part do not build in productivity improvement: for example, the value added per worker (say, a carpenter, a plumber) or value added per vehicle (the output of a truck) are mostly unchanged since 2007. This means GDP growth is likely under-reported.⁷⁷

(Farrell 2004) takes a different route to reach the same conclusion:

Academics, development experts, and government officials often assert that informality will lessen as formal sector grows, or that informality actually serves a social good by providing employment to people. MGI research, however, doesn't bear out that optimism. Around the world, these informal players operate at just half the average productivity level of formal companies in the same sectors and at a small fraction of the productivity of the best companies. As a result, informal companies persistently drag down a country's overall productivity and standard of living. MGI's investigation also found that the substantial cost advantage that informal companies gain by avoiding taxes and regulations more than offsets their low productivity and small scale. Competition is therefore distorted because inefficient informal players stay in business and prevent more productive, formal companies from gaining market share. Any short-term employment benefits of informality are thus greatly outweighed by its long-term negative impact on economic growth and job creation.

We can clearly see the tension between a) the *TSP*'s imperative to harness legitimacy by competing with other *TSPs* for a higher GDP growth (*P3*) and b) the real ways in which market competition and capitalism is organized outside the *TSP*'s angle of vision. *P3* can be better achieved only by reducing the unorganized sector. Moreover, the neoliberal prescription (*P2*) of reducing the welfare related expenditures and increasing revenue

⁷⁷See (Mishra 2013).

logically faces two impediments as a) taxation of the informal economy remains elusive and hence provides a downward pressure on the revenue (but we will complicate this notion later in the context of street vendors) and b) a tendency to reduce social expenditures in education, health, and labor logically creates a workforce that will have difficulty in securing high paying, secure formal employment in the organized sector due to lack of cultural and human capital and hence perceives the state to have a moral obligation towards protecting their informal work or allowing them a government job. Hence, $P2$ will lead to an expansion of the unorganized sector which in turn will reduce its revenue. The only feasible way to maintain $P2$ and $P3$ will require the TSP to violate $P1$ in an authoritarian manner. Increasing GDP growth then must involve formalization of the economy through large corporate investments (“I” is a component of GDP growth) and oligopolistic competition while resorting to the widespread suppression of free market competition in the unorganized sector. The pressures of reducing government spending and increasing taxes in $P2$ can be maintained by incentivizing such corporate business entities to create formal spaces of selling (retail chains, call centers, safe economic zones) with informalized employment. It is not the case that such an anti-market policy of formalization by the TSP leads to a higher formal employment of erstwhile unorganized sector workers. Quite the contrary. The formalized wage relation that is now enumerable and taxable is, in its essence, informalized employment. The politics of governing the economy in the neoliberal era thus runs into an unholy trinity of contradictions. As we can see $P1$, $P2$, $P3$ cannot be satisfied simultaneously in policy. At most two can hold at a time and not all three (although this more of a side point, a logical conjecture, rather than a central issue). What I want to stress is that the neoliberal governance of the economy $P1$ - $P3$, must confront the presence of the vast unorganized sector which is already well entrenched in dispersed and localized ways. The unorganized is well-organized (or as an activist working for a hawkers’ union in Kolkata sternly yet politely urged me to use ‘self-organized’,) woven into the fabric of

commercial life through interpersonal, semi-formal networks of trust (and deceit) and responsive to global/local forces of supply and demand that no one person can control. In short, the *TSP* cannot ignore that the “self-organized” sector is an already existing capitalist market system based on price signals and competition among agents. In India, confronted with this real-life scenario, governing the (in)formal economy based on neoliberal principles, leads to its own contradiction in two ways. First, the state, in order to maintain its commitment to *P2* and *P3*, tries to authoritatively disrupt existing market competition, in favor of formalization by facilitating corporate investments, thus violating *P1*. We hence see puzzling effect of the pro-market states with anti-market policies (small sellers beaten up in India and around the world). Second, the state cannot wholly disrupt and formalize the market competition in the unorganized sector because of the nature of real markets and real market agents who protest. The informal workers (unable or unwilling to get formal employment in the organized sector), organize themselves to extract economic and political concessions from the state thus making it violate *P2* (increasing government spending for welfare and redistribution in a time when it is predicted to reduce such costs). The state then, is also forced to allow market competition in the informal sector because of (among other things) electoral pressure, thus maintaining its commitment to *P1*. Its commitment to high growth rate of GDP (*P3*) would also have to be somewhat toned down.

The political economy of street vending in India is a product of these contradictions inherent within the neoliberal governance of the (in)formal economy. In this context, I want to highlight three key features to the political economy of informal street vending in the neoliberal era, that become clear. a) Formalization of informal spaces of selling (formalization of the *S2* of capital as explained in the introduction) through the marginalization and suppression of competitive and profitable market exchange in the unorganized sector. b) Protracted and powerful contestations between state, informal workers

over, spaces of selling and questions regarding the freedom and right to sell, which makes the state ever more entangled with informal markets. c) The informalization of employment within the formalized spaces of selling, or informalization of previously formal labor. The following empirical chapters visit these key features of the political economy of urban street vending in Kolkata between 1990-2010. I study the ways in which state-policies regarding the spaces of selling in Kolkata are contested by street vendors, and the ways in which politics of urban street vending is organized through the interaction of the state, street vendors, and corporate entities.

Chapter 3

Politics of Street Vending

3.1 The Lay of the Land

We are now in a position to see how the contradictions within neoliberalism manifests in reality. I show this by studying the political economy of street vending in Kolkata up until (the late 1990s) large scale and coordinated eviction drive called Operation Sunshine (OS). This part of my work helps to set up the stage on which and from which OS type actions derived their force and justification as India crossed over to the era of neoliberal governance. Through ethnographic work, primary and secondary documents, and journalistic reporting, I pay close attention to the relation between competitive markets in the form of informal urban street vending and the state policies that intend to intervene in urban spaces of selling. This political conflict between the forces of the informal markets and the forces of democratic state policy unfolds within the structure of a capitalist mode of production, which includes within its logic of profit, not just accumulation, but an immense dispersion of commodities¹ as they are carefully (re)presented to end consumers in the sec-

¹For my work by “commodities” I mean finished consumer goods at the retail level. If we are to think of say a pavement haircut, or a fortune teller with parrots, concept of commodities could also include final service to the end consumer.

ond space of capital ($S2$).²

The act of selling a final commodity (away from the factory or the farm) is a service. It adds value in terms of convenience, or ease of availability to the consumer. Thus, $S2$ is a space of final dispersion, where a seller based on his private motive of pecuniary gain represents the commodity to the consumer in its final consumable form. The commodity can be represented in its final form as churned out of $S1$ (be it a mobile phone or a fish) but the finished commodity can also be represented to the consumer with further value addition through service (be it an unlocked cellular device or a fried fish with relishes). Thus, $S2$ in some ways is the space of simplification of the logistics of dispersion of commodities either in their unaltered final (factory) form, or in an altered form achieved by additional labor input. Seen in this way, retail is a part of the service sector because the act of selling commodities to the end consumer doesn't just involve the commodity itself but also the labor behind the (re)presentation of the commodity. As we have seen, in the case of India, although $S2$ is an inextricable part of the capitalist mode of production, the production process of retailing is not much formalized or mechanized through organized corporate entities. Most of the retail industry remains in the unorganized sector where the employment is informal (which is also the case in formal retail). But unorganized retail still clocks in as the highest employer in the non-agricultural economy, coming up above real estate.³ The following tables provide snapshots of the nature of employment and enterprise in the Indian Economy between 2004 and 2012 with a focus on the service sector in general and retail in particular.⁴ I choose this time period because the conflict between

²See Chapter 1

³See (EconomicTimes 2007).

⁴Data collated from Unit level National sample Survey Organization (NSSO) data adapted from (Srija & Shirke 2014, p.42). The standard definition that is used by scholars of informality in Indian Economy comes from (Sengupta 2009, p.3) who defines the unorganized sector as "all unincorporated private enterprises owned by individuals or households engaged in the sale and production of goods and services operated on a proprietary or partnership basis and with less than ten workers." Informal employment is defined as "those working in the unorganized enterprises or households, excluding regular workers with social security benefits, and the workers in the formal sector without any employment/ social security ben-

2004-2005	Organized		Unorganized		Total
	Formal	Informal	Formal	Informal	
Agriculture	0.76	0.99	0.00	56.75	58.50
Manufacturing	1.21	2.10	0.10	8.33	11.73
Construction	0.53	1.45	0.00	4.42	6.41
Services	4.48	1.89	0.19	16.80	23.36
Total	6.98	6.63	0.29	86.30	100.00
2011-2012	Organized		Unorganized		Total
	Formal	Informal	Formal	Informal	
Agriculture	0.06	0.16	0.00	48.69	48.91
Manufacturing	1.48	2.79	0.06	8.28	12.60
Construction	0.69	3.77	0.01	7.18	11.65
Services	5.62	2.72	0.22	18.29	26.84
Total	7.48	9.43	0.29	82.43	100.00

Table 3.1: Employment and Enterprise Distribution over Broad Industries(Percentage)

corporate retail and unorganized retail, especially informal street vending becomes a politically charged and salient issue during this time. While the neoliberal imperative of increasing the growth rate ($P3$) made the case for formalization of retail spaces via corporate chains, it came directly in conflict with the task of maintaining and instituting more market competition $P1$. The street vendors were in the forefront of this conflict, although some some owners associations also resisted the force of formalization.

As is clear from Table 3.1, the norm of employment in India is overwhelmingly informal and unorganized. This trend seems to remain robust even after 20 years of liberalization. More specifically we can see that, although total employment in the organized sector has increased by roughly 4%, most of this employment was informal in nature, which increased by 3% in the organized sector. Formal employment in the organized service sector (which includes retail, hospitality, education, legal, medical etc.) registered a 1.14% increase, and during the same time the informal employment in the service sector also

efits provided by the employers.” Although ‘informal’ and ‘unorganized’ can be used interchangeably as long as we constantly differentiate between sector and employment, enterprise and labor, for the sake of simplicity I use “informal” for labor/employment, and “unorganized” for business/enterprise.

showed a modest up-tick of 0.9%. Most of the employment generated in the organized sector was in construction and were informal in nature. The broader picture of the Indian economy remains unambiguously dependent on informal employment in unorganized enterprises. Particularly, within the *S2* or what can be approximated here by the the service sector, informal employment in the unorganized sector increased by 1.41%, which is slightly more than the increase in the formal and organized employment. The trend here seems to indicate that there is a slight increase in the share of organized sector employment in services but the nature of employment was equally split between formal and informal types.

If we narrow our focus specifically on employment in the non-agricultural sector in general and retail trade in particular Table 3.2 and Table 3.3 provides a more detailed picture.

Non Agricultural Sector	2004-2005			2011-2012		
	Organized	Unorganized	Total	Organized	Unorganized	Total
Mining	0.91	0.90	1.82	0.99	0.80	1.79
Manufacturing	9.64	38.28	47.92	13.23	39.26	52.49
Electricity & Water Supply	0.16	0.08	0.24	0.78	0.43	1.21
Construction	5.60	19.35	24.94	16.12	32.80	48.92
Trade, Hotel & Restaurant	1.71	44.30	46.02	2.57	47.60	50.17
Transportation, Storage & Communication	1.35	13.31	14.66	2.31	15.71	18.02
Real Estate & Other Business Activites	0.49	2.93	3.43	1.05	3.96	5.02
Education	2.40	2.75	5.15	3.55	2.75	6.31
Insurance	0.41	0.72	1.13	0.67	1.14	1.81
Health	0.61	1.49	2.10	1.02	1.66	2.68
Public Admin & Defense	1.09	0.08	1.17	1.11	0.00	1.11
Other Services	0.64	11.62	12.26	0.58	13.92	14.50
Total	25.01	135.81	160.83	44.00	160.04	204.03

Table 3.2: Non-Agricultural and Informal Employment in millions

On the whole Table 3.2 reveals that the informal employment in the non-agricultural sector increased by 27%. Most of that increase was captured by construction, followed by trade & hospitality, and manufacturing. Informal employment in trade and hospitality (within which retail falls) remained largely within the unorganized sector, - clocking in 96.2% of all informal employment in 2004 and 94.8% in 2012, and employing about a quar-

Service Sector (2011-2012)	Urban F	Urban M	Rural F	Rural M
Retail Trade, except motor vehicles	96.66	97.49	99.36	98.89
Wholesale Trade, except motor vehicles		90.98		
Other Services	96.44	92.62		97.32
Hotels and Restaurants	92.97			92.97
Domestic Personnel	98.07			
Human Health Services	52.27	62.03		
Financial except Insurance & Pension		26.61		
Land Transport including Pipelines		83.38		92.85
Business Activities	48.86	58.79		
Education	37.39	50.61	60.27	36.19
Public Admin, Defense, Compulsory Social Security				98.07

Table 3.3: Percentage of workers informally employed in Service Sector, by Gender and Space

ter of the informally employed labor force. Table 3.3 shows the overwhelming presence of informal employment within the service sector, especially in retail. One can conclude from these numbers that *S2* is unorganized and informal: more than 95 percent of retail trade is run by millions of unorganized enterprises informally employing millions of workers.

Status	2004-2005	2011-2012
Self Employed	257.16 (60.36)	244.97 (56.22)
Wage/Salaried Labor	36.19 (8.49)	48.79 (11.19)
Casual Worker	132.81 (31.16)	141.91 (32.75)
Total Informal Workforce	426.16 (92.73)	435.66 (91.78)

Table 3.4: Informal Work Force by Status of Employment in millions (Percentage)

Combined with Table 3.4 and Table 3.5 we can infer that a majority of the informal employment in unorganized retail is composed of self employed workers who are most likely to have some form secondary education (or below).

Education Level	2004-2005	2011-2012
Illiterate	22.65	22.97
Below Primary	10.55	10.74
Secondary Education	48.19	48.23
Higher Secondary	7.18	7.72
Diploma/Certificate	2.30	1.46
Graduation or above	9.13	8.88

Table 3.5: Education Level of Informal Workers in the Non-agricultural Sector (Percentage)

3.1.1 The Question of Hawkers

In this chapter I focus on a small portion of this vast enterprise of *S2*, namely the politics of street vending, or hawking as it is popularly known in Calcutta.⁵ I am studying the politics of informal street vending in Calcutta as a tractable empirical referent to demonstrate the real life consequences of the theoretical contradictions of neoliberal governance. Similar political contestations in *S2*, among states, private agents, and corporate capital, exist in the case of other informal services in the unorganized sector. From cab driving to house cleaning, selling used books to garbage collection, worldwide conflicts over the second space of capital is one of the defining features of contemporary global capitalism and neoliberal management of the economy by the states. One can merely point to the complexities in markets, governance and rights that have raged worldwide between taxi drivers, ride sharing corporations, and the state. Or the fight between home sharing websites, hotels, home owners, and the state. Or own account housemaids, big cleaning agencies, and the state. In some cases, corporations themselves have created their own marketplaces, where prices of goods and services can fluctuate based on surges in supply and demand, thus coming in conflict with price systems of pre-existing markets negotiated by trade unions and the state. In some cases, the states have themselves created marketplaces

⁵The English spelling for the city was officially changed from Calcutta to Kolkata to align it with the native pronunciation. In this work I use the two spellings interchangeably.

in the form of special economic zones where employment could be informalized by relaxation of labor laws that do not apply within the zone. Conflicts over the means and right to sell in *S2* are ensuing all over the world among a) the state b) the profit seeking agents in the unorganized sector in *S2* who are engaged in various forms of informal employment in a competitive market place, and c) corporate entities that seek to formalize or industrialize the spaces of selling while keeping the employment conditions informal and ad-hoc. I have demonstrated that all such conflicts, where the state seeks to control and thwart the economic activities of informal sellers in preexisting competitive markets, are manifestation of the contradictions of the neoliberal statecraft. However, such conflicts in *S2* are made possible (but not determined) by the unimaginable advancements in the material forces of production through information technologies. The formalization of selling through massive investment in *S2* will after all maintain the growth rate imperative of neoliberal governance while disrupting competition in pre-existing markets in favor of lesser competitive environments, - hardly a neoliberal move. More importantly, I think this is an open-ended and on-going conflict in *S2*, where there is no clear winner. As we have seen most of the employment generated in the formalized portion of *S2* is still largely informal in nature. Moreover, organized resistance of workers against formalization in the unorganized portion of *S2* is robust over the long term, and as (Agarwala 2013) and (Anjaria 2016) have shown, is often effective in making the government deliver resources towards them, at least in the short term. Finally, even after nearly three decades of neoliberal governance of Indian proportions, unorganized retail and informal employment is still the norm rather than an aberration. A keen observer of the political economy of the developing world couldn't be sure that *S2* could be so easily industrialized and formalized in the image of large corporations and the trumpeting of the high growth imperative. In this chapter then, I focus on the following question. How are spaces of selling politically contested in post-colonial urban spaces like Calcutta? What are their moral arguments regarding the state's role in

their daily economic lives? How do hawkers counteract moral arguments against their profession? How did street vendors negotiate with the state and navigate the state policies that seek to govern and manage urban spaces of selling before OS?

3.2 Street Vending in Calcutta

The month I reached Calcutta to start my field research, the Transport, Sport and Youth Services minister Mr. Subhas Chakrabarty (a veteran leader of the Communist Party of India (Marxist)(CPM), which was the leading party of ruling Left Front Government of West Bengal), died from cancer in a private hospital. The news of his death was featured in many prominent international, national and Bengali vernacular media. According to the reports, supporters and veteran communist colleagues sobbed inconsolably and a particularly lachrymose⁶ Secretary of the West Bengal State Committee of CPI(M), Biman Bose, called the deceased leader “one of the greatest mass leaders in West Bengal.”⁷ As customary adulation was showered and a day-long state mourning was declared, sports clubs lowered their flags, and the CPM party flag was flown at half-mast at the party office. His funeral procession gathered an overwhelming sea of people caught in such a grief-ridden public hysteria (to catch the last glimpse of their leader) that even after the iron gates of the party head-quarters at Alimuddin Street were drawn shut, the State Party Secretary Mr. Biman Bose struggled to fight off the indomitable force of the crowd. In another occasion when the procession arrived at the Salt Lake Stadium the leaders started announcing over microphone that the flower garlands should be immediately removed so that the glass hearse does not shatter. His communist colleagues and notable political ad-

⁶See (Hindu 2009).

⁷See (BBC 2009). This characterization of Mr. Chakrabarty was true in a somewhat literal sense since the party depended on his organizational capabilities in carting masses of supporters from Calcutta and its surrounding districts for huge political rallies organized by the CPM and the Left Front. See (Anandabazar Patrika 2009c).

versaries (namely Mamata Banerjee and Siddhartha Shankar Roy) arrived to pay their last respect. The former captain of the Indian cricket team, Mr. Saurabh Ganguly, also paid his tribute. The national award winning actor Mr. Mithun Chakrabarty accompanied him from his Salt Lake house to the cremation grounds, and the world famous Argentinian footballer Diego Arvando Maradona sent a message of condolence.⁸ Over the next week, obituaries depicted him as a rebellious character, who criticized the party bosses for having lost contact with the masses, and once made a religious offering in a famous Kali Temple in Tarapith.⁹ About a week after his death, in a memorial meeting, among the various leading members of the Kolkata's civil society, the notable personalities who attended were the Bollywood and Tollywood mega-star Mithun Chakrabarty, the famous singer Usha Uthup, a former Olympic soccer captain Samar Banerjee, and former Lok Sabha Speaker Somnath Chatterjee, who on the verge of weeping said "Subhash Chakraborty never displayed any pettiness in his life. Not only politics, education, culture, sports, everywhere he was involved with the masses. Such a personality is rare." He urged the members of the party "to carry to a logical conclusion his fight for an exploitation free social order."¹⁰ Mr. Chakrabarty famously said, as news report reminded us, "I have the ability to implement whatever I plan, except bringing a dead man to life."¹¹ In fact the allusion to this idea of "bringing a dead man alive" hinted at incidents when the party leadership did put him in charge when it came to matters of dissolving bizarre impasses. (Chatterjee 2004, p.41-46) mentions that, in 1993 he led the forced extrication of the corpse of a guru (members of this cult called Santan Dal apparently regarded him as being sympathetic to them) when his disciples kept the body in a cold room for 51 days, refusing to cremate him, on the assumption he was in a state of samadhi (a kind of spiritual comatose trance) just like was

⁸See (Anandabazar Patrika 2009a).

⁹See (Economic Times 2009).

¹⁰See (Indian News 2009).

¹¹A number of sources mentioned this quote. See (Anandabazar Patrika 2009b) and (Anandabazar Patrika 2009c).

observed in 1967, when he had remained in such a state for 21 days.

3.2.1 Forgetting and Remembering

But, in 2009 the media reports completely failed to recollect that Operation Sunshine was orchestrated by Subash Chakraborty in 1996 to clean the entire city of hawkers. This incident as we will see, fundamentally transformed the politics of street vending in Kolkata with worldwide implications. At the time many a Bengali elite came out supporting the ends, if not the means of the eviction. Such an erasure of a significant event from public memory, or a display of selective amnesia is according to (Fernandes 2004), symptomatic of the new liberalizing Indian middle classes that, over the last two decades, have actively undertaken the “political project of the urban poor and the working classes,” a project that involves “exclusionary definitions of community and citizenship” producing “visions of urban development that exclude poor and working class communities.”¹² In this case it was a dual erasure: media’s erasure from the recounting of Subash’s legacy of an eviction event that he spearheaded as resolute way to permanently erase vending from the city spaces. In face value such a claim makes theoretical sense; after all, the discourses that posit the neoliberal imperative of high growth (and the people who have formal employment in the organized “high growth” sector) would construe the everyday scene of a multitude of “poor” hawkers as a visible impediment to achieving these goals. However, the overwhelming and ubiquitous visibility of hawkers and other informal working classes interwoven with the economic and social life of the urban living in cities like Calcutta, quite viscerally intrudes the project of forgetting. Exclusion is never complete without the continued silence of the excluded voice: how can one be out of mind if they are constantly in sight and clearly audible. Consequently, a couple of months into my fieldwork

¹²The liberalizing middle classes here mainly points to the largely urban political elite, or what (Chatterjee 2004) has called the de-facto civil society. In the context of my work could be understood as people who have formal employment in organized sectors.

in Kolkata, on 24th November 2009,¹³ the leader of the largest Hawkers' Union in Kolkata called Hawker Sangram Committee (HSC), Shaktiman Ghosh, rose to a podium reminding a large crowd of street vendors, union activists, police, and onlookers that

At the dead of night on 24th November 1996, when operation sunshine happened, since then Hawker Sangram Committee has continuously protested against police torture and the CPI(M) cadres, couldn't remove us. We did not give up one inch of our land (*jomi*).

The meeting itself was held as an anniversary protest organized by HSC on the 24th of November. Speaker after speaker in Bengali and Hindi reminded the public over echoing loud speakers about their ongoing struggles, and their future demands. Each speaker reminded the audience of the city wide Hawkers eviction in the winter of 1996, as a transformative point in the politics of street vending. Medha Patekar, who was introduced by Shaktiman Ghosh as a long-time supporter and friend of the movement, spoke in Hindi. She criticized the government's dishonesty with the street vendors, saying

The West Bengal Government in some ways are going to cheat the hawkers again and this tendency that I have seen since 1996 ends in clashes (*sangharsh*). Just like when the peasant revolts in Nandigram and Singur, are heard in Lalgarh, similarly since 1996 we have made this into a growing peoples' movement (*jana andolan*) and we want to see to it that it yields results.

The political economy of unorganized urban retail in Kolkata, and the political contestation over postcolonial urban spaces of selling in the neoliberal era could be meaningfully analyzed by tracing these opposing forces or processes of forgetting and remembering. The project of forgetting involves the discourses surrounding the need to remove hawkers from public spaces (like side-walks or railway stations) for the efficient circulation of capital and labor in the organized sector, harnessed by people with formal employment. The force part of the project of forgetting comes in the form of coordinated state actions like OS. On the opposing hand, the project of remembering is the activism literature that

¹³Translated from the live recording of protest gathering in front of Kolkata Municipal Corporation office on 24th November 2009.

the unions and other little magazines generate and distribute. Unfortunately, but not surprisingly, there is a paucity of basic qualitative and quantitative data by state agencies on informal workers.¹⁴

3.2.2 Political and Civil Societies

At this point, it will be helpful to place this constant tussle between the projects of erasure and presence within a broader conceptual framework of “civil society” and “political society” as theorized by Partha Chatterjee in *The Politics of the Governed*. He argues that the nature of Indian democratic politics could be understood by differentiating between a) domains of rightful and legitimate citizenship or civil society (“a line connecting civil society to the nation-state founded on popular sovereignty and granting equal rights to citizens”), and (b) the domains of welfare governance or political society (“the line connecting populations to governmental agencies pursuing multiple policies of security and welfare”). Although constitutionally every member of the society is *de jure* an equal citizen with inalienable freedom and rights,¹⁵ *de facto*, however the civil society in India “as an existing arena of institutions and practices [is] inhabited by a relatively small section of the people whose social locations can be identified with a fair degree of clarity.” In my context this could be understood as the members of the organized economy with formal employment relations, people with suits and swipe cards. According to (Chatterjee 2004, p.38) in reality, most Indian citizens are not a member of this civil society proper, but are

only tenuously, and even then ambiguously and contextually, rights-bearing citizens in the sense imagined by the constitution. They are not, therefore, proper members of civil society and are not regarded as such by the institutions of the state. But it is

¹⁴Scholars who work in this field face this persistent lack of official data. See for example (Agarwala 2013, p.5) also makes this point. More specific to street vendors in Kolkata, (Bandyopadhyay 2009, p.116) writes “though hawking is an everyday phenomenon and hawkers represent one of the largest, more organised, and perhaps, more militant sectors within the informal economy, the academic literature on the subject is virtually non-existent.”

¹⁵I say this with reservations, for example, marriage equality is absent in India.

not as though they are outside the reach of the state or even excluded from the domain of politics. As populations within the territorial jurisdiction of the state, they have to be both looked after and controlled by various governmental agencies.

The states' management of welfare and security (important aspect of *P2* in my scheme of things) through enumeration, classification, and economic analysis of populations and their activities, according to Chatterjee brings these populations

into a certain political relationship with the state. But this relationship does not always conform to what is envisaged in the constitutional depiction of the relation between the state and members of civil society. Yet these are without doubt political relations that may have acquired, in specific historically defined contexts, a widely recognized systematic character, and perhaps even certain conventionally recognized ethical norms, even if subject to varying degrees of contestation.

In their dealings with the state especially in terms of the state's governance of economy and social welfare of populations, these members of the political society, (Chatterjee 2004, p.40) argues

transgress the strict lines of legality in struggling to live and work. They may live in illegal squatter settlements, make illegal use of water or electricity, travel without tickets in public transport. In dealing with them, the authorities cannot treat them on the same footing as other civic associations following more legitimate social pursuits. Yet state agencies and nongovernmental organizations cannot ignore them either, since they are among thousands of similar associations representing groups of population whose very livelihood or habitation involve violation of the law. These agencies therefore deal with these associations not as bodies of citizens but as convenient instruments for the administration of welfare to marginal and underprivileged population groups.

Members of the political society definitely accept their illegal and un-civic ways of living, "but they make a claim to a habitation and a livelihood as a matter of right," and are always willing to be relocated. The state, on the other hand cannot completely shirk its role in providing welfare, and has to acknowledge the legitimacy of such exhortations made by the poor,

but those claims could not be regarded as justiciable rights since the state did not have the means to deliver those benefits to the entire population of the country. To

treat those claims as rights would only invite further violation of public property and civic laws.

The bargaining process that ensues between the members of the political society and the agents of the state (who are presumably members of the civil society as well) comprises of “constantly shifting compromise between the normative values of modernity and the moral assertion of popular demands”. The essence of democratic politics in India according to (Chatterjee 2004, p.41) involves

on the one hand, governmental agencies have a public obligation to look after the poor and the underprivileged and, on the other, particular population groups receive attention from those agencies according to calculations of political expediency.

Democratic politics in capitalist nation-states like India then, are to be evaluated through this bifocal lens: one positioned towards a civil society properly ensconced within the “high ground of modernity” that is “restricted to a small section of culturally equipped citizens” conforming to “the constitutional model of the state.” The second lens reveals the practical ways in which the “governmental agencies” of the state have to engage with the poor member of the political society “in order to renew [the government’s] legitimacy as providers of well-being” because after all the poor “often make instrumental use of the fact that they can vote in elections.” Because of this negotiation, the state has to constantly “descend from that high ground” of “the normative values of modernity” pertaining to civilized citizenship, to broker compromises “with the moral assertions of popular demands.”¹⁶ We can thus reconcile the conflicting projects of forgetting and remembering that I laid out earlier, with the conceptual framework of the civil and political society. For

¹⁶One can definitely make the same distinction between de facto and de jure citizenship in the developed world. The anxieties of immigration of Muslim refugees putting a burden on the welfare provisions of European states, the economic conditions of Algerian French in urban spaces which the US pundits often portray as “no-go zones,” the mass social movements exposing de facto discrimination against African American and Latinos in the U.S., are clear examples of this distinction between the normative and deviant citizen. One might argue the conceptual differentiation between the political and civil societies could hold for all capitalist democracies where the state plays a significant role in economic welfare, the difference is in scale and not substance.

all practical purposes of classification, our street vendors are members of the latter group. While negotiating control over urban spaces of selling as a means to lead a less precarious life, the vendors indeed “transgress the strict lines of legality in struggling to live and work.” The state actors and political parties on their part, unable to ignore their presence or deny their “claim to a habitation and a livelihood as a matter of right,” often capitulate to their dissent and/or exploit the fuzzy legalities of their economic endeavors. Reluctantly, from time to time, the civil society and the state thus extends extralegal/informal concessions for political edge or pecuniary gains. In this light we can suggest that the political society is also continuously preoccupied with the “project of remembering” by reformulating it at a conflictual or counter-hegemonic angle to the “project of forgetting” propitiated by the state and the culturally equipped civil society. What is the content and nature of conflict between these two oppositional projects? How do street vendors negotiate and justify their legitimacy? What are the ways in which they express their demands? What ethical, moral or ideological arguments do the street vendors and their allies use to portray their dissent as rightful?

3.3 Contours of Conflict

Ajay,¹⁷ who has been selling bags from 1985, reminded me of the ad hoc and whimsical nature of negotiation and interactions with the state, since he started business at the Gariahat Junction, a meeting point of four important arterial roads in South Kolkata.

When we came here there were stalls all over Gariahat, we couldn't get a stall, we came much after the stalls were in place. So, we started doing business within fifty feet of junction. At that time often police will lodge a case, called “petty case,” then we were arrested and taken to court the next day and there was a 5 rupees fine. But the “harassment” was much more, we were made to stay in the precinct (*thana*). The next day we were taken to the court and bailed (*jaamin er bishoyta chhilo*).

¹⁷Ajay (street vendor) interview by author, January 10, 2010.

He was one of the 93 late arrivals in 1985 after the area was already populated by a lot of unorganized retail shops. They often banded together (*oikyoboddho bhabey*) and went to different political parties. None of the political parties wanted to associate with them in any meaningful way (*amader shathey jukto hotey chaini*). Many have come to ‘utilize’ them, and many have taken money (*textitpoishao foishao niyechhen onekey*). But nothing came of it.

The only thing that we wanted is that our place is secure and that we can sit in peace, and that we don’t face “police torture,” which no association could help us with. (*kono shon-gothoni shebhabey shahajyo kortey pareni*). So till 1996, we kept on like this, with a somewhat “negotiation” with the police that they can write us up (*apnara case korun*) but only in exchange of money (*kintu poishar binomoye korun*) so that we were not made to do the “night-stay.” So, the police also came to somewhat of an understanding (*onarao motamoti ekta jaygai ashen*) where they took a little more than the “case money” but wouldn’t have to “night-stay.” Sometimes they will take away all the goods but will return them the next day. This is how things went on till 1996.

Ajay told me that sometimes the police will have to violate their informal negotiations because of pressures from above (‘government’ and ‘corporation’) and will often ‘heckle’ them or ‘arrest’ them, so they protested (*andolan korechhi*) and vandalized the precincts (*thana bhangchur korechhi*) because they had to do it for survival (*payter sharthey*). The benefits they demanded were communal benefits pertaining to humane conditions of work, that all hawkers could access. Another seller of ready-made garments called Amir¹⁸ put it simply

Now we are in the waters, no one really wants to think about us. We have no provision for water, electricity, or sanitation. We go here and there to meet our basic needs while selling. You saw how we sell, birds are defecating on my things. Can you stand in that sun for three to four hours in summer? You will fall sick. But we are not allowed to put a plastic covering on the structure because of pollution. All we want is a ‘systematic formula,’ where we can sell in peace.

All the 40 street hawkers that I interviewed in depth, when confronted with the is-

¹⁸Amir(street vendor) interview by author, December 9, 2009

sue of the role of government, did not couch their demands in terms of monetary transfers from the government. In fact, there was a general acceptance that the government cannot provide them direct monetary benefits. None of them have ever received any government transfers related to their informal work, or has heard of any programs or schemes that have afforded them cash gain. The demands were simply and ubiquitously expressed in terms of their struggle to gain and maintain the freedom to participate in the market as profit seeking agents, without unreasonable interference from the state and “the public” (which is the South Asian colloquialism for civil society). All of them also adamantly denied they are doing anything illegal, although hawking is technically illegal, since the Calcutta Municipal Corporation Act of 1980, doesn’t allow any form of street vending.¹⁹ Raju,²⁰ who had been selling leather bags in Gariahat before and after Operation sunshine, put it this way.

I have made a card in employment exchange 10 to 15 years ago, nothing happened., We can’t become a burglar or a thief, after we have appropriate education. Maybe I couldn’t secure ‘hi-fi results,’ because we had to study under conditions of poverty/need (*obhab onoton*). So now that I am selling on the street, is making-do illegal (*kore khaoa ki beyaini*)?

In their self-articulation members of the political society do make demands from the state, but the demands are primarily directed towards attaining the capability to carry on their business with dignity. Many of them identified a regularized method, a “system” where they have the right to sell like any other members of the civil society. It is true they have to negotiate with government and non-governmental agencies and actors. By all means, these street vendors are, to reiterate Chatterjee’s words “only tenuously, and even then, ambiguously and contextually, rights-bearing citizens in the sense imagined by the constitution.”²¹

¹⁹(Bhowmik 2001).

²⁰Raju(street vendor) interview by author, October 17, 2009

²¹It is true they transgress the law that forbids selling (even though they forcefully disagree it is “illegal” in spirit, often mentioning their educational backgrounds) and they do provide their moral justifica-

However my interviews necessitate some further theoretical modifications to the politics of being governed. The nature of argumentation or the vendors' reasoning behind the justification of their presence in the public spaces, fell squarely within "a line connecting civil society to the nation-state founded on popular sovereignty and granting equal rights to citizens." Vendors explained the source of ethical content of their dissent by stressing ideas of dignified humane conditions for carrying on their livelihood and access to equal rights to business. At a higher level of magnification, which the interviews provide, the members of the political society, are "culturally equipped" to register and expand, even if in an abstract way "the constitutional model of the state" and their position within them as rightful participants in the market. The circumstance of poverty and being a subject of governance and control by the state and governmental agencies does not erode the pre-conceived notion of a fundamental equality that is fixated in popular prejudice. This sense of belonging to the civil society, while experientially being a part of political society, animates the project of remembering, against exclusionary push backs. In the case of the street vendors, the political society in a way hijacks the civil society by adopting its language of equality and modes of operation, such as forming free associations, and filing depositions and court documents. It is a population subject to enumeration and control (although governmental agencies don't collect or archive information about street vendors) but the street vendors derive the "moral assertion of popular demands" through the language of the "normative values of modernity." It is also important to note that the street vendors didn't seek to leverage their right to livelihood claims by making "instrumental use of the fact that they can vote in elections," (most of them couldn't vote for local governments that regulate their workplaces²²) but "in order to renew legitimacy as providers

tion through arguments of livelihood as a matter of right. The state, especially the police, doesn't treat hawkers the way they would treat other members of the civil society. But having forced to acknowledge the presence of hawkers everywhere the state is forced to make certain concessions in lieu of cash.

²²Also See (Bandyopadhyay 2016)

of well-being” they expect the government to treat and govern their profession according to norms of the civil society. Also, far from accepting that their ways are un-civic or illegal, their intention is to build a counter-hegemonic project of remembering, where, by making arguments within the normative framework of civil citizenship, and by deploying those arguments against the “civil society” discourses of exclusion, they want to legalize their access to the market just like other members of the civil society. To extend Chatterjee’s analysis, we can see how, in the struggle over spaces of selling, the political society disrupts the civil society through its project of remembering. In my case of informal street vendors, “politics of the governed” is not just about being governed, but to actively govern/shape the terms of that governance in accordance with standards that are applied to members of the civil society, based on arguments fabricated and bolstered within the discourses of equality and citizenship that are firmly entrenched in civil society. As a method, the street vendors ally with culturally equipped sympathetic members of the civil society who articulate their ideas to other members of the civil society. The “civil society” arguments of illegal encroachment of public space are often turned on their head and deployed against the members of the civil society to expose a sort of a middle class hypocrisy. For example, towards the end of the protest gathering to remember OS, a question answer session was arranged with the press. A member of the press asked the activist leader Medha Patekar about her position on a standard argument that has been continuing for ages.

We are seeing there are a lot of road accident these days because there is hardly any place to walk...like you claim that vendors have the civil right to sell but the pedestrians also have a right to walk, but in many places we see there is no place to walk. What do you have to say about this issue?

“I completely agree,” Medha replied, “we have been noting this conflict where the right to do business is coming up against the walker rights.” Then she proceeded to offer a counter-hegemonic idea, where the civil society arguments of accidents and lack of space to walk, (which often serves as the logic behind the project exclusion and forgetting) was turned

against itself, where equally plausible sources of lack of space was located within the very consumption habits of the civil society itself.

So I see, for every private vehicle three spaces are generally reserved, one, when the car will come to the house there has to be an empty space in front of the house, another, there has to be space to park in front of the office, and then, when it is on the road there has to be that much space as well. Each month hundreds and thousands of new cars are coming to big cities, and in order to ‘favor’ the industries and their ‘profits’ agenda, in the name of building ‘infrastructure’ the government (*sarkar*) is just building only one type of ‘infra-structure’...We are claiming that in spaces of public transport, whether it be bus or railway stations, there must be separate spaces of selling, and state should be a part of that initiative. As long as spaces reserved for private vehicles will grow, we can compare that to how much space hawkers have. Then we also have to ask how much space are the shopping malls and the McDonalds are asking for and how much space they are getting?

Here the argument of right to space for walking, which is constantly used as a justification behind the exclusion of hawkers from urban space, is turned on its head, by questioning the legitimacy of other forms of space-hogging activities that the members of the civil society depend on to carry on their livelihoods. This stance pushes the members of the civil society to an uncomfortable moral position where, if they resist the market activities of the members of political society, logically they also have to undermine and criticize their own forms of “normalized” or legitimate activities. The project of exclusion based on the negative rights to space (ability to walk without hawker encroachment) can only be justified now if the arguer privileges the car owner’s right to space over that of the hawkers, especially when both are occupying space to secure their respective livelihoods. The implication is that the “right to walk” brigade should complain about car owners too, because after all, if all men are equal, then what moral basis does the civil society have to treat the hawkers’ encroachment worse than that of the car owners’?

3.3.1 Arguments Against Exclusion

To counter the arguments within the project of exclusion involving negative rights (say pollution, hygiene, or safety), the hawkers and their interlocutors identify a similar and more damaging activity common among the civil society and ask why one's negative externality is better than the other's. Or why one's ability to act freely without hindrance should not be equally applied? In this way, arguments of rights to clean environment are countered with massive amounts of hot air pumped out by industrial air conditioners in shopping malls. Right to eat food without contamination is countered with the news of sickness caused by eating in restaurant chains, or by pointing out that inside their closed doors many restaurants have ghastly kitchens, and that, at least in the case of street vendors, everything is on display. Such arguments make sense only if one presupposes the constitutional, normative framework that connects the civil society and the state, namely the equal moral worth of all citizens and state's obligation to protect negative rights in equal fashion. The members of the political society and their allies base their politics on a conviction, a self-evident truth, that juridically the street vendors are already part of the civil society. The political society thus anchors their ideas of justified struggle over spaces of selling, against the ideas of exclusion led by the civil society, on the bedrock principles of civil society itself, namely equal application of negative rights. In short, they refuse to concede their profession is any less legitimate or any more harmful than other jobs and activities in the civil society. Condition of poverty, or lack of access to formal employment in the organized sector, indeed brings the street vendors in "a certain political relationship" with the state. But that relationship, in spite of its differences with those that exist between the members of the civil society and the state, is ultimately cultivated to extract de jure and de facto legitimacy of spaces of selling and the profession of street vending.

These arguments used in the project of remembering exposes the contradictions of the negative rights approaches that argues against the profession of street vending. An

analysis of the ideational conflicts over the spaces of selling will not be complete without a proper treatment of the positive rights arguments used against the forces of forgetting. Here the arguments stem from a conviction among street vendors that they have a right to realize their human potential by having control over their means of production, and hence their means of livelihood. They are unfree to the extent they are not able to use their labor in their own interests, and are being made incapable of self-determination. Arguments regarding the equality of access to the means of livelihood, or equal capability of participating in markets for earning income, or the equal right to labor in one's own interest is woven into the discourse of positive rights. In all my interviews with the street vendors and other informal sector workers this aspect of positive rights in the conflict over *S2* was repeatedly underscored. As Amal²³ mentioned in a long discussion under a soft soaking winter sun, while his partner oversaw his stall of bags.

Have we protested and fought but at different levels of government we have also started a discussion, we have even petitioned the prime minister in Delhi, that those of us who are engaged in “hawkey” in India, what you are seeing directly are us but that is not all, that includes other small distributors, manufacturers and their families, and our laborers and employees (*karmachari*). If you take all, this about 20% of people in India are related to “hawkey” profession. This number you cannot ignore. They are all dependent on us, and everyone has to make a living from the market (*shobai key to marketey korey khete hobey*).

Binoy²⁴ has been selling tea and other snacks in an improvised ramshackle stall on a busy thoroughfare for over a decade. He decided to move to Kolkata after his job as a canteen manager vanished from the Durgapur steel plant as it decided to retrench in the late 1980s, and he was in his 50s without a job. Family connections eventually led him to seek employment in South Kolkata. After going through various employment agencies, whose promise for dignified work in lieu of cash appeared to him as a scheme for swindling vulnerable job seekers, and after being almost conned by a middle man (*dalal*), he finally de-

²³Amal (street vendor) interview by author, December 15 2009

²⁴Binoy (street vendor) interview by author, January 13 2009

cided to open a tea and snacks stall on a pavement in front of the gates of an apartment complex that houses government employees and their families. Our discussion eventually arrived at the issue of encroachment, or what is pejoratively called “claiming the footpath” (*footpath dokhol*) by civil society organizations that resist vending. I asked Binoy what he thought about pavements (footpath) being taken over by hawkers. He wanted to clarify if he can talk from a personal standpoint (*byaktigoto bhabey boltey pari?*). He said

All this people, now India is full of unemployed people, what I say is, even if some find it a little difficult to walk, they should adjust a little keeping in mind that someone else is also making a living (*korey khachhey*). That is how it should be in a civilized society (*shobhyo shomaj*), but we don’t live in a civilized society. In America or Russia, where low class people are less, or like in Bombay, if you throw a cigarette on the foot path, or get out through a wrong door of the bus, there is a “spot fine.” But here people barely make a daily living (*din aney din khaaye*), and are dying of hunger. So now if someone is conducting “business” on the footpath, and because by doing so they can feed themselves, then no one needs to complain. You have accepted it, I have accepted it, many people have accepted it, then what is the problem with street vending? And walkers who complain are “high standard,” so they should walk with perhaps a little bit of difficulty. It’s not that someone is hurting them or cursing them. You behave according to the place you live in (*jashmin deshey jodachar*). For example, when I lived in the village I wore a *lungi* and a towel, and now in the city I wear pants and shirts. From the government what I want is to ensure my safety and security, end the harassment and all these threats of breaking up stalls and eviction. And understand that the main thing is provision of employment.

Finally, excerpts from a letter written in 2002 by the general secretary of HSC to the Chief Minister of West Bengal, sums up the argumentation on positive rights in a concise way.²⁵

Sir, as you know, our governing system has failed to provide a path to employment even after 55 years since independence. Among all the aimless people who have come to rely on self-reliance hawkery is one of the most important professions. As new industries have failed to keep up with the rising unemployment there is no job creation. Globalization, liberalization and privatization has led to closed factories, layoffs, lockouts, and firing of workers. This has increased the number of jobless continuously. In this socio-economic context hawkery is the humble way to make an honest living, and it provides income to a lot of families that rely on the hawkers and their trade. In this context of intense joblessness, lack of work due to closed facto-

²⁵HSC’s unarchived collection of primary documents, in author’s possession.

ries, and lack of year-long work in village and suburban areas, I urge you to think about the livelihood and existence of hawkers and those who depend on them and in order to keep alive this alternative economy for the lower classes (*nimnobityer bikolpo orthoniti*), just beside the markets of the rich (*bodoloker bajaarer pashapashi*) allow these spontaneous moving markets.

Through these narratives, that expose the nature of ideational conflicts over *S2*, it is easy to discern not merely the exhortation for providing safety and security of the profession and the professionals (expressed in terms of negative liberty), but it is forcefully a capability argument as well, where freedom is understood not just in terms of being able to sell, but also in terms of being capable of making a living by depending on the market forces. Throughout the 1980s, in multiple cases involving hawkers and slum dwellers, the Supreme Court, while allowing the state to regulate, have consistently maintained the constitutionally guaranteed positive right to livelihood. Most cited among them is the case of Sodhan Singh, a garment seller from New Delhi. Upon eviction by the municipal corporation his Public Interest Litigation (PIL) appeal to the Supreme Court of India contested the constitutionality of such an eviction. The plaintiff argued that such an action violates Article 19(1)g of the Indian constitution, which guarantees a citizen the right to carry on business or trade. In a landmark 1989 judgment on street vending the Court held²⁶

If properly regulated according to the exigency of the circumstances, the small traders on the sidewalks can considerably add to the comfort and convenience of the general public, by making available ordinary articles of everyday use for a comparatively lesser price. An ordinary person, not very affluent, while hurrying towards his home after a day's work can pick up these articles without going out of his way to find a regular market. The right to carry on trade or business mentioned in Article 19(1)g of the Constitution, on street pavements, if properly regulated cannot be denied on the ground that the streets are meant exclusively for passing or re-passing and no other use.

²⁶Supreme Court of India, Judgment in Sodhan Singh vs NDMC, 1989. c.f. (Bhowmik 2003, p.1544).

3.3.2 Analysis of Conflict and Market Society

Based on this evidence, several observations on the capability arguments characteristically different from those of safety and security can be derived. First, both the judgment and the letter quoted above stress the pertinent and positive role of hawkers in sustaining the survival of many more families through upward and downward economic linkages. By demanding what is to be sold to the end consumer hawkery generates circulation of capital and labor in $S1$ and $S2$, and the livelihoods of “those who depend on them.” At the same time by supplying end consumers with goods and services it augments “the comfort and convenience of the general public” by providing competitive prices or to use the court’s words “comparatively low prices.” Here is a realist emphasis on the parallel universes of economies within “the economy,” namely, as the letter suggests, “the alternative economy of the lower classes.” Consequently, there exists, to use the Court’s nomenclature, a diversity of markets: informal retail for the ordinary and the regular markets supplying the affluent. This form of argumentation questions the hegemony of the economic growth narrative and draws attention to the nature or composition of economic growth by imagining the economy through the lens of market competition and circulation of capital that arises out of the real ways people earn their livelihoods. The economy is not the abstract national entity encapsulated within a synoptic *GDP* figure, but rather it is a product of the actual ways in which people earn a living by participating in the variegated, local, and competitive markets that provides the cornucopia of capitalism’s products to people of different economic classes. It is not the way the economy is imagined but the way it is lived. Second, this idea of the economy as a product of the collective economies of beings eking out livelihoods, rather than a rapidly increasing total market value of all goods and services, provides the logic of criticism where the state’s legitimate role in improving the economy is called into question. How can a state claim to improve its economy, if the policies are directly hurting the massive competitive private enterprise of selling goods in

markets of capitalism? Within the project of remembering, the (elected and unelected) agents of the state are called upon to perform their role in improving the economy by not destroying the livelihood of millions of workers who depends on street vendors and promoting the positive role that street vendors play in capitalism. Third, this is also a demand on the state to be appropriately neoliberal and fulfill its role to promote and protect market competition (*P3*) because it alludes to the competitiveness of informal retail and its benefits to consumers in terms of a more consumer surplus for a lesser price. After all, the hawkers are also making and helping make livelihoods. Street vendors are actively participating in the circulation of capital within neoliberalism's much haloed system of price signals and selfish human behavior, as much as participants of affluent markets. To put it succinctly, the argument is not that the state is being pro-market, but the state is not being pro-market enough. In other words, it is not that the state is being too neoliberal, but the state is not truly neoliberal, because they are hurting competitive private enterprise. (Agarwala 2013, p.7) makes the point that workers in the unorganized have successfully organized to elicit social safety net expenditures from the state namely in the form of Unorganized Sector Workers' Social Security Bill (2002) which provide informal workers with life, disability, health, and old age insurance. While this is true, the reality on the ground three years after the passage of the bill was very different. None of the hawkers in Kolkata had obtained any benefits, haven't heard about this bill, and did not show any hope or interest in such a scheme. In fact, a seller of coconut water insisted that I was getting things mixed up. A seller of fresh fruits nonchalantly waved his hands- "many such 'schemes' come and go, ultimately nothing happens." What my fieldwork reveals clearly however is that the main motivation behind the organization of hawkers is not to exact or expect any welfare expenditures from the government, but primarily to earn the right to participate in markets without disruption.

This brings me to the final and most important observation about the nature of ide-

ological contestation over urban spaces by hawkers. In the end analysis the focus of resistance among street vendors, as expressed in their own words, involves their ability to participate in markets of profitable exchange. Repeatedly and posthumously doing business and making money without disruption was the fight they thought they were in. Their very need to sell in markets, or their imperative to make their livelihoods as unorganized urban retailers, was in turn expressed in terms of their absolute dependence on markets. Unlike the members of the civil society with formal employment contracts that cushion them from the vicissitudes of capitalist competition (like unemployment benefits and sick-leaves) the hawkers understood that they are completely dependent on a capitalist money economy. This was the cornerstone argument that hawkers repeatedly invoked to imbue the project of remembering with its moral legitimacy. This is where we can extend Chatterjee's formulation of political society its logical conclusion. Like all members of the political society, politics of informal retailers, is the struggle for the means to sell final commodities/services to end consumers, because their livelihood fundamentally depends on these everyday monetary transactions. Unlike members of the civil society who have formal employments that shield them from the vagaries of market volatility, the political societies dependence on the market forces is more visceral, acute, and fundamental. To use Chatterjee's words, "their livelihood and habitation involve violation of the law" precisely because they must depend on a capitalist market economy more viscerally than formal employment arrangements. "They make a claim to a habitation and a livelihood as a matter of right" because their sustenance depends on their ability to sell their products and services in markets, but more importantly they are more exposed to the market forces of capitalism without the safety nets enjoyed by members of the civil society. In a way then, political society should be more appropriately conceptualized as a *market society* because its "tenuously right bearing" members and their economic activities that "bring these populations into a certain political relationship with the state" is ultimately a function of their

compulsive dependence on the materialist conditions of market access and their ability to accrue livelihood through profitable competitive enterprises in a capitalist system. The fundamental difference between the “politics emerging out of the developmental policies of government aimed at specific population groups,” (hawkers in our case) and the politics of “culturally equipped citizens” is that the former is not shielded by the securities of formal employment, and hence is much more exposed to the vagaries of market failures and its “system of prices signals.” No doubt then, the politics of the market society is to resist and co-opt the forces that hinder their access to profitable market transactions on an everyday basis. After all, following my argument from Chapter 2, the hawkers are also convinced about the neoliberal moral imperative of the private accumulation, and they clamor for their right to be a *homo economicus* as much as members of the civil society. In the following section I will focus on one such particularly important instance of resistance and negotiation, called Operation Sunshine, that, as we have seen, continues to serve as historical marker in the politics of street vending in Kolkata.

3.4 Road to Sunshine

If Kolkata is a city of joy, it is also a city of hawkers.²⁷ Buying and selling on the streets is an economic activity interwoven throughout the ways people live out their lives. The city manifests itself through the diversity and ubiquity of street vending: the empirical referent to the conceptual imaginary of the second space of capital. All public spaces are potential market places. Operating within these sinews of citywide competitive system of price signals, the worker/laborer that produces the convenience with which the consumer meets the final commodity form, is also present as a seller. These unorganized retailers are not in a strict wage relation with a capitalist, although they are a crucial element of

²⁷See (Statesman 1989).

global capitalism, and hence are completely dependent on market forces. After all, the labor power spent in selling stuff back generates a substantial profit/income. This curious case of the seller-worker in contemporary global capitalism - who is at once a worker devoid of wage relations and an entrepreneur motivated by profit - has always been a source of anxiety among the discourses of forgetting prevalent within the civil society. In what follows I will analyze this exclusionary discourse deployed by members of the civil society, through a close reading of articles in popular press, official documents, and personal interviews, to events leading up to the Operation Sunshine. The enormous profitability of the market society, which like all profit seekers in capitalism engages with the politics of selling, doesn't invoke the sense of vibrant national economy harnessing the economic growth through free markets, but rather a sense of moral and civil decay. "You may find walking on them perilous but Calcutta's pavements are laid with gold," as a newspaper article puts it, a decade after OS, in 2006. Since the scenario portrayed by the article is representative of the civil society's (irrational) anxiety of markets, I provide a lengthy quote to reveal the elements of this anxiety in some detail.²⁸

In order to conduct their business from what is public property for public use and should, therefore, be closed to private business, hawkers make an annual clandestine payment of Rs 265 crore²⁹ to various authorities. Hawkers are exploited by the agents of trade union leaders, politicians, police, civic councilors. They have to pay to earn their bread, said Shaktiman Ghosh, leader of the Hawker Sangram Committee, an apolitical union. In the staggering sum of money at stake lies the secret of why hawkers will never be evicted, never mind the enormous inconvenience they cause to citizens. It also explains why mayor Bikash Ranjan Bhattacharyya is reinventing Lord Cornwallis's permanent settlement concept to make sure the city's sidewalks are forever occupied by peddlers.

When it comes to hawkers, this concern about the people making profit in public space, is a constant source of anxiety among the civil society of contemporary India. Like the neoliberal discourse analyzed in the previous chapter, this argument is also strangely at odds

²⁸See (Ganguly 2006).

²⁹2.65 Billion

with itself, since one of the key features of state policy in post liberal India is a concentrated orchestration of the fire sale of public land for private use often under tremendous sociopolitical unrest. While pre 90s' acquisitions were mostly for large public projects, post liberalization there has been a significant shift towards aiding private accumulation through the forceful acquisition of public and private land. Indian states have scrambled to court private capital for tax free Special Economic Zones to promote economic growth at the cost of acute unemployment and loss of livelihood. Sustained and often successful resistance against such use of public and private land has shown the undemocratic and illegitimacy of these acquisition policies.³⁰ It begs the question, why is one form of private use of public land worse than other forms, especially given the tremendous economic contribution of the street vendors? After all, according to the same article, Ghosh explained that at last count, the city had 2.75 lakh (275 thousand) hawkers who pay anything between Rs.30 and Rs.150 a day, depending on location. Agents of the claimants to the booty collect the bribe daily from the hawker and deliver millions to party coffers. This thought process within the project of forgetting doesn't however engage with the demand side of things such as the consumers who participate in exchanges with hawkers. Generally, these pieces, within the project of forgetting, avoid the perspective of buyers. Also, narratives unsympathetic to street businesses avoid the reality that providing certain benefits to state agents and receiving the ability to operate at the edges of legality is an integral part of global capitalism, and in fact, as (Münster & Strümpell 2014, p.1-6) has shown, this form of capitalism is the very definition of neoliberal India. In fact, the Land Acquisition Act of 2011 arbitrarily fixes the prices of land without allowing for the future market value to be included in the price, and this has been criticized by (Ghatak

³⁰For example (Levien 2013) finds "While steel towns and industrial estates reflected a regime of land for production with pretensions of inclusive social transformation, SEZs represent a neoliberal regime of land for the market in which 'land broker states' have emerged to indiscriminately transfer land from peasants to capitalist firms for real estate." Also See (Sengupta 2013), (Mallik 2018).

& Ghosh 2011, p.66) as a way to keep ”considerable room for officials to manipulate the figure by use of selective sampling or fake deals as any industrial or development project will cause significant appreciation of real estate prices, making it impossible for displaced farmers to buy back land with compensation money if they so wished.”

Given the significance of hawkers in the broader economic life and livelihood of people living in the city and its hinterlands, given it is the perfect example of real-world competitive market forces entrenched within the neoliberal logic of profit accumulation and economic growth through private enterprise, and given, like all businessmen, hawkers are also willing to pay the necessary taxes in exchange for right to sell, one might predict that neoliberal policies will seek to champion this competitive economy by formalizing or legalizing hawkers’ right to sell. Yet like all news articles within this genre it remains adamant about any such legalization, as it goes on to say

He (the Mayor) wants to legalise a part of the illegal by collecting a tax and giving hawkers an identity card to protect them from harassment. While the Rs 265 crore they part with as bribe is just 3 per cent of the business, the hawkers association is aware of the influence it can wield and not on the Calcutta Municipal Corporation (CMC) alone. In meetings of the apex committee, formed by the CMC with hawkers leaders to work out the permanent settlement framework, the Rs 265 Crore carrot was used to good effect.

This intransigence by civil society groups against the right to sell on the streets reveals a certain kind of vision of the city increasingly espoused by civil society groups since the 1990s. The reason why the hawkers don’t fit into the neoliberal conception of economic growth garnered by free market competition (which is exactly what the street vendors signify), is a function of the State’s imperative to achieve higher economic growth by courting large scale capital investments, which as I have shown, comes in contradiction with the mandate for competition. But these policies or advocacies in favor of hawker purges are also a result of a particular vision of the city, namely “global city” or “mega city” that economic life must conform to. In other words, it is not enough to justify an

economic activity in terms of its contribution to the economy and employment of others, but the economic growth or economic development must conform to certain kind of visual order: economic growth must, in the real world, look a certain way, and follow appropriate propriety and aesthetics. Economic growth should be visually manifested in a certain way. The presence of hawkers in particular, and informal economic activities in general, contradicts that vision. Conversely, one can also argue that as Indian states compete to court corporate investment in urban retail (for high economic growth) it necessitates the concomitant reorganization of the flow of people and commodities in accordance to the needs of formal retail establishments. To institute this need for the easy access to formal retail the states end up manufacturing a visual and administrative uniformity that make the cities look a certain way. It is within this dialectical relation between ideational and material change in the conception and reorganization of cities in the neoliberal era, that one can explain the widespread eviction events like Operation Sunshine. In the following sections I analyze the political economy of street vending before the 1990s and comment on the change in discourses regarding the city and the position of hawkers as India moves to the neoliberal era.

3.4.1 Politics of Selling Before Operation Sunshine

Ritajyoti Bandyopadhyay provides an excellent account of state policies towards hawkers before the 1990s. In the 1950s, the influx of millions of refugees from partition hastened the creation of these spaces of selling organized and operated by refugees, and places like “Kalighat Refugee Hawkers’ Corner” in the southern parts of the city were allowed by the Chief Minister Bidhan Roy himself.³¹ However, of the 1.2 million refugees that came in during that time, only 23 percent took shelter in the refugee camps. There is a consensus among scholars that “with enterprise and flexibility” the refugees had to settle themselves,

³¹See (Bandyopadhyay 2009, p.116).

often abandoning traditional occupation choices. A rising population of an educated yet semi-skilled youth expanded the service sector and led to a rapid proliferation of small businesses. They were also aided by national rehabilitation schemes.³² It is important to note that in the 1950s, the state, even though reluctantly, played a positive role in establishing licensed marketplaces and settlement colonies for the refugee population and encouraged their creation, maintenance and legalization.³³ The 1960s saw the migration of new refugees from soon to be Bangladesh, and the motivation to find gainful employment attracted displaced individuals to informal retail, the result being burgeoning informal hawker markets beyond and around formal municipal market places. “Eviction became a routine act” for the municipal authorities, although the street trading continued to remain and flourish. The hawkers entrenched themselves within the structure of local party politics and politicians who were dependent on the hawkers “to maintain their rent-seeking financial structure.”³⁴ (Bandyopadhyay 2009, p.117-p.118) shows how the “activist” administrators of the state agencies in the 1970s identified competition posed by “hawker menace” to be the root of losses sustained by formal market spaces. By the 1970s, the nine formal municipal markets which ensured a revenue for the state were also running losses. Based on a joint plan designed by various agencies of the state it was essential to “identify and quantify” and “if necessary to evict” the hawkers, especially in front of the legal retail markets. Thus “Operation Hawker” was to be implemented in a coordinated top-down manner for the first time in the history of the city. The operation, however, was overwhelmingly unsuccessful. “The chief surgeon of the operation noticed with a docile look how the post-operative hazards became unmanageable.” The reason for the botched operation was not just the resistance of hawkers, but curiously, the unevenness of the operation was also due to the resistance mounted by big retailers (called *mahajans*) or brick

³²See (Chatterjee 1995, p.71-73).

³³See (Bandyopadhyay 2016, p.688).

³⁴See (Bandyopadhyay 2016, p.690-691).

and mortar stores who had regularly employed people to sell wares on the streets. More importantly, from the mid-seventies, “the anti-eviction drives gave the hawkers a greater cohesion cutting across socio-ethnic lines and brought them under greater politics, both right and the left,” with slogans like “Hawkers of the World Unite,” and “Kill Poverty, not the Poor.” It is important to note the discourses of enforced sanitization and beautification has started to take hold among the ruling elite by the mid-1970s, which is evidenced by widespread demolition of slums in Delhi and Bombay. The political context of Calcutta was however different due to electoral competition between the Congress Party, the Left Front, and their respective factions. Intra and inter faction rivalry at the local level provided a political climate in which the hawkers could effectively resist evictions by forging relational ties with local politicians and forming themselves into unions that were affiliated to the major political parties. In 1977, as the Left coalition, with CPI(M) at its helm, won overwhelming majorities in the state legislature, thus inaugurating a 35 year of unbroken democratic rule in West Bengal, it also found itself in a precarious situation. On the one hand, as a champion of the poor it has energized the hawkers covertly and overtly during the hostile and brutal anti-communist repression of Congress party rule, who by the late 1970s, organized themselves into unions affiliated to several smaller left parties who were in the ruling coalition. On the other hand, as pragmatic reality of ruling presented itself, anxieties of the city overrun by militant, organized, and ungovernable hawkers also came to the fore. The compromise solution came in the form of an entry barrier, where “no hawkers who had occupied the footpath after 1977 would be given vending licences (which were never issued).” One is not sure how this could have been implemented in any realistic way. However, one could be sure such a measure didn’t stop the proliferation of street vending in any meaningful way. Moreover, as mentioned earlier, a series of favorable court rulings during the 1980s solidified the position of hawkers as it provided them the protection from outright banishment and confirmed their fundamental right to carry on a

profession as per Article 19(1)(g). In 1983 for example, an article in a renowned English daily observed with exasperation³⁵

Once described as a “City of Palaces,” Calcutta now looks like a city of hawkers’ stalls. Thousands of such stalls - crude bamboo structures covered with plastic or tarpaulin sheets - have sprung up over the busy streets. Hawkers here sell everything under the sun - from ready made garments to photo albums, from shoes to all kinds of foreign goods. The concentration of hawkers on pavement here is so heavy that pedestrians are forced to walk on roads and the result is traffic tie-ups and road accidents.

What ensued for years till the Operation Sunshine in the mid-1990s is what (Bandyopadhyay 2016) describes as “state-union complex”: the “critical interface of the state and the ‘movement’ of the hawkers,” in terms of the gradual formation and solidification of hawkers within the established and newly formed trade unions and their repeated negotiations with political parties. I will return to this in more detail in the next chapter. What is however, missing from the literature is a detailed account of the actual economic activity of the hawkers themselves. How was entry and exit into the spaces of hawking structured and controlled over time? How did the hawkers organize their economic activities? How did they negotiate the oppositional forces of individualized market competition and collective bargaining? The importance of these questions cannot be overstated, because a proper understanding of the hawkers’ politics from the inside out will not only provide us with a richer understanding of the political economy of street vending, but also allow us to explain the nature and aftermath of the mid-nineties eviction drives. An understanding of the internal organization of the informal hawker economy so to say, will provide insight into the problems that such market arrangements pose for neoliberal forms of growth oriented governance of the 1990s. Here I draw from several interviews with veteran hawkers from the Gariahat Junction Boulevard in South Calcutta. It is one of the principal areas which has been repeatedly targeted for all eviction proposals since the 1970s.

³⁵See (Statesman 1989).

3.4.2 Informal Retail in Gariahat

One typically cold evening in January 2011, Sanjay Chaudhuri, informed me about the details of hawker politics in the Gariahat Junction area.³⁶ The entire Gariahat Boulevard market was made up of three separate “Boulevard Islands” separating north and south bound traffic. These three markets were settled in separate times and contexts and run by completely three completely different committees. Immediately after 1947 “everybody were sympathetic to the East Bengal refugees” and they could set up shop in the southern-most boulevard island. “There was no written permission from the corporation, just a verbal agreement with the corporation” “so that they can earn something, naturally.” There was nothing there in the 1950s, everything was dark, terrible in rain, much less people and traffic, informed Pradip Roy over warm cardamom tea on a crisp and sunny fall afternoon in December 2010.³⁷ Pradip came to Gariahat as a book seller in 1984. Mr. Chaudhuri recalled that between 1956 and 1961, initially 30 refugee settlers set up markets and this kept expanding up until 1969 to 38 stalls and then to 58 in the late 1990s. This will be called the Gariahat Boulevard Hawkers Committee. Pradip Roy agreed with Sanjay Chaudhuri that they didn’t have a written permission from the CMC, but he was extremely sure there was a written permission by Chief Minister Bidhan Roy as he was sympathetic towards the refugees from East Pakistan. However, after Bidhan Roy passed in 1969, no amount of negotiation with the political elites of the same party as Bidhan Roy, including the elected Mayor, Subrata Mukherjee, yielded any security of tenure in terms of trade or business licenses. The Congress leadership refused to provide any legal tenure, only a consent of occasional acquiescence. By 1970s, more hawkers were selling their wares on the pavement and now the CMC was determined to evict them. However, Sanjay recalled Subrata Mukherjee and Priya Ranjan Dasmunsi, “two stalwart leaders of

³⁶Late Sanjay Chaudhuri (Ex Gariahat Boulevard Vendor) interview by author, January 18 2009

³⁷Pradip Roy (Ex Gariahat Boulevard Vendor) interview by author February 5 2010.

the Congress party,” asked the “pavement hawkers” to move into the middle Boulevard island. They named their market Gariahat Biponi (106 shops) and formed a “democratically elected body,” “an association” (registered as Gariahat Hawkers Association) which passed rules and regulations for selling in the boulevard market. For example, “smuggled goods” or “anything which is contraband” were not allowed. Often the party leaders were honored with the position of presidents and vice presidents of these committees. When Gariahat Municipal Markets was developed, a lot of shopkeepers who had their “peddlers license” were relocated to the northern most boulevard island (they formed the Mahatma Gandhi Hawkers Association with 78 people). Pradip Roy recalled finally by 1971 all three boulevard islands have been “settled.” In spite of the lack of security, hundreds of hawkers started occupying the pavements spreading out all along the entire Gariahat area. Why didn’t this lack of security dissuade the new entrants in the 70s? Pradip Roy and Sanjay Choudhuri identified three main reasons.

A) Even though the trade was not legally binding, the associations and democratically elected committees formed by hawkers could be registered and were legal. These were not unions affiliated to major political parties, but market associations which were registered with the state, and paid its dues. This gave the hawkers some institutionalized communal recognition even though individual tenures were not secure under the law and provided a market level forum for collective action. It gave a sense of security among the sellers and controlled entry and exit in a democratic manner.

B) Initially they were mostly “middle class” and “lower middle class” refugees who were unemployed, and lacked wealth and skill, and as a result became hawkers. Slowly this changed the professional culture of the Bengali youth. In sort of an honest confessional, Pradip Roy revealed initially he would feel bad about opening his shop. Even with the undignified work life in the private company job, which was unbearable and unsustainable, he kept on working for years because of the social dignity it carried within Bengali culture,

compared to setting up small shops. He was certain hawkery as a profession has changed that cultural inhibition to do business. The ability to carry on a small business changed the professional culture or mindset of the unemployed Bengali youth. Instead of insisting on trying and failing to get government jobs or other gainful employment in the private sector like clerical jobs, they could see one can earn an honorable and decent living by becoming small businessmen. “In my opinion” this is a very big contribution of the hawkers: that hawkery has changed the sense of ethics (*mulyobodh*) among unemployed Bengalis. The taboo among Bengalis that selling things is shameful or undignified has largely eroded due to the sustained movement of hawkers. More Bengali youth are willing to start businesses rather than living in despair from unrealized dreams of formal employment in the organized sector. Mr. Chaudhuri also recalled that, due to immense turmoil of the Naxalite movement and the industrial unrests of the 1960s and early seventies organized by the left front unions, it was difficult for the youth to find a job. “People were afraid to hire young people.”.

C) There was a significant political change in the 1977, Pradip noted. After decades of struggle, when the Left front came to power as the government for the poor and underprivileged (*Sarbohara-r Sarkar*), there was a sense of victory among the initial group of hawkers who have settled and struggled. After the boulevard islands were fully occupied by the mid-seventies, more and more hawkers started setting up shop on the pavements and there was a “character change” among hawkers. The new batch of hawkers who started to come during the late 70s and 80s didn’t share any sense of a larger struggle for the underprivileged. To Pradip, they were engaged in an instrumental politics, where the main motive was to maintain occupancy over portions of pavement in return for doing petty favors to leaders of political parties. They were willing to do whatever the political party said. Many of them didn’t come from this area, and they didn’t share any sense of solidarity with the Boulevard Hawkers. The struggle for legitimacy of their profession,

which according to Mr. Roy, was the main goal of the earlier cohort, by the late 70s, was replaced by an obeisance mixed with a regularized payment system to the party and the police in return for morsels of pavement. Protests were outsourced by payments so to say.

In 1977, Mr. Chaudhuri, who eventually became the general secretary of the Gariahat Hawkers Association, bought a shop from an existing owner in the thriving middle island. “Actually you don’t buy it directly” he said. “You hand over your shop to the committee who negotiate with the owner and they have the right to reject the deal as well.” It was mostly a garment and piece cloth market, and it “went quite smoothly” but there was only “one snag,” there was no electric connection. One couldn’t get power if they didn’t have the “trade license,” which the hawkers did not have. There were electricity “distribution boards” in and around the area, so the body negotiated with, “not the so called leaders” but “middle rank” people. The “inspectors” came and were paid “kind of a bribe”: “a couple of shirt pieces, may be cash sometimes,” but the bottom line attitude was that “let the hawkers do some business.” People started complaining about the power cuts, and it was not until the mid-1980s, that they successfully moved the local MLA Sachin Sen who got them official metered connection and hawkers were also allowed to set up their own local pay phone services. Even then, Pradip recalls, there was an internal fight among the three groups of Boulevard Hawkers, only a few original settlers, mostly their children by now, got the electricity connections and other hawkers started to get connections from them. Finally, the whole thing blew up politically and there was a consensus among the three associations that either everyone gets a connection or no one can. Finally, each market got its own meter. All this, Mr. Chaudhuri stressed, was a clear “recognition” among the hawkers and the political authorities that “there was some legitimate business going on there.” Moreover, to make matters even more legitimate, the hawkers started paying a professional tax. “We planned to get recognized by the government by showing that we pay taxes as well.” There was also a “drive” to pay income taxes and they started to file

income taxes, and petitioned the corporation to accept rent on the their 35 to 70 square-foot shops. From several interviews it was confirmed that at the end of the 1970s there was a clear understanding from repeated interaction with the political leaders that the Boulevard Hawkers will not be evicted and if they had to move they will be properly rehabilitated as units.

Some important observations about the political economy of the Boulevard Hawkers (before OS) surfaces from these discussions. The actual markets in which the hawkers operated are self-organized into committees and associations, with a democratic process of controlling entry and exit. Although these associations worked with political parties across the spectrum, all the respondents vehemently denied any official political affiliation and in many occasions expressed their association as “purely apolitical.” They didn’t have any legal recognition, but they found out a way to project their legitimacy by behaving and looking like registered businesses. Although the Chief Minister Jyoti Basu has declared that all hawkers who came after 1977 shall be deemed illegitimate, throughout the 80s and 90s, a new kind of Machiavellian politics of payment versus pavement control has given rise to a hawker-police-political party nexus which led to the massive increase of hawkers from outside the area. It shows not just the working of market society, but more importantly the everyday politics of this market society is primarily a triangular negotiation between the police, the local party leaders, and themselves. The main negotiations that affected their trade on a daily basis were carried out with the mid-level local party leaders and the police, and on occasions with elected representatives. The policies of state agencies devised by expert administrators and blessed by the Chief Ministers or Mayors from the top, at least throughout the 1980s, played a minimal role in the everyday life of the hawkers in and around Gariahat. Hawkers who came to the Gariahat area during the 1980s and 1990s expressed affiliation to labor unions of major political parties and nominated important political leaders for honorary posts in their local union, but they will

often switch sides and hitch themselves to different leaders and parties as need be. As a member of Indira Hawkers Union put it bluntly, “we did many unions, but the police harassment continued.”³⁸ When it came down to the everyday, the local party operatives and the local police was what mattered the most, and top down state action by activist administrators had no permanent effect over how informal retail was organized on the streets. As one example among many, in 1983, a few days after the Chief Minister Jyoti Basu had authoritatively ordered the police to take action against hawkers who arrived after 1977, “an annoyed Chief minister pulled up the Calcutta Police administration... for its failure to discipline Officer in Charge of Police stations who have been unable to remove hawkers from important street crossings.”³⁹ On their part, the local party leaders ensured cash flow to the party in the form of union fees and other regularized cash donations, which is crucial for competitive elections in capitalist democracies. When pressed for detail, respondents will often be confused about whether the money went to the union or the party or the police, and they will try to explain it really didn’t matter. Money went to an identifiable person, a local office or a shop, it went out of the association funds in a lump sum, and it didn’t matter. Hawkers associations will negotiate with the police separately, personally, and will often complain to the local party leaders to deal with the police. All my respondents claimed that what mattered was how much was due each month, “to make things legal” as Pradip put it. There was no electoral blackmail that they were mounting. By Pradip’s account, most latecomers didn’t work where they voted. In my fieldwork all hawkers lived outside the electoral map of their places of selling (not a vote bank for politicians representing the Gariahat area). However, it is a lucrative money bank which ensured a steady flow of capital into the party treasuries, the very life blood of political parties in capitalist democracies. All unorganized sector workers in the transportation in-

³⁸Discussion with Indira Hawkers Union members located at Gariahat

³⁹See (Statesman 1983).

dustry I have talked to paid something to a party/union and had a nearest party office to go to. For example, all the Auto Rickhsaw drivers in different routes in South Calcutta were paying 3 INR a day to “the party.” Although officially this fee (*chanda*) was supposed to pay for costs in case of mishaps, it was often delayed or denied. News articles from the 1980s and 1990s frequently featured articles which spelled out entente between political parties and hawkers, and the reason for its resilience. This one, just before Operation Sunshine spells out this mechanism in detail.⁴⁰

Due to eviction, it is not just that the hawkers are fearing economic loss. In order to maintain illegal control over the footpaths the encroachers have to pay regular dues (*nazrana*) to the union of different political party unions and the police. This nexus of interest on the footpath has been happening for ages. . . According to a calculation made by the police, Burrabazar and Hare Street Precincts make 3 to 5 lakh (300 to 500 thousand) monthly from *toila* and *petty case*. But in the southern parts of the city police doesn't take any money, only the unions related to political parties have a right to collect the dues. . . In Gariahat and Hazra areas, CITU is very democratic and takes money on a sliding scale based on the hawkers ability. On behalf of CITU local leaders extract money from different areas of Kolkata. For example, in the North Amal Chakrabarty and “Nepal,” in central Kolkata it is Mohammad Siraj, Tohrab, and in the South it is Jayanta Dasgupta.

3.4.3 Partisan Society?

In the context of rural party politics in West Bengal, (Bhattacharyya 2010, p.53) expands and refines Chatterjee's idea of political society to conceptualize something called “party-society” or the “modular form of political society in West Bengal's countryside.”. Party-society is characterized by the usurpation of the rural social space by established political parties, instead of growth of non-partisan civil associations. As a result of this crowding out civic associations, Bhattacharya argues “public action in party-society tends to be election centric, appealing directly to the calculus of enlarging the share of votes by different political parties.”⁴¹

⁴⁰See (Anandabazar Patrika 1995*b*).

⁴¹Also see (Bhattacharyya 2011).

In light of my interviews and reporting from the 1980s and 1990s, I distinguish the urban politics of market society, especially the politics of street vending, by its pecuniary and transactional element rather than electoral calculations. I call this a democratic urban politics, a *Partisan Society*. It refers to intensely competitive democratic political environment in the realm of urban politics surrounding market society. Here political parties seek to establish control and influence at the street level, not for electoral victory in any instrumental way of creating vote blocs, because transient hawker population doesn't allow a sedentary mapping as in rural areas. It rather involves political parties competing for the opportunity to loosely protect the interests of the members of market society in return for a share of their monetary income. Parties provide resources like a party office doubling up as predominantly male spaces of recreation called "clubs" and local cadres through which to negotiate an electric connection or an overzealous policeman. In return the party gets cash. The market society depends on political parties for its everyday working, but the political parties also depend on the former's income to ensure its long-term survival. Controlling the interstices of street level business ultimately provides the money which all parties need to contest in a capitalist democracy. But the hawkers, as we have seen, can also change affiliations. After all they can and do shop around for their parties, for their street level point-man who will take the call when needed, and collect the money. The market society uses this leverage of shifting partisanship to negotiate a layer of insulation from eviction and harassment. In the Partisan Society then, power circulates in the form of money and vice versa. The $M - C - M'$ of the street vendor is mutually reinforced by $Power - Money - Power'$ logic of electoral competition. The commodity market of $S2$ meets a market of parties and partisans at the street level marketing their powers to protect against the agents of the state, in lieu of some regularized transfer of income. In the 1980s and till the late nineties, the rhetoric of the top brass of the ruling party who were in positions of government, or municipal level elected officials and administrators contra-

dicted with the street level material reality: the constant need for all parties to make more power out of controlling the “footpaths lined with gold.” As the evidence overwhelmingly shows, this turned out to be a stable social formation. A part of the untaxed income of the unorganized sector goes to competing political parties and unions, giving the hawkers some sense of (contingent) tenure. And in capitalist democracies electoral competitions operates in the logic of $P - M - P'$ so being in power becomes synonymous with competing for steady sources of party funding from the workers in the unorganized sector, and hence the streets and neighborhoods.⁴² In fact, one might say the nature of electoral competition among political parties in places like Kolkata entrenches the parties in workings of the market society in such a way that the intention and resolve of elected (and unelected) state officials (beholden to the civil society) to evict hawkers via a centralized coordinated action is frustrated by the structure within which the agents have to operate. The very nature of electoral competition forces parties and their affiliated unions to depend on the income of hawkers (and other informal sector workers) they seek to evict. For example by mid 80s one finds newspaper articles claiming that the Municipal Commissioner Asim Berman was awkwardly surprised to know that leaders of a national labor union (called Centre for Indian Trade Unions (CITU) affiliated to the ruling CPM) were leasing out portions of footpaths in the Burrabazar area. Moreover, the CITU leader (*neta*) is also notarizing stamp papers to hawkers as a form of “legalizing” the lease. Hawkers apparently were willing to pay thousands to let a “lease” on the footpath.⁴³ Thus, the materiality of Partisan Society, explains the resilience of the street vendors in face of centralized eviction policies. No doubt, veteran hawkers who claimed to have come from a sense of working class struggles of the 1960s, themselves evaluated this form of politics of instrumental par-

⁴²Of course the capitalists in the formal sector are also a great source of funding for political parties and politicians but that story is widely available in all news media everywhere, and has become the functional basis of representative government in the US, which scholars like Samuel Kernell have called “individualized pluralism.” See (Kernell 2006).

⁴³See (AajKaal 1985).

tisanship with skepticism and disdain, ironically, exactly when the champions of working class, i.e. the Left Front came into power in West Bengal.

3.5 Hawkers and the State in the 1980s

By the mid-eighties the hawker population increased steadily and, given the stable symbiosis of Market Society and the Partisan Society I have described above, business was brisk and profitable in the Gariahat Boulevard region. As Pradip recalled, from the late 80s onwards his own book stall, like other businesses was booming. He had more than 100 titles, and had developed a niche clientèle by being able to supply “little magazines” from Bangladesh and semi urban (*mufassil*) Bengal. He could have intellectual “exchanges” with a lot of interested customers and talk to them about books, and started to “enjoy” his work more. The West Bengal Legislative assembly convened a committee to study the issue of hawkers just when Pradip’s business as well as his colleagues’ had “taken off,” to use W.W.Rostow’s phrase. In 1983, the Central Calcutta Hawker Sangram committee, which was formed to protest against eviction over the construction of the Shealdah flyover in 1981, presented the issue of hawking to West Bengal Legislative Assembly.⁴⁴ A “Committee of Petitions” recognized that lack of employment opportunity leads to hawking. Between 1985 and 1987, the “Committee of Petitions” held 22 meetings and acquired official evidence from 12 other states. They recommended “peoples should be educated and public opinion be created against encroachment of foot-path pavements and grabbing [sic] of public lands,” and recognized hawking as a national problem and that “it cannot be solved.” Instead, strict zonal and identity regulations would be compounded with “make hawking in no-hawking zones a cognisable and non-bailable offense,” carrying a “minimum punishment of rigorous imprisonment for three months with a fine up to Rs. 1000.” For

⁴⁴See (Ghosh 2000). Also Unpublished Document. “Struggle for Survival. The Hawkers Movement in West Bengal. Collection of some documents,” HSC.pg.8-10.

the purpose of such “summary trial” “mobile courts” should be created. More curiously, the committee also promoted the creation of a “special cell” for “dealing exclusively with the hawkers [sic] problem.” The “special Officer created for the purpose” would be tasked with maintaining a “manual with maps” mentioning the nature of land ownership. The committee also mustered some positive and positively general recommendations “developing new avenues of employment in rural areas,” “alternative accommodation at nominal cost in case of eviction,” and creation of “growth centers” and “regulated markets” along roads linking rural and urban Bengal. In 1989, the inevitable happened. After several meetings one “Municipal Consultative Committee” found “this unwanted problem is there and there has been no solution yet, though there has been various discussions, meetings, decisions taken at the highest level.” The consultative committee concluded that “at best we think about maintaining some discipline in this affair so that minimum disturbance is created for pedestrian or carriageway.” Modes of such disciplinary measures ranged from “levy scavenging charges” on hawkers, forbidding them from the vicinity of public buildings, allowing them to hawk between 9am and 9pm, and provide them with space ranging from 1 to 4 square meters. “By late eighties,” Pradip told me, “there was hardly any time to talk and business was in peak.” Moreover, there was a “culture” that had developed. Many people in the area were supportive and became regular patrons. A part of the surplus generated by the political society of hawkers was directly siphoned into markets for party funds that drive effective electoral competitiveness, and in turn the hawkers gained an increased legitimacy to sites, with an occasional show of state control and management, followed by “business as usual.” Even the middle class that lived nearby in multi-storied apartments were, willy-nilly, accepting of the stalls in Gariahat Boulevard, because the boulevard being busy all day, inhibited “anti-social activities” in the area. It seemed the stability of partisan society in Kolkata was playing out splendidly in the political economy of urban informal street vending. What then justifies or necessitates a sudden evic-

tion move like Operation Sunshine in 1996 that seek not to control but to outright eliminate hawking? Why and how did the discourses surrounding the hawkers change in the mid-1990s? What effect did this have on the political economy of street vending in the neoliberal era? I turn to these questions in the next chapter.

Chapter 4

Neoliberalism and Informal Retail

4.1 Transformation of a Crisis

In the late 1980s, the second space of capital in India was constituted by vast networks of markets with many sellers and buyers. Most businesses concerned with selling final goods and services were within the unorganized sector, and those working there were informally employed. The Indian state didn't have a deep and large social security systems of public welfare like the ones that Thatcher and Reagan will start to dismantle in the West. Moreover, GDP growth rate in real terms was, the so called "Hindu Rate," was still, as Table 4.1 shows higher than the two of the most industrially advanced nations of the world.¹

Country Name	1980-1984	1985-1989	1990-1994	1995-1999	2000-2004	2005-2009
India	5.5	4.9	4.7	6.9	5.6	8.5
United States	2.5	4.0	2.4	4.0	2.7	1.2
United Kingdom	1.14	4.18	1.3	3.0	3.0	0.5

Table 4.1: Real GDP growth rate

Since the 1970s, although willy nilly, India had embarked on a path of liberalization and export promotion through Special Economic Zones (SEZ). It still had significant state

¹Data collected from World Development Indicators Database

control of industries in *S1*, and through the Public Food Distribution system in *S2*. Its borders were opaque to international flow of capital and commodities, instituted in the form of export and import licensing, tariffs, and subsidies. Thus, the Indian state was not a competitive neoliberal *TSP* in a world of markets. Nor did it foster competitive market systems everywhere within its borders. More importantly, even though the Indian State didn't spend nearly as much on welfare as say US or the EU countries, and even though it didn't possess a large security system apparatus like the latter countries, it was not bringing in more than it was spending. A Balance of Payment Crisis was looming large, as it was running out of Dollars. Between 1988 and 1991, world growth fell by a massive 2% , U.S growth rates tumbled from about 4.2 percent in 1988 to -0.7% in 1991. Although Indian current account deficits remained manageably low (1.5% of GDP) during the beginning to mid-1980s, the rate of growth of imports far surpassed the exports. By 1990-1991, due to the Gulf War there was sharp increase in cost of imported oil. The War made things worse. The value of oil import increased from 2B Dollars in 1988 to 5B in 1991, while the monetary value of non-oil exports rose by a measly 5%. Inward remittances from Indians working in the oil producing Persian Gulf kingdoms fell, and U.S.S.R. (another important trading partner) collapsed from its own Vietnam. India's international credit rating was downgraded and the soon fear of pecuniary losses overtook national ties as the money of Non-Resident Indians (NRI) started to fly out rapidly. Commercial bank lending became impossible, as the debt servicing ballooned.²

Internal political instability and the ensuing drama made matters unmanageable. In the newly formed government of Prime Minister Chandra Shekhar (who was, unlike his predecessor Prime Minister Viswanath Pratap Singh, opposed to an IMF loan), one cabinet minister offered to raise "2 billion dollars from the Sultan of Brunei and super-rich non-resident Indians" within a fortnight.³ This scheme failed and the impending incapa-

²Data retrieved from World Development Indicators and (Cerra & Saxena 2002).

³See (Nayyar 2016) Deepak Nayaar served as chief economic adviser to the Government of India from

bility to meet international debt payment obligations due to a case of vanishing commercial lenders, changed the ideological outlook of PM Chandra Shekhar. Towards the end of 1990 he, along with Devi Lal orchestrated a breakaway from Janata Party (Peoples' Party) to form his own Samajwadi Janata Party (Rashtriya) (Socialist Peoples' Party(National), or SJP (R) in short. IMF came through as an imprimatur with and a 1.8 Billion Dollar check in January 1991. But these were Dickensian times. The Congress party with which SJP(R) had formed a coalition to topple PM V.P. Singh, now withdrew support in February 1991. As the chief economic advisor to the Government of India recalls, "there was capital flight from non-resident deposits. The prospect of default hung over our heads like the sword of Damocles." The Chandra Shekhar government going in caretaker status, froze up any credit from global markets in March, 1991. In April, India's credit rating was downgraded.⁴ In May, as the polling had commenced former Prime Minister Rajiv Gandhi while campaigning on his own bid to be the next prime minister, was assassinated up by a woman called Dhanu who blew herself up in the process. The house of India was heading to sovereign default under a government with no effective policy making powers, let alone the communal bigotry and intolerance spawned by leaders of the BJP and its other Hindu nationalist outfits who by the December of the following year will start breaking up a historic mosque in Ayodhya. In May, it came down to pawning off "20 tonnes of gold, confiscated from smugglers, to raise 200 million Dollars." from the Union Bank of Switzerland(UBS).⁵ With foreign exchange reserves worth two weeks of essential imports, the Reserve Bank of India(RBI) airlifted 67 tonnes of gold to the Bank of England and the Bank of Switzerland raising 605 million in lieu of IMF emergency disbursements of SDR 1.4 billion.⁶ The general election of 1991 with low turnouts returned a minority govern-

1989 to 1991.

⁴See (Vikraman 2017).

⁵See (Nayyar 2016).

⁶See (Telegraph 2009) and (IMF, Resident Representative (accessed February 3, 2014)).

ment, headed by Prime Minister P.V. Narasimha Rao, who employed Manmohan Singh as the Finance Minister (FM). Singh, who didn't represent a LS constituency but instead was chosen as an RS member from Assam. Manmohan Singh devalued the currency in early July and on the famous 24th Budget Speech provided emphasized that "we have not experienced anything similar in the history of independent India."⁷ In terms of specifics of policy implementation, the content of the speech could be interchanged point for point with the World Bank (WB) prescriptions that were to follow along with the an approval of a 500 million Dollars Structural Adjustment Loan (SAL) in December 1991. The WB terms were as follows:⁸

Description: The proposed structural adjustment loan and credit is for the equivalent of US \$500 million, equally divided between IBRD and IDA. It is proposed that the first tranche be US \$300 million, and that the remainder be disbursed in the second tranche. The amount of each tranche is also proposed to be equally divided between the loan and credit. It would support the initial phase of the Government's program of macroeconomic stabilization and structural reform. In addition to a major fiscal adjustment effort, the main areas covered by the program are: (i) deregulation of domestic industry and promotion of foreign direct investment; (ii) liberalization of the trade regime; (iii) reform of domestic interest rates coupled with measures to strengthen capital markets and institutions; and (iv) initiation of public enterprise reforms.

Benefits: The adjustment policies being supported by the SAL/SAC in conjunction with an IMF stand-by arrangement, will restore macroeconomic balance and strengthen external creditworthiness. The Government's reform measures would initiate the opening up of the economy and would also alter fundamentally the parameters of public-private interaction in a manner that would promote domestic competition, improve the incentive system, and would foster sustained growth with rising productivity.

4.1.1 Making the India Inc.

"There is No Alternative" for Indians in 1991 but to embark on the realization of the principles *P1-P3*. But the challenge, according to Finance Minister Manmohan Singh, was

⁷See (Shri Manmohan Singh, Minister of Finance 1991 (Accessed February 4 2014)).

⁸See (The World Bank 1991 (Accessed February 10 2014)).

that India was facing a crisis “without precedent.” The industrializing west in its ascent “concentrated on the creation of wealth, unmindful of the social misery and inequity which characterised this process,” where democracy was deferred. India, unlike the West or USSR, must embark on wealth creation “while remaining steadfast in allegiance to the values of a democratic system.” Given “A vast number of people live on the edges of a subsistence economy” and hence not a “part of the market system,” it was the obligation of the government to provide those at the edges with “social services such as education, health, safe drinking water and roads,” such that they can be served by the market system. The uniquely “basic challenge” for India was to “create wealth...tempered by equity and justice” with the “goal of removal of poverty and development for all.”⁹

Here we already see the tension arising from maintaining the core neoliberal principles *P1-P3* within a democratic framework. It is important to note neoliberalism is agnostic about the type of political rule under which *P1-P3* could be enacted, as long as the political arrangement has the desired outcome of *P1-P3*. But for India, structural adjustments towards *P1-P3*, unlike Pinochet’s Chile or Yeltsin’s Russia, had to happen within the framework of plural democratic rule. Such rapid transformations within the political framework of democratic rule could be self-defeating to political parties, thus scuttling the project of neoliberal transformations. In a report on the loan to India published a few months after the budget speech,¹⁰ the World Bank itself had such premonitions of failure in implementing neoliberal adjustments stemming from democratic opposition.

Failure to follow through with the implementation of forceful stabilization measures and reforms is the first important risk. The reform process will change the complex system of rents and patronage which has been established over the last four decades and thus will affect the minority government’s constituencies. The government’s management of the politics of reform has consisted of stimulating public debate to forge the consensus necessary to sustain the process of reform. It has articulated, quite convincingly, the urgent need for reforms and actively sought the cooperation

⁹See (Shri Manmohan Singh, Minister of Finance 1991 (Accessed February 4 2014)).

¹⁰See (The World Bank 1991 (Accessed February 10 2014), p.32).

of political parties and various interest groups, including organized labor. Nevertheless, social/political reaction to the adverse transitional consequences of the adjustment program (e.g., labor retrenchment, subsidy reductions, and higher user fees and other administered prices which could fuel inflation in the short run) could slow the pace of reform and jeopardize its sustainability.

The (The World Bank 1991 (Accessed February 10 2014), p.22) disclaimer to the structural adjustment stated:

The Government's agenda for stabilization and reform carries a risk of significant transitional costs. These costs include potential losses of output, employment and consumption due to the deflationary impact of fiscal consolidation, and frictions in the process by which productive resources move between alternative uses in response to changes in economic incentives. The slowdown in growth anticipated for the next year or two is likely to lead to a stagnation in per capita real incomes, and some segments of the population may experience a significant fall in living standards. The main losers are likely to be the small minority of the population that benefitted from the rents created by the previous restrictive and distorted economic environment. *However, a large proportion of India's population continues to be subject to malnutrition and ill health, and does not have the educational skills and access to means of production that will enable it to participate fully and benefit from the growth process. For this group, government expenditure restraint as well as the restructuring steps envisaged above may prove particularly costly. In the short term, some urban poor, particularly the unemployed and underemployed, and displaced workers are also likely to be adversely affected by the adjustment program. Urban wages for unskilled and semi-skilled labor in particular would probably decline in real terms as Government expenditures are reduced, and the liberalization of firm exit and international trade lead to job losses in inefficient public and private enterprises. [e.a.]*

In fact, the World Bank loan document mentions¹¹

The Government recognizes that, in addition to the risks of adverse economic shocks and an inadequate private investment response, the adjustment program faces the risk of successful opposition from groups who may perceive that they are being asked to bear a disproportionate share of the costs of the program.

Notwithstanding the fact that two decades later thousands of farmer suicides and (as (Oza 2012),(Fernandes 2004) and others have shown) a hyper consumptive middle class will result from the ashes of the Hindu rate of growth, how was India to achieve such capital accumulation and rapid wealth creation within democratic rule? The answer lies in

¹¹See (The World Bank 1991 (Accessed February 10 2014), p.22).

the ideological reorientation of the individual subject. It is important to note the ideals of social justice and norms of subject-hood that the finance minister invoked all through the speech. After all, a change in the philosophy of governing the economy assumes an ideal citizen with a different mindset to make a nation of “sustained growth with rising productivity.” I quote relevant portions of (Shri Manmohan Singh, Minister of Finance 1991 (Accessed February 4 2014), p.8-10) to demonstrate the nature of ideal subject-hood without which neoliberal governance wouldn’t be successful.

For the creation of wealth, we must encourage accumulation of capital. This will inevitably mean a regime of austerity. We have also to remove the stumbling blocks from the path of those who are creating wealth. At the same time, we have to develop a new attitude towards wealth. In the ultimate analysis, all wealth is a social product. Those who create it and own it, have to hold it as a trust and use it in the interest of the society, and particularly of those who are under-privileged and without means...The austerity that Gandhiji practiced and preached is a necessary condition for accelerated economic development in the framework of a democratic polity. The trusteeship that he prescribed for the owners of wealth captured the idea of social responsibility.

In highlighting the significance of reform, my purpose is not to give a fillip to mindless and heartless consumerism we have borrowed from the affluent societies of the West. My objection to the consumerist phenomenon is two-fold. First, we cannot afford it. In a society where we lack drinking water, education, health, shelter and other basic necessities, it would be tragic if our productive resources were to be devoted largely to the satisfaction of the needs of a small minority. The country’s needs for water, for drinking and for irrigation, rural roads, good urban infrastructure, and massive investments in primary education and basic health services for the poor are so great as to effectively preclude encouragement to consumerist behaviour imitative of advanced industrial societies. Our approach to development has to combine efficiency with austerity. Austerity not in the sense of negation of life or a dry, arid creed that casts a baleful eye on joy and laughter. To my mind, austerity is a way of holding our society together in pursuit of the noble goal of banishing poverty, hunger and disease from this ancient land of ours.

We might call it Neoliberalism with Gandhian flavors. The ideal neoliberal Indian subject is an austere entrepreneur with a “new attitude towards wealth,” who, while encouraging capital accumulation strives to remove the “stumbling blocks” that thwart capital accumulation. But the entrepreneur doesn’t engage in frivolous “mindless and heartless con-

sumerism” but feels the austere “social responsibility” to spend money as a trusteeship for ameliorating the vagaries of capitalist accumulation that affects the poor. It was not a just a payment crisis to be fixed by mortgaging gold and taking loans, but the crisis itself (as Naomi Klein had shown in different contexts), is to be capitalized to induce a structural break in the ways of thinking about and managing “the economy.” The state and the individual subject must align their orientation to be relentlessly austere, competitive and accumulative. But what about the markets themselves? It is not that India lacked markets of goods and services in *S2*. Markets were a ubiquitous expression of Indian life and sprawled across the rural and urban areas of the subcontinent. The unorganized sector workers in general, and more particularly the unorganized retailers, are already a part of this vast yet localized form of market system. As we have seen, depending on market forces of supply and demand to sell their wares helps them to remain, even if partially, outside hunger and poverty. The nature of their austere subsistence as member of the Market Society is rooted in the relentless pursuit of the $M - C - M'$ circulation, already oriented towards creation of wealth. Remember how Pradip Roy recounted the slow erosion of inhibition towards selling among the Bengali youth as the possibility of hawking provided them with a dignified life. Members of the market society already possessed “a positive attitude towards wealth” that FM Singh was advocating: all they wanted was removal of “stumbling blocks” in their ways of accumulating capital. What will new India hold for them? How does the relation between the hawkers and the state evolve as India embarked on neoliberal governance? What effect did this national move towards neoliberal governance have on the ways in which cities and their hawkers are envisioned and controlled? In answering these questions, I hope to reveal that the politics of neoliberalism is better interpreted and understood through a lens that magnifies three interrelated processes involving the struggle for spaces of selling a) formalization in *S2*; b) informalization of labor within the formalized spaces of selling; and c) formation of political coalitions by unorganized sector

workers engaged in *S2* that negotiate (i.e. resist and compromise) with the forces of formalizations.¹²

4.2 Global Dreams and Local Nightmares

The curious case of our hawkers falls squarely within this tenor of equity, justice, and capital accumulation. They were motivated in negotiating forms of comfortable market access within the structure of Partisan Society. They are “part of the market system” and are “served by the market system,” but unlike the members of the civil society, they must completely rely on the market system for the reproduction of their everyday.¹³ According to Singh’s own logic then, the urban street vendors should be the ideal subjects for the new pro wealth austere India ushering the beginning to the end of history. But, as India jumped square and center into the global markets of commodities, labor, and capital, accepting the core neoliberal principles *P1-P3*, we see a renewed enthusiasm in ridding cities of hawkers. By the mid-1990s, as courting foreign and domestic capital became a competition among Indian states, serving as the prominent marker of governmental legitimacy, India and its states’ competitive accumulative disposition was being translated by the civil society into a certain vision of an investment worthy city to which city life must conform. It desired for organized sector enterprises to come and set up glistening shops, for big capital to invest in projects of beautification and infrastructure. Obstacles to rapid accrual of growth and wealth had to be removed, but not in favor of member of the Mar-

¹²The chapter then provides the empirical grounding for the theoretical contradictions of neoliberal governance shown in Chapter 2. My analysis regarding evolving relations between Kolkata street vendors and state actors (in the context of control over spaces of selling in *S2*), should be seen only as a symptom of neoliberal governance in contemporary capitalism. I hope my theoretical framework explaining the inherent contradictions of neoliberal policy making, can be extended to analyze other forms of selling in *S2*.

¹³It is empirical and theoretical naivety to assume that subsistence living and being part of the market system are mutually exclusive. In fact, it is also a leap of faith to assume a necessary correlation between “served by the market system” and being out of poverty, and one can just as well show that the market system sustains poverty as well.

ket Society. It is not just important that a city thrives and makes money by participating in global capital in its own local capabilities, but it should be subjected to a new order of flow and a new visual order. Although people like Sanjay and Pradip by the 1990s were making brisk business, and hawkers easily adapted to new and competitive foreign products, they didn't "look" like growth and wealth. Even though business was happening all around and people were making money, it was not enough, because it lacked the visual of a wealthy global city. For the high growth imperative to be sustained, capital accumulation must occur through formalization of the economy, or in our case formalization of the spaces of selling, which in turn must operate within a certain aesthetic framework of the city.

4.2.1 Imaging the City

Some of the prominent members of the Bengali civil society even put their visions and justifications for hawker eviction in writing, notably, in a collection of essays called Operation Sunshine (published a year after the event). However, this publication is an excellent compendium of civil society fantasies of what the city should be, and its publication after the eviction drive doesn't interfere with our understanding of the vision of the city itself. I particularly want to highlight elements of this consensus, through a couple of representative essays. Professor of Drama (and as the blurb claims, "an eminent personality in stage and screen") Bibhash Chakraborty in his essay titled *An Enlightened Operation* starts with an urgency that "the whole thing had reached the bounds of tolerance." He stresses that "we the citizens" who are the "helpless unorganized mass" are being "throttled" by "an organized minority" (hawkers). "The tax paying citizens were being deprived of their rightful privileges and a sense of security." In this essay the point of contention for Mr. Chakraborty is not just "illegal hawking" but a whole host of "lawless atrocities," like "random pasting of posters or graffiti on walls in middle-class residential areas or in

offices and other establishments,” “speeding buses,” and “unrestricted polluting of the atmosphere.”¹⁴

Rachpal Singh, who was introduced as “a very energetic and renowned Indian Police Service (IPS) officer -associated with many social activities,” posed a rhetorical and perhaps anti-social question in an article titled *Do Hawkers deserve sympathy?*. He recounts that in the 1980s the Calcutta Police and the government in vain had “tried all persuasive measures to contain their unabated spread.” Given the documents we looked at in the previous chapter, it were the hawkers who were doing the persuasion, and the committees came up with measures that were quite concrete in their punitive aspects of encroachment but rather vague on their solutions to reduce it. But to members of the civil society like Rachpal, “greed has overtaken need” and the hawkers were “decaying as lively and beautiful city and converted beautiful areas into armpits of the city.” He asks, “was it not sheer vandalism?” and like Mr. Chakrabarty maintains that the “common citizen suffered in silence.”¹⁵

And finally, to demonstrate how the neoliberal transformation of the nation-state manifests locally in the renewed conceptualization of urban spaces, I present one “Energetic IAS Officer,” K.S. Rajendra Kumar, who wrote an essay called “Sunshine Thoughts.” He recognizes Calcutta is cultured, joyful, humane, and very congested, because of “conflicting demands for spaces on Calcutta roads.”. But “speed is a sign of development” and hence “in today’s competitive world everybody, and every country must attain speed,” something that is lost in Calcutta streets because of “businesses on footpaths.”. Mr. Kumar agrees that such businesses generate income for “many a poor family,” but wonders that “no attempt seems to have been done or might be possible to do to assess the overall cost to the economy of the state due to the marginal economic activities...by a few poor

¹⁴See (Chakraborty 1997, p.65).

¹⁵See (Singh 1997, p.64).

families.” But without much attention to the contradiction he concludes: “It is definite that these poor families were earning a living at great cost to the economy as a whole.” The guilt of enjoying “leisurely walk” or “fast ride” is glossed over by the “hope that the benefits of the economic development” will “soon” compensate for the “sacrifice of their business.” The pain that might cause the poor businessmen because of eviction “will result in a sunshine in the economic scenery of the state.”¹⁶ Journalist, Shankar Mukherjee, wrote the hawker problem is everywhere in the world, but in Calcutta it has become insurmountable. The rich businessmen, or “prospective investors,” are hesitant and hence, the state government has become firm in its manner of courtship. “It has realized that the city should unfold itself to the prospective investors in an attractive manner.”¹⁷

4.2.2 The Reality of Selling

But such an exclusive order of a hawker free shining, speedy, and growthful city was not in any sense or form the way the issue of hawkers was unfurling in late 1980s and early 90s, locally and nationally. The Sodan Singh Verdict of 1989 from the Supreme Court of India observed that, “in a nut shell,” Article 19(1)(g) “takes into its fold” the fundamental guarantee that a citizen of India can carry on “any activity” “to earn his living.”¹⁸

Once street-trading is accepted as legitimate trade, business or occupation it automatically comes within the protection guaranteed under Article 19(1)(g) of the Constitution of India. Street trading is an age-old vocation adopted by human beings to earn living. It is one of the traditionally recognised business or trade in England. This is so in spite of the fact that there is a complete social security in that country and as such no compulsion on the citizens to be driven to street trading out of poverty or unemployment. On the other hand, abysmal poverty in India warrants outright rejection of the argument that nobody has a right to engage himself in ‘street trading’... Street trading being a fundamental right has to be made available

¹⁶See (Kumar 1997, p.63).

¹⁷See (Mukherjee 1997, p.112).

¹⁸The court maintained that “the activity must of course be legitimate and no anti-social like gambling, trafficking in women and the like.” See, Sodan Singh Vs. New Delhi Municipal Committee [1989], 1989 SCR (3)1038 (Supreme Court of India).

to the citizens subject to Article 19(6) of the constitution. It is within the domain of the State to make any law imposing reasonable restrictions in the interest of general public. This can be done by an enactment on the same lines as in England or by any other law permissible under Article 19(6) of the Constitution.

Although, as we will see later, invocation of Article 19(6)¹⁹ provides untrammelled discretionary power to the state to intervene in unorganized retail and market competition, in principle it maintained that their right to trade derived from a fundamental constitutional right to livelihood, couldn't be outright denied by the state even if it is carried out in public spaces. Previously in 1986 in *Self-Employed Women's Association Vs. Municipal Corporation of Ahmedabad*, the Supreme Court directed the state to provide appropriate licenses to vegetable vendors.²⁰ In 1990, the Calcutta High Court directed the government to regulate hawking through zoning, and allow for rehabilitation in case of evictions.²¹ It seemed the 1985 Supreme Court judgment in *Bombay Hawkers' Union and Ors. vs Bombay Municipal Corporation* held by Chief Justice Y.V. Chandrachud was significantly diluted in the favor of hawkers by the end of the decade.²²

¹⁹Article 19(6) of The Constitution Of India 1949 states that "Nothing in sub clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub clause, and, in particular, nothing in the said sub clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to, (i) the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or (ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise.

²⁰See *Self-employed Women's Association and Ors. Vs. Municipal Corporation of Ahmedabad and Ors.*[1986]Civil Miscellaneous Petition No. 32061(Supreme Court of India)

²¹See (Ghosh 2000).

²²"No one has any right to do his or her trade or business so as to cause nuisance, annoyance or inconvenience to the other members of the public. Public streets, by their very nomenclature and definition, are meant for the use of the general public. They are not laid to facilitate the carrying on of private trade or business. If hawkers were to be conceded the right claimed by them, they could hold the society to ransom by squatting on the centre of busy thoroughfares, thereby paralyzing all civic life. Indeed, that is what some of them have done in some parts of the city. They have made it impossible for the pedestrians to walk on footpaths or even on the streets properly so called." The court also held that "the right conferred by Article 19(1) (g) of the Constitution to carry on any trade or business is subject to the provisions of clause (b) of that Article, which provides that nothing in sub-clause (g) of Article 19(1) shall affect the operation of any existing law in so far as it imposes, or prevents the State from making any law imposing in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the

In 1993, the All India Institute of Hygiene and Public Health (AIIPH), Calcutta, was tasked with implementing an United Nations Food and Agricultural Organization project entitled *Street Foods in Calcutta*. The Calcutta Municipal Corporation (CMC) and the Calcutta Police (CP) assisted in the implementation of the study. The advisory committee didn't include any food hawkers, or their representatives, but the committee followed a "coordinated approach" and conducted a series of meeting with "vendors unions with representative vendors." The study revealed some "remarkable issues" in economics, "though the areas and clientele differed markedly in their economic status the price of the food was nearly the same in all areas irrespective of the income status of the clientèle." Self-reported profits and wages ranged from 37.5 dollars to a 100 dollars a month, and 15 to 40 dollars a month, respectively, but the committee believed the variance could be higher. Of the 50 kinds of food that were popularly consumed, the study concluded, "the street foods could provide 200 calories of energy per Re.1 (0.02 US\$), which work out to be approximately 1,000 calories per Rs. 5-6 (viz. 1,000 calories for 16-19 cents)." But under the microscope it found bacterial hazards, which "presumably arose because of repeated handling and use of substandard water at different stages."²³ In one of the meetings²⁴ held on 4th May 1993, all the implementing agencies were present to discuss the report of the study and the accompanying recommendations. Prof. Indira Chakrabarty, who was one of the principal investigators of in the report, "highlighted the need to improve the quality of street food by creating awareness among vendors" and by "intensive training of all the concerned personnel in this aspect." She also highlighted the need to coordinate the actions between CP, CMC, and the Local Government in implementing the recommendations of the report. The Police Commissioner, Mr. Tushar Talukdar, himself

said subclause." See *Bombay Hawkers' Union And Ors. Vs Bombay Municipal Corporation and Ors.*[1985] AIR 1206. (Supreme Court of India)

²³See (Chakrabarty 2002) and (Chakravarty (accessed March, 2014)).

²⁴Minutes of Meeting No. BN/-93-454. Dated. 30.3.1993.

held that “due to acute unemployment problem” the total eviction of food vendors was impossible, “both from the point of view of consumers and sellers.” But because of “nuisance factor” caused by these vendors, their numbers could be “reduced by 25 to 30%”. A way to implement this will be to issue a “sort of identification/temporary licence from which the Corporation can earn some revenue and at the same time it will help in controlling the influx of hawkers.” (e.a.). Dr. Subodh Dey, Mayor-in council (Health), seconded all the foregoing propositions wholeheartedly. Dr. S.I. Zakhariiev, Chief of FAO in India and Bhutan, stressed the importance of “cheap” and “fresh” street food in sustaining the “health of poor people all over the world.” An idea of mobile kiosks had been penned out, which was to be designed by the Calcutta Police. Dr. Bela Dutta Gupta, Member of the State Planning Board, noted that in places like Singapore and Kualampur, “kiosks had permanent fixtures in specified areas and provided with water supply and electricity” and “they also follow hygienic practices in these places”. She advocated for such utility be supplied “every twenty yards,” but had “some reservations of kiosks as such.”

4.2.3 Who Represents Who?

On the Hawkers’ side of the representation, Md. Nizamuddin, MLA and President of the CITU Hawkers Union, “was happy to note the developments of the meeting” but did not agree with the proposition of a 25-30% decrease in numbers.” He “agreed that such vendors should be allowed specific spaces and could also be vacated from the existing places if required, but it should be ensured that no other vendor could occupy such places at a later date,” and called for an “in depth discussion on the structure of the Kiosks.” Mr. Shaktiman Ghosh, President of Hawkers Union, welcomed the idea of the kiosks, and “indicated that there shouldn’t be any permanent structure for vending” as such structure could be occupied at night by “anti-socials.” Shri Santiranjan Ganguly, MLA and President of Bengal Hawkers Union, thought “street hawking is not a problem of Calcutta or

West Bengal alone but was a world wide(sic) problem.” With certain personalized modifications he was supportive of mobile kiosks and calculated that the CMC might make “1 crore of revenue per month” if “they were provided with licenses. Summarily, the committee recommended that although microbiological analysis of the vendors’ food needed improvement, it was “comparable to those obtained from small hotels,.” and that there was need for much awareness, training, for both the regulators and the regulated. It stressed that “vendors cannot be evicted totally” but “steps are needed” to “immediately” stop all new entrants. There was also a sense of immediacy observed by decision makers in terms of “regulatory mechanism” to control the food quality and hygiene, environmental sanitation, congestion on thorough fairs, etc.” which could be accomplished “by providing some identity to vendors” and the usage of mobile foldable kiosks. Subsequently, the representatives of hawkers and trade unions held several meetings with the officials of CMC and Calcutta Police between 1993 and 1996. Hawkers cannot have permanent structures and must use kiosks. They should only be allowed to vend in certain zones within certain hours. Unions must comply by the maximum capacity of hawkers allowed in each zone and will issue photo identity cards indicating the kiosk number and location. At one point in January of 1996, there were even meetings held for financing the cost of kiosks. One Shri M.K. Sen, the Deputy General Manager of United Bank of India, “intimated that under the Scheme for Urban Micro Enterprises (SUME)” loans at a rate of 12.5% could be available to hawkers, as long as they are ration card holding residents of West Bengal and “an ordinary resident” of Calcutta for at least three years.²⁵ Going through the minutes of these meetings it becomes clear that a consensus towards transformation was developing within the stable contours of the Partisan Society. It was a sort of negotiated settlement

²⁵1. Minutes of the Meeting Held on 26.10.95 in the Chamber of JT.CP (Traffic) Regarding Regulation of Hawkers in the BBD. Bag Area and Camac Street.(Document Available from Author)

2. Minutes of the Meeting. The representatives of Banks and Hawkers’ union regarding bank loans. on 12.1.96 in the Chamber of JT.CP (Traffic) Regarding Regulation of Hawkers in the BBD. Bag Area and Camac Street.(Document Available from Author)

“with a view to regulate hawkers,” a sort of reluctant semi-formalization of the informal. But it was agreed by the unions and state authorities to be an appropriate solution to the “nuisance factor,” or as a representative of the hawkers himself portrayed it, “a worldwide problem.” This plan to reduce hawkers by identifying and curtailing entry with a licensing regime (when India was doing away with the license Raj) seemed to be all ready to be implemented. The press reported in the end of 1994 that, the hawkers’ unions and the Calcutta police have come to an understanding, and that this system will also bring in a lot of money into the treasury. Going through the minutes of these meetings it becomes clear that a consensus towards transformation was developing within the stable contours of the Partisan Society. It was a sort of negotiated settlement “with a view to regulate hawkers,” a sort of reluctant semi-formalization of the informal. But it was agreed by the unions and state authorities to be an appropriate solution to the “nuisance factor” or as a representative of Hawkers himself portrayed it, “a worldwide problem.” This plan to reduce hawkers by identifying and curtailing entry with a licensing regime (when India was doing away with the license raj) seemed to be all ready to be implemented. The press reported in the end of 1994 that, the hawkers’ unions and the Calcutta police have come to an understanding, and that this system will also bring in a lot of money into the treasury.²⁶

There was severe dissatisfaction within the press with this solution of reducing market competition with state intervention. In a special essay (Bartaman 1994) one Obboy Sen asked in 1994: “Does this mean the authorities are trying to accept the overflowing (*upchey pora*) of hawkers. Shall we be now be forced to navigate the hawker covered foot-paths and station platforms?” The writer concedes that there is a humanist angle which connects vending with socioeconomic conditions, and acknowledges that the Indian Supreme Court has considered Street vending to be a legitimate and legal profession, but like Rach-

²⁶See (Jugantar 1994) and (Telegraph 1994).

pal Singh, his logic of exclusion rests on the consequentialist logic which questions the constitutional validity of allowing the distress of millions for the livelihood of thousands. Mr. Sen argues that in order to accommodate some hawkers' livelihood one cannot disregard the fundamental right of walkers to walk without any hindrance (*nirbighney cholachol*), and hence selling out empty urban spaces will result in giving up the city (*taholey to shohor kei tuley ditey hoi*). But what about the kiosks? The minutes of the meetings discussed above, were obsessed with a visual order of neatness and cleanliness. What could be the problem if licensed hawkers sell stuff on the streets in an orderly fashion regulated and controlled by a licensing/identity card regime implemented by (to use Ritajyoti's phrase) "the state-union complex"? What would be the problem if they start selling wares in kiosks? Abboy has an answer:

This plan is quite encouraging (*utshaho byanjok*). If we could make this happen in Kolkata then there could have been a stable solution to the problem. Although this solution might seem to be quite attractive in the streets of Rome or in some neat and clean European city, it is quite out of place/mismatched (*bey-manan*) in the context of congested (*ghinji*), dirty, and dense (*aparisar*). Kolkata hawkers sell many more things than food, and how could those be kept in those glass wrapped kiosks? If the number of these mobile kiosks increase, then it will be an even bigger disaster on Kolkata roads. Hence the solution to hawkers is not giving them license but proper rehabilitation.

What is rehabilitation? Obbyoy here echoes the idea of the civil society of creating vertical markets in place of old established market spaces or give hawkers some open space far away from the area where they usually sell. But this form of rehabilitation defeats the purpose of rehabilitation which must be concerned with the restoration of the ability to continue one's livelihood as effectively as before. Taking hawkers away and putting them in empty areas away from their usual profit generating spaces, eliminates the very aspect of locational efficiency and advantage that hawkers use for competitive profit making, and as experience suggests, doesn't have the desired results.

4.3 Changing Tides of the Mid-90s

In 1995 things took a peculiar turn in local politics as the press reported, “Despite the chief minister Mr. Jyoti Basu’s reluctance to provide city hawkers with kiosks, the police chief, Mr. Tushar Talukdar, recently held a meeting with representatives of hawkers’ unions to work out a way of implementing the scheme.” Although the state government initially “decided to provide” kiosks to hawkers, they “dropped the proposal following objections by Mr. Basu.” who saw the “haphazard parking” of kiosks contributing to traffic congestion. Apparently, Mr. Basu had urged the transport department to “introduce the scheme in an experimental basis.”²⁷ On 23rd March 1995, the transport minister of West Bengal, Mr. Shyamal Chakrabarty, and the Chief Whip (*mukhyo shachetak*) of the Left Front, and Mr. Laxmi Dey (also a CPI(M) Member of West Bengal Legislative Assembly), gave conflicting statement about hawkers. The transport minister stressed that some streets have to be completely freed of hawkers, and claimed that there has been a discussion about this with the unions. While the Chief Whip maintained that hawkers cannot be evicted from the streets because of economic reasons and Calcutta will move forward by including everyone.²⁸

The hawkers of the Gariahat Boulevard replete with electricity connections and registered telephone booths, which had developed and expanded since the 1950s, confronted a precarious future. At the end of 1994 rumors about a flyover were circulating, Sanjay Chaudhuri recalled. However these decisions were secret, “no one tells you about such plans (*egulo to bola hoy na*) because if the word gets out we will start demonstrating with the help of some political parties (*agey thekey kono ekta party niye andolon shuru korey debo*), and ‘there will be movements and all that’ as it is about livelihoods (*ruti rujir bya-*

²⁷See (Telegraph 1995).

²⁸See (Bartaman 1995c).

par).”²⁹ In fact, by March of 1995 the press reported that the entire boulevard hawkers between the stretch of road connecting Golepark and Gariahat Junction will be “broken down by the first week of April.” There were two reasons for this decision reached at a “high level” meeting by the Mayor’s office: the reduction of congestion, and cleaning of underground sewage arteries on which supposedly the boulevard sat. The ranked officer who provided the details of this decision maintained that although there were more than hundred illegal hawkers, only sixty-seven who have legal standing will be rehabilitated in the nearby Gariahat Corporation Market. The rest will be evicted to broaden the street.³⁰ Within a week the hawkers of the boulevard corner, appealed to the Mayor, and urged the office to rehabilitate them before breaking down their businesses. They reiterated that they have been doing business there for four decades under the legal rights attributed/conferred by Dr. Bidhan Chandra Roy,³¹ in 1956.³² Things started heating up in the Autumn of 1995 when The Municipal commissioner, Mr. Asim Burman, opined that there are legal obstacles in providing license to hawkers, for which the CMC has asked advice from the state government. In late September, CITU affiliated Calcutta Street Hawkers Union led a rally joined by thousands of hawkers demanding their licenses as agreed previously. Chairman of the union Mohammed Nizamuddin claimed that there was an agreement with the state government in 1988 that hawkers will be allowed in all but sixteen streets of Calcutta. There was a call to organize all the left unions after the Durga Puja. But the commissioner cited the Justice Chandrachud decision of 1985, which according to him has forbidden the provision of license to street vendors.³³ There was no mention of the other Supreme Court verdicts of the late 80s (like Sodan Singh) that have struck down outright banishment of hawkers from city spaces, albeit with a caveat that it

²⁹Sanjay Chaudhuri (Ex Gariahat Boulevard Vendor) interview by author, January 18 2009

³⁰See (Bartaman 1995 *c*).

³¹The Chief Minister of West Bengal from 1950-1962.

³²See (Bartaman 1995 *b*).

³³See (AajKaal 1995).

could be controlled by the state.

4.3.1 Turning Right While Signaling Left

Times were changing for the ruling left front at the national, state, and local levels. Although the left coalition headed by the CPM has consistently won state elections since 1967 and was still in power in 1991, it had started to see its electoral downswing. Compared to the 1987 assembly elections, the Left Front lost 6 seats and about 4% of votes polled. In the 1991 national elections, the left parties saw their combined votes reduce by 3% although they managed to hold on to their seats. The decay has started at the urban level at a faster rate. At the municipality level, the CPM saw its seats reduce from 74 in 1990 to 56 in 1995. All its allies (CPI, RSP, and AIFB) also lost several seats. Opponent Congress increased its presence from 37 in 1990 to 66 in 1995.³⁴

As the national and state elections of 1996 loomed large, the left leadership had to do something drastic to gain the faltering support of the new Bengali middle class now being able to readily compare their hackneyed existence in a dusty congested city to the cabled images of the shine and neatness of global metropolises circulating all day. By the end of 1995, it was clear that the left front leadership was clearly divided on the issue. A leading Bengali daily, reported that in a recent CMC meeting on “eviction” (*uchhed*) of hawkers for “tidying up” (*porichhonno*) the city the members of the Congress party have recommended the use of “spot fines.” But the Mayor in Council, Mr. Kanti Ganguly from CPM, had rejected this plan for “socio-political” (*shamajik-rajnaitik*) reasons. The CM Basu, however, had serious problems about “unwanted encroachment” (*bedokhol*) of Calcutta streets. The CMC had organized a Mayor’s convention (*mahanagorik convention*) on cleaning Calcutta, where the CM of West Bengal warned those who encroach on footpaths by faking livelihood problems, and said “it cannot go on like this” (*eibhabey to choltey*

³⁴Data From Election Commission of India

parey na). The reporter also pointed in utmost detail the reality of city streets around the CMC headquarters itself that completely opposite of Mr. Kanti Ganguly's vision about a cleanliness campaign at the "ground breaking" (*shara jagano*) convention.³⁵

Just north of the corporation building, on the footpaths of S.N. Banerjee Road, - hawkers, from banana peels to fruits, cut fruits, and cooked food partially covered by baskets. To the south meat shops and heaps of oranges. To the west, it is impossible to be on a footpath because of illegal parking of luxury buses, and fecal matter. At least three man-holes (sic) don't have lids. The worst situation is around Hogg Street. Along the railings of the footpath vagabonds congregate and chat. (*bhoboghureder adda*), a burst is flooding the wall and the footpath. Its literally the nature of hell. (*akkkhorik orthey noroker poribesh*).

Thus, we slowly begin to see the localized expression of the national neoliberal moment. The lived city becomes incorrigible and intolerable in the face of a growing need to look like a growing global city by measuring up to a certain form of aesthetic and hence political order of making a livelihood. Compared to a utopic vision of a neat and clean, smooth and speedy, urban growth, the city by the mid-nineties started to seem like "hell." The aggravation resulting from this putative backwardness was directed towards members of Market Society. By December of 1995, following a common and time tested move in Indian democratic politics, one arm of the state started blaming the other. Although the communist CM has repeatedly and publicly expressed his wish for total eviction of street vendors, the Mayor started blaming the police for not being active in their eviction based on a list that was provided to them. The police denied having any such list. In fact, the police commissioner, Mr. Tushar Talukdar, claimed that he has repeatedly complained to the CM about a non-cooperative CMC. On the matter of kiosks, the version of the mayor's office now was that there was no law that will support their implementation.³⁶ Consequently, unions affiliated to ruling left front parties organized a massive rally protesting harassment by police. Hawkers vociferously demanded licenses and rehabilitation.

³⁵See (Anandabazar Patrika 1995*a*).

³⁶See (Bartaman 1995*a*).

The criticisms of the government policies pointed that a news report in the mainstream press noted “if there were no red flags on the stage, one couldn’t realize that this is a gathering of leftist trade unions.”³⁷

One cannot but pause to note what this says about the dissolution of ideological politics of the left and right slowly being replaced by a growth politics in the 90s India. The left front government which was associated with the relentless usage of its popular catchphrase “government of the deprived” or more literally “government of/for the people who have nothing” (*shorboharar sarkar*) was now overtly anti-hawker, with the CM walking on a path of minimum compromise. The left union leaders (notwithstanding the steady source of funding from Market Society) who were criticizing such anti-hawker policies on ideological grounds, flummoxed the members of press. It seems awkward to the press that left unions with their red flags, are trenchantly criticizing their own affiliated parties and their leadership for making a right turn on hawkers while signaling left. An underlying pattern in democratic politics in general (and Indian politics in particular) is that there is an expectation of an automatic pattern of consent based on party lines, where elected officials avoid direct criticism of the policies formulated by party leadership. As “the economy” replaces the divine in serving as the locus of legitimate power, it is only a corollary that the fixation on economic growth will be a central part of democratic politics in capitalism. The politics of GDP growth ensuing from *P3* serves as a moral imperative, where achievement of economic growth serves as a final marker of legitimacy among the member of the civil society in 90s Calcutta. A pro-growth approach subsumes ideological moorings, one does follow the party line, but the party line itself is betrothed to the growth imperative which must be represented to its citizens in a way that looks and feels like growth. Thus economic growth, (and its attendant concepts like efficiency, productivity, and environment) becomes the (a)moral/(a)political compass that will guide policy in a post ide-

³⁷See (Jugantar 1995).

ological Bengal. Yet, economic growth of bounded collectivities is an abstract and relative concept. After all much of the data on economic activity and hence its growth fails to include the vast amount of economic activity and economic growth in the unorganized sector: the actually existing economic life of people, or already existing profit generating market forms that people operate in to reproduce their lives by employ themselves. The politics of economic growth attempts to transform the existing economic life in *S2* to conform to a certain measurable and visual order. One can't however see and touch economic growth, hence the real-life manifestation of this walk on the high growth path could be only felt and lived if the city looks and walks a certain way that conforms to the visual order of neatness, propriety, and speed. Let me put it in the language of Basudeb Barman,³⁸ from his essay titled *Let business be where it should, not on roads*.

All hawkers (encroachers to be exact) should be removed from the streets of Calcutta. . . Every day the speed of vehicles will be hampered. . . Because of traffic jam men have wasted their valuable time, and many man hours have been lost. Some say loss adds up to 4 Crores daily, but I am sure it is more than that, whether men go by foot, or by cars, or roads, obstacles cause irritation as one fails to keep time everywhere. It hampers productivity very adversely and this causes mental unrest and irritation. . . This kind of forceful occupation and illegal conducting of business by hindering public progress can never be supported. If there is anyone who supports this, that person is supporting something unethical. This does not mean of course, that one should starve to death.

Short of starvation, politics is only a mundane yet constant act of tinkering of governance to achieve economic growth which has taken the mantle of divinely ordained legitimacy now to be showcased by a neat and clean city. It could as well be argued as a continuation of Vice Chancellor's logic of cost based analysis, that if every Calcuttan went to work on time in an efficient manner the amount of money saved and growth achieved could even outweigh the cost of starvation. It is within this political environment of growth and renewal, which (Roy 2003, p.11) describes as an attempt to "recover a gentleman's

³⁸Introduced in the text as "Vice Chancellor, Kalyani University-very old resident of Calcutta". See (Barman 1997a, p.22-23).

Calcutta,” that the issue of hawkers will unfold as 1996 unfolded towards Operation Sunshine.

4.4 Electoral Ebbs

In mid 1996mid-1996 the state legislative results came in and the leading CPM saw its control of Bidhan Sabha seats slip by an astronomical 42 seats (189 in 1991 to 157 in 1996). Its allies (CPI, RSP, AIFB) together lost 9 seats. In the national elections the CPM and CPI dragged down the left front by 7 seats, with CPM being the biggest loser of 5 seats, mainly from the urban areas of West Bengal.³⁹ More relevant to our hawkers, the previous transport minister Mr. Shyamal Chakrabarty was defeated in his constituency. Mr. Subhash Chakrabarty became the new transport minister, who felt a special and immediate need for speed. The CPI and the AIFB affiliated unions warned about “rivers of blood” (*roktogonga*) if hawkers were forcefully evicted.⁴⁰ News started floating out on the next day that a high level (*uchhoporjayer*) “task force” has been created by the CM himself, that, alongside Transport Minister (Subhash Chakrabarty) and Police Minister (Buddhaddeb Bhattacharya), will also include the Mayor, Mr. Prasanta Chatterjee. An official in the department of urban development mentioned that since the CM would be traveling from 18th September overseas to attract foreign investments into the city, a “line of action” must be approved by him before he leaves.⁴¹ The “most influential” party of the ruling left front CPM, had publicly “vowed” to clear the city of hawkers.⁴² In fact, the CM himself communicated forcefully that Subhash Chakrabarty want’s to bring speed to the city, and in this regard there is no point with discussing with the hawkers unions. He maintained that after discussion among the left front leadership the decision will be com-

³⁹Data collected from Election Commission of India

⁴⁰See (Bartaman 1996a).

⁴¹See (Shongbaad Pratidin 1996).

⁴²See (Asian Age 1996).

municated to the unions.⁴³ This was indeed a complete reversal of the negotiated terms reached a year ago, as the Mayor Prasanta Chatterjee himself after winning the elections of 1995, said “we are not saying hawkers will be evicted. Hawkers will stay. But they must follow rules.”⁴⁴ By mid-September of 1996 it was decided that even the Gariahat Boulevard hawkers will be removed. When I interviewed the veteran hawkers of the Gariahat Boulevard and hawker leaders I got several reasonings behind the sudden change in policy regarding hawkers. On September 3rd 1996, seven central trade unions and 30 local trade unions came together to form the Hawker Sangram Committee (HSC). Whereas, as late as May of 1996, the idea of the kiosk based hawking on six streets was finalized based on previous meetings with the police and erstwhile transport minister Mr. Shyamal Chakrabarty a sudden change in policy by the new transport minister, Mr. Subhash Chakrabarty, compelled the unions to unite under one organization. The official reasoning provided by the HSC was that the official line of increasing the acceleration of traffic was just a ruse, and that “the real reason was to create conditions for getting loan from the world bank which put eviction of hawkers as one of the conditionalities.”⁴⁵ Both Pradip Roy and Sanjay Chaudhuri equivocally stressed that the flyover, that was to replace their market space, was a condition for foreign loans. More importantly they stressed that Mr. Jyoti Basu was keen on getting FDI, and the following year British PM Mr. John Major with a “400 crore loan” proposal was supposed to visit the city with a business delegation to gauge investment worthiness. The CM was impatiently keen to present a clean city devoid of hawkers showcasing the pristine colonial grandeur of the city to the British delegation.⁴⁶ All the hawkers in the Gariahat Boulevard felt completely blind-sided and amazed by a sudden decision in late 1996 that not only the footpath hawkers but they too have to

⁴³See (Sonar Bangla 1996).

⁴⁴See (Sonar Bangla 1995).

⁴⁵See (Hawker Sangram Committee 2000).

⁴⁶See (Ghulati 2000).

dismantle within weeks. In fact the state committee of the ruling CPM was itself fractured on the issue, with Subhash Chakrabarty and Kanti Ganguly on one side and Buddhadeb Bhattacharya and Prasanta Chatterjee on the other, - the latter faction being more prone towards a less drastic approach, while the former, especially Subhash demonstrating an unwavering resolve to evict, even if it caused him his political career.⁴⁷ As far as Subhash was concerned he was going to “show what he can do, without thinking about what others are saying.”⁴⁸ In less than a month however his stance softened, as he declared in a rally organized by CITU that only hawkers who have set up permanent structures on the pavement, making a lot of money will be evicted. The rally itself created a massive traffic gridlock throughout the city.⁴⁹ But all this was, in effect, merely tinkering at the edges of a decision that ultimately attempted to get rid of all hawkers from the city limits. The way was to first reduce their numbers and visibility and then in time eliminate their presence altogether. After all, (as the Telegraph observed back in June 1996) in spite of the factions within the CPM comprising of Subhash and Buddhadeb camps, these left front leaders were fundamentally the same: both trying to build a a progressive force in the party that is ready to rid itself of old approaches that “are out of sync with the changed socio-economic scenario.”⁵⁰

On 21st November, the CMC gave hawkers three more days to leave and clear out their belongings, not posing the obvious question where would these thousands of businessmen go? Is it possible for them to vanish from the streets on which they have entrenched themselves for decades? The Ballygunj Hawkers Union immediately got an interim order from the Calcutta High Court which allowed a stay of eviction for three weeks. Subhash in a bizarre logic started insisting that this move was not anti-hawkers, claiming that he will

⁴⁷See (Bangalok 1996).

⁴⁸See (AajKaal 1996).

⁴⁹See (Statesman 1996*h*).

⁵⁰See (Telegraph 1996*e*).

be benevolent towards those who will be evicted peacefully. A couple of days before the actual operation, responding to Youth Congress leader Ms. Mamata Banerjee's resonation on the side of hawkers' warnings of "bloodbath," he quipped, "we will have no alternative but to open blood donation camps."⁵¹

4.5 Sunshine at Midnight

The actual operation started at the middle of the night on the 24th of November 1996, at around midnight with "10,000 people, nearly 200 vehicles and 10 bulldozers.". CPM party cadres were employed from the suburbs to facilitate the operation. Even with the talk of bloodshed the evictions were largely peaceful, except for an instance when a mob set fire to a CMC truck carrying seized goods.⁵² Even CITU hawkers who are affiliated to the ruling left were not spared, called it a "rape of democracy," especially since they paid subscriptions to the CPM and have populated their meetings and rallies. The rampage unleashed by CMC officials and party cadres was so indiscriminate that some shops with papers and not situated on the pavements were also pulled down. Regardless of this chaos, however, some hawkers did brisk business on whatever they could salvage from the debris that the CMC failed to carry way.⁵³ The political opposition to the left front was quick to exploit this discontent. Within a couple of days the Indian National Trade Union Congress(INTUC)⁵⁴ and HSC, the umbrella union formed in September 1996 proposed a complete shutdown (*bandh*) of the city. Ms. Mamata Banerjee, then a rising firebrand youth congress leader (who will break away from the Congress Party to form her own Trinamul Congress (TMC) and deny the left front the state assembly in the 2011 elections), went into a direct confrontation with the left front leadership, and was supported by the

⁵¹See (Statesman 1996*e*).

⁵²See (Statesman 1996*g*).

⁵³See (Statesman 1996*c*).

⁵⁴A national trade union affiliated to the Congress party.

INTUC state president Mr. Subrata Mukherjee. Ms. Mamata Banerjee alleged that the eviction was carried out to satisfy the World Bank stipulation for infrastructural projects, and vowed to petition to the World Bank: “with photographs and video cassettes of the inhuman eviction drive.” She also threatened to bring out mass demonstrations when the World Bankers will visit the city.⁵⁵ The other parties in the left front coalition, namely the Forward Block, and CPI also strongly criticized the CPM leadership and asked their respective unions to organize protest rallies. But this was ultimately the fight over process and not content, as Subhash noted shortly after the operation responding to the criticisms from his own ruling front members, -“they have criticized the way the action was taken, not the action. The mode of action differs from one person to another. The way I take action is different from others.” For the critics of OS he had a solution “to put hawkers in front of their houses” so that “they will realize where the shoe pinches.”⁵⁶ After all, he was indeed echoing the sentiment of the civil society of gentlemanly Calcutta rejuvenated by the vision of transforming urban space into its updated pro- growth version, -a vision that melds the strange opposites of nostalgic yearning for open spaces of colonial palatial grandeur along with the futuristic impulse of high speed global city. As a piece in a respectable English newspaper put it “the humanitarian view of depriving numerous people of the means of earning an honest livelihood is up against the urgent need to prevent the total collapse of a city dreaming of acquiring the status of a mega-city” but in a way that dreams never should conform to reality, “it is better late than never” to tackle the “permanent liability” of hawkers.⁵⁷

As things often transpire much of the time in Indian politics, matters of livelihood translates to damage and annihilation of state property by angry protestors, and this was no exception. Hawkers, now under the expressed support of Mamata Banerjee burned

⁵⁵See (Statesman 1996*d*).

⁵⁶See (Statesman 1996*f*).

⁵⁷See (Statesman 1996*f*).

their share of state buses, CMC vehicles, threw petrol bombs at policemen, in spite of police intelligence that things will go over peacefully.⁵⁸ As city wide unrest and speculations followed so did surprise eviction drives orchestrated all through the city. The Telegraph commented “The government’s cat and mouse eviction game, meant to hoodwink not only hawkers but also politicians opposed to the cleanup drive, has apparently succeeded.”. It was clear within the week, that the leaders of all ends of the political spectrum were convinced that Calcutta cannot afford to have hawkers selling stuff on the streets, or as a report put it “gift-wrapping Calcutta in the next four years” was absolutely necessary. Subhash was praised for his “courage and political guile,” for this “singularly great” achievement against “successful businessmen without any legal status, posing as marginal citizens.”⁵⁹ Instead of licensing and regulation, the new negotiated position veered toward promises of rehabilitation for those who are willingly dismantling their businesses. This was to be doubled up with an awareness campaign against hawkers along with formation of vigilante squads by NGOs for which the government was willing to provide “financial and other assistance.”⁶⁰ CPM threatened its cadres of disciplinary action for going against the party line and ordered its subsidiaries to “whip up support for eviction.”⁶¹

The CM himself announced that hawkers will be rehabilitated, where the State Government will acquire 900 thousand square feet of land to be doled out at 60 square per hawker.⁶² Subhash trying to douse the fire in his ruling house of Left Front, following FB’s General Secretary Mr. Ashok Ghosh’s comment that Mr. Jyoti Basu’s reign was “anything short of jungle raj,” announced the plan of organizing “entertainment programs” the following year to raise money for Hawkers rehabilitation. This sort of ad-hoc gestures, perhaps as intended, created confusion and division among the hawkers themselves, as many

⁵⁸See (Statesman 1996*a*).

⁵⁹See (Telegraph 1996*b*).

⁶⁰See (Statesman 1996*b*).

⁶¹See (Telegraph 1996*a*).

⁶²See (Statesman 1996*i*).

Ballygunge Hawkers' Union members (who had earlier led a petition to then high court to obtain a stay order) started dismantling their businesses in south Kolkata in the hope of rehabilitation while their colleagues "jeered them for being taken in by liars." About a third of more than a thousand hawkers in the area started to move out in the following weeks.⁶³

Pradip Roy in Gariahat Boulevard vividly recalled that the middle part of the Boulevard was dismantled by the hawkers themselves, creating a rift. Under the constant warnings of eviction, hostile media coverage, and the verbal assurances of leaders that rehabilitation will be forthcoming if they dismantle voluntarily, some people started to take the gamble, - dismantling and recovering some money from the scrap instead of getting bulldozed. But rehabilitation was a ruse to get the hawkers out of the street by creating a rift among the Hawkers unions over the lure of a rehabilitation package. What Ananya Roy describes as the "new geography of communism" was indeed a policy mechanism for the leaders of the ruling party to dole out "selective" rehabilitation for hawkers of their affiliated unions, so that ruling left can further their "massive electoral possibility into small bands of personal followers."⁶⁴

But as we can see such methods were not systematic, neither did they yield desired results. On November 19th the HSC proposed multistoried structures belonging to different unions as a mode of rehabilitation, to but this was rejected. Bulu Poddar in 1996 and Zuver Ansari in 1997, both members of the CITU (affiliated to CPM) led Hawkers' Union, committed suicide.⁶⁵ As we can see the crux of this new communism, the main pivot point was a discursive shift towards embracing the growth politics of the neoliberal era. That hawkers are a problem, and are impediments to Calcutta's "take off," were in principle agreed to by all parties, even as I have shown, their own union leaders. The motive was

⁶³See (Telegraph 1996c).

⁶⁴See (Roy 2003, p.175).

⁶⁵See (Hawker Sangram Committee 2000).

to ultimately marginalize and eliminate street vending (along with hand carts, street typists, hand rickshaws) to institute the visual markers that will demonstrate a pro-growth city ready to emulate the look of other global cities. J.P. Chowdhury⁶⁶ after lauding the masterminds of the operation Subhash Chakrabarty and Kanti Ganguly puts it straightforwardly,⁶⁷

Though it is true, a large number of people who used to earn money by hawking will be unemployed because of displacement, they have to suffer for the time being for the sake of the city as well as the state. Traffic movement is the pulse of a metropolitan city. If the vehicular speed is not increased then there is no chance of development. . . I think Calcuttans should stand by beside the government and cooperate.

4.6 Rehabilitating Sunshine

Our Gariahat boulevard hawkers, were also promised rehabilitation by the masterminds themselves. But as Pradip pointed out the tenure of the boulevard hawkers, in hindsight, was always fragile under the force of “foreign money” (bairer taka) (from Japan in this case) that was going to come in. The government after all was entering into a Memorandum of Understanding (MOU) with Japanese Companies for six flyovers worth Rs. 380 Crores. According to the Boulevard hawkers, one of the conditionalities of the loan was to get rid of hawkers. This was too attractive a proposition to demonstrate growth in Calcutta compared to a thriving market that has developed since the sixties. There were verbal assurances that they will be provided with rehabilitation in the nearby Gariahat Market within a month. After dismantling their shops some hawkers started selling in those vacant spaces, but the next day rubbish was dumped on the vacant spot. Their customers, had “a lot of sympathy” (bishal sympathy) for them, after all they have set up a lot of “good will” with customers, and their businesses were thriving. Now here comes the

⁶⁶Introduced in the text as an “Eminent industrialist, former Sheriff of Calcutta and Chairperson of Confederation of Engineering Industry”

⁶⁷See (Barman 1997*b*, p.53).

rehabilitation of the boulevard hawkers who were, as per the narrative I got from other unions were the more privileged ones with strong connections with the echelons of power, and were considered first in line for such accommodations. They were allotted a space in nearby Gariahat Corporation Market in stalls that the corporation couldn't sell after floating several tenders over years, because in terms of location it was not suitable for business, as it was above the fish market. Of the roughly 242 businesses, "even if we consider that a half were supposed to be rehabilitated", they had to share a total of 15 to 20 stalls, with 4 sellers crammed in each stall. Some stall owners simply stored their commodities in those stalls which were devoid of any electrical connections, and some people like Pradip went on for three more years with a diving book business. By 1999 when the basement of the Gariahat Market was developed for the resettlement based on lotteries, only 10% of the businesses survived. "The rest were lost (*hariye gehhey*).” Sanjay whose well known fabric and printing business was dismantled in two parts, a 20 sq. ft. above the fish market and another similar sized stall in the basement area. On an average the allotment was 30 sq. feet at a cost of Rs.700 per square feet. He continued nevertheless for two more years, "because it was either that or suicide". There was almost no business during evenings, which was the busiest time when they were in the boulevard. Sanjay simply couldn't continue, and slowly had to fire all his employees, who were "in an even worse economic condition than me". Some hawkers started going in debt, and then sold their spaces and cut the loss. Now some of them are working in sweet shops, some are sick and dead. They were helpless (*oshohay obostha*) because they couldn't get any other job, so the rehabilitation was indeed a farce. Pradip summed the rehabilitation with the example of transplanting a fish (*jiol maachh*) from one water body to the other: "the fish will die if it is not introduced to its new surroundings within a timely fashion." As Sanjay put it, in spite of paying for corporation and income taxes, utility (phone and electricity) connections, and in spite of all these negotiations with the Mayor himself, it was a sudden and out-

right “backtracking” by the government. Some of the footpath hawkers in Gariahat, who were ultimately allocated spaces outside the arteries of foot traffic in enclosed fields called “hawker fairs,” (*hawkers melas*) also found their businesses flagging, and either sold off their businesses and went back to vending on the streets.⁶⁸ The left front was accused of showing favoritism to hawkers affiliated to its unions, but even then the rehabilitation was sporadic and incomplete often facing hostilities from businesses who were there earlier. In short, as far as the state government was concerned it was against entering into any form of negotiation regarding rehabilitation with the hawkers unions.⁶⁹

The following few years were tumultuous for the street vendors in Calcutta. Numerous protests, rallies, deputations and roadblocks were organized throughout Calcutta in the face of ever more draconian laws instituted by the state, most notably the CMC 2nd Amendment Bill dated in late 1997, which instituted strict fines and jail time for any encroachment, by hawkers, stall holder, and other organizations, and recognized them as non-bailable offense.⁷⁰ All this created days after days of traffic jams, which became worse during the rainy season. Instead of accelerated traffic and happy walkers it seemed Calcutta was now coming to a standstill. Then World Bank representatives who visited the city in June, 1997, reported a vernacular daily, were surprised to see the beautiful footpaths of Gariahat. They couldn’t hide their satisfaction to the Mayor Prasanta Chatterjee and Municipal Commissioner Asim Barman.⁷¹ But around the same time, one of the masterminds of OS, Kanti Ganguly complained that, in the 21 forbidden streets, the hawkers were coming back on the footpaths with the help of the police and the corporation employees who were making money on the side. During the second anniversary of the OS, HSC provided a firmly worded deputation to the British High Commission stating that

⁶⁸See (Shongbaad Pratidin 1998).

⁶⁹See (Anandabazar Patrika 1998*b*).

⁷⁰The Calcutta Gazette No. WB. (Part IV)/97/SAR-35.

⁷¹See (Anandabazar Patrika 1998*a*).

“to satisfy your wish” for “global supremacy of your government” by creating “markets for MNCs” our spineless national governments in Center and State are following a policy to evict Hawkers”.⁷²

4.6.1 Bringing the Hawkers Back In

The cat and mouse game of sporadic eviction and relentless protests continued without abatement. The Statesman reported in large bold letters “Sunshine fades”. In the 21 streets which were a part of the OS hawkers had returned “making brisk business”. And so in a way are their hounders.” The only “concession” to the government order that the hawkers have appeared to make is that permanent structures has been “replaced by polythene sheets and baskets”. The police was still collecting money and harassing the hawkers. One Jitendranath Das who had been selling kitchenware in the Hatibagan area for the past 25 years said the bribe was 50 rupees per hawker. In the Brabourne Road area the “constable-in-charge” was taking Rs.100 to “not bother you for the whole day”.The permanent hawking centers that were to be panacea for the problem was “still a dream”. The hawker fairs were a massive failure as the hawkers refused to “budge from their old positions.” They maintained that these spaces were “away from where city life is busiest” and hence “pointless.” 955 out of the 1385 hawkers from the Gariahat area who were provided space (in the outer eastern fringes of the city beside a 4 lane highway called Eastern Metropolitan Bypass) didn’t come to the fair. 350 of the Ultadanga hawkers came back within a week of their rehabilitation, and 800 “bundled off” to Tala Park returned the same day, as the space allotted to them were “grazing grounds” and “a criminal den”. Some hawkers claimed that they had already paid the government installments towards setting up the stalls in one of these fairs but the “project hasn’t even begun”.⁷³

⁷²Letter Dated January 9. 1998 from HSC to British High Commission

⁷³See (Statesman 1998).

A year later, the hawkers were still on the footpaths. The 19 crore of rehabilitation money seemed to have evaporated in five measly, incomplete projects, which were highly unsuccessful. The Galiff street market with 840 stalls, for example that was built with 90 lakh rupees to rehabilitate the Hatibagan hawkers were lying empty. When I was doing my fieldwork, I went there one Sunday which coincided with the weekly animal market, and after some inquiry failed to get a real answer as to who is staying in those stalls. Mostly it had been taken up by poor daily laborers and people living by the informal settlements in that area. In the end of 1999, it was clear that “the rehabilitation process was in deep waters” (*othoi joley*).⁷⁴

On the 3rd Anniversary of OS, the HSC organized a huge rally where the secretary Mr. Shaktiman Ghosh said “we haven’t lost this fight... they evicted us in the darkness of the night we will fight in the light of day.” This time they were joined by other social organizations protesting against government evictions. There were tableaux remembering the 100 hawkers that have died since OS. They vowed to fight until there is a proper rehabilitation of all hawkers.⁷⁵ Subsequently the CMC declared that it cannot keep up with the eviction process “due to lack of manpower and cooperation of the Calcutta police”, yet according to the Calcutta Police “the police was always ready to assist the civic body in its anti-hawker drive”.⁷⁶ Kanti Ganguly, who stood defeated in the Lok Sabha Election, started blaming the situation on Ms. Mamata Bannerjee and her newly found TMC party, claiming that she was putting hawkers back on the streets.⁷⁷ The ultimate result of OS and other such eviction drives in Indian cities was to congeal the solidarity among hawkers leading to a movement at the national level. At the turn of the millennium the resistance of street vendors across the country was coalescing into a concerted

⁷⁴See (Bartaman 1996*b*).

⁷⁵See (AajKaal 1999*b*).

⁷⁶See (Roy 1999).

⁷⁷See (Telegraph 1996*d*).

effort for legality, tenure, and rehabilitation. The ultimate and perhaps unintentional consequences of OS and other such eviction drives in India (and in cities around the world) was propitiate a solidarity among hawkers at the national and international levels bound with other similar movements representing state and corporate led evictions for example Narmada Bachao.⁷⁸ A couple of months before I arrived to do my field work in Calcutta, a small timeline published in the Telegraph, titled *Pedestrians lose right to pavements* summed up the contemporary situation more cogently than any amount of analysis can accomplish.

1996: The Calcutta Municipal Corporation launches Operation Sunshine, the first sustained campaign to clear some of the city’s crowded pavements of hawkers.

2006: The sun goes down on Operation Sunshine with the Calcutta Municipal Corporation deciding to allow hawkers on all pavements, subject to amended rules.

2009: Hawkers are not only back for good, they are here to rule.

4.6.2 An Informal Irony

Going through years’ worth of newspaper clippings I also found an interesting incident about “successful” rehabilitation that needs special mention, as it ends with a whiff of irony. The Telegraph carried a front page story in 2008, about a 100 hawkers who were in the Gariahat Boulevard and Golepark area that were entrepreneurial enough to rehabilitate on their own. They moved into “eight-cottah plot of land at Hindustan Park” where they “built themselves a market complex called Shatadeep.” The report called these “100 hawker-turned-traders”, “unsung heroes of Operation Sunshine”, -an example of self sufficiency “without getting in the way of pedestrians”. That “hawkers-turned-traders” complex “at the end of a narrow lane, got to smooth start”. But Bikash Bhattacharya of CPM took tenure as Mayor in 2005 in an electoral victory that was seen as a leftist “capture” of

⁷⁸See (AajKaal 1999a).

Calcutta- “the prized CMC from the National Trinamul Congress(NTC).⁷⁹ Since the Operation Sunshine, Mamata Banerjee of the NTC had been an active supporter of the Hawker Sangram Committee, showing up in “hungry processions” (bhukha micchil), sometimes selling wares in the streets along with the hawkers. Mayor Bikash was not to repeat the mistake of his leftist predecessors. —As he was “making legitimate space for them on the pavements of Calcutta, hawkers today have little to fear”.⁸⁰ As a result, the article from 2008, continued, ”The hawker horror at Gariahat is back with a bang as pavements are taken over by a double row of structures that sell everything from pin to porcelain forcing pedestrians onto the congested carriageway near the Gariahat four-point crossing.” Now our older “hawkers-turned-traders” of Gariahat and Golepark, who eked out a rehabilitation at Satadeep complex were now irked by hawkers who were trading in front of their narrow lane, and as it turns out, has been moving the Calcutta High Court since 2004 to “evict vendors squatting at their door.”⁸¹ During the 2000s as the hawkers’ rehabilitation and rights was slowly turning into a politically salient national issue, a new force of chain/corporate retail, or more formally the industrialization of the second space of capital, occupied the focus of the hawkers’ movement and took the center-stage in the political economy of street vending in Calcutta. For example consider this excerpt from a news which made headlines in all vernacular papers and was prominently reported by prominent national outlets.⁸²

Nearly three decades ago, they appropriated the city’s footpaths from pedestrians.
Small shopkeepers saw red as they blocked shop-windows and lured customers away.

⁷⁹When “a local television news channel asked the Communist Party of India (Marxist) State secretary and Polit Bureau member Anil Biswas what he felt after the ‘capture’ of Kolkata. Biswas replied: ”It is the people of Kolkata who have captured us.” See (Chattopadhyay 2005).

⁸⁰See (Telegraph 2008*b*).

⁸¹We find out that “A case was filed at Calcutta High Court in 2004 under the division bench of Maharaj Sinha against one Bijoy Saha of BS Sales Counter. Saha had put up shop right in front of the plot where Shatadeep was being built. He had promised to move out once the complex came up. However, later he stayed put refusing to budge and Shatadeep hawkers had to move court. The case till date has been heard only twice.” See (Telegraph 2008*b*).

⁸²See (Times of India 2008 (Accessed Jan 11 2012)).

An attempt was made to rein them in a decade ago. But it proved shortlived. Emboldened, they encroached upon roads as well. On Thursday, they went a step further and stopped a bona fide store from opening shutters. The reason: it would do to them what they had done to thousands of stores for decades. Hawker Raj was redefined on Friday morning when members of the Gariahat Indira Hawkers Union (GIHU) prevented RPG group vice-chairman Sanjiv Goenka from inaugurating the second-largest Spencers store in the city on Rashbehari Avenue. The union, set up in the wake of Operation Sunshine in 1996 when hawkers were evicted from Gariahat, Esplanade and Hatibagan crossings, laid siege to the store's gates around 10.30 am and prevented anyone from entering or exiting the premises.

Formalization of spaces of selling along with precarious informalized wage labor in those spaces selling, will be the new force of growth oriented neoliberal politics that will shape and be shaped by informal retail.

Chapter 5

Rights or Rightlessness?

5.1 Hawkery in the New Millenium

The radical eviction drives of the 1990s, like the OS in Calcutta, which tried to root out hawkers from public urban spaces could be understood as a structural break in two senses.

a) Such sweeping eviction drives were a *result* of a significant break in thinking about the city and its citizens. As shown above, with liberalization, displaying growth became the divine ordinance of legitimate rule. A jump from a so-called Hindu growth rate to a Rajan rate of 10% was accompanied by the civil society discourses of forgetting, which, although present before the 90s, now started to display acute anxiety about the very presence of hawkers. The common sense that emanated from this neoliberal pro-growth politics was that the hawkers are inimical to economic growth and expansion, even though hawkers were generating substantive profits and employment. The imagination of the growing, global, and entrepreneurial Calcutta could not include millions of people turning profitable enterprises.

b) Such policy by the state towards forced elimination effective rehabilitation also *resulted* in a notable change in force and tenor of hawkers' movements. As shown before, in

Calcutta, such a decision was a complete reversal of agreements reached in previous negotiations by hawkers and the state. In fact, these cleansing methods had quite the opposite unintended consequences. Instead of a gradual dissipation and disorganization among hawkers, it renewed a sense of resolve, collaboration, and retaliation among street vendors, both locally and nationally.

It is important to note that, OS and the subsequently increased solidarity among hawkers unions was by no means a sporadic event, only reserved for postcolonial politics. In November 1995, an inaugural conference in Bellagio, Italy marked the first International Alliance of Street Vendors. Attended by representatives of 11 cities from all five continents, their international declaration demanded national policies for street vending.¹ The National Association of Street Vendors of India (NASVI) was formed in 1998 and registered in 2003 “as an organization working for the protection of the livelihood rights of thousands of street vendors across the country.” On their webpage they highlight their collective “struggle for macro-level changes which had become imminent to support the livelihood of around 10 million vendors which stand severely threatened due to outdated laws and changing policies, practices, and attitudes of the powers that be.”² In 2007 NASVI produced the first-ever report on street vending in seven Indian cities under the directorship of Dr. Sharit Bhowmik. The report noted that the legality of hawkers in Calcutta ruled according to the draconian 1997 amendment to the CMC Act which made hawking a non-bailable offense. The report also noted “fortunately for street vendors” the implementation of these amended provisions were successfully thwarted “mainly due to the resistance put up by the Hawker Sangram Committee.”³ A “twin logic of circulation and sanitization,” as Ritajyoti Bandyopadhyay puts it cogently, that rationalized the force of evictions without any proper form of rehabilitation, led to the emergence of Hawker San-

¹See (Sinha & Roeber 2011, p.2-3).

²See <http://nasvinet.org/newsite/about-nasvi/>

³See (Bhowmik 2001).

gram Committee as a formidably strong “federation” of Hawkers composed of more than 20 hawkers unions not affiliated to CITU.⁴ When I reached Calcutta for field research, it was evident that it was impossible to research Kolkata hawkers without the active help, support, and detailed archival material (petitions, documents, letters, reports, news clippings, and time-lines) maintained by the HSC. I agree with (Bandyopadhyay 2016, p.701-703) that “since 1996, the Hawker Sangram Committee has been the largest and the most powerful federation of hawker associations/unions in Calcutta.” Establishing connections and rapport with the leadership of HSC through the recommendation of other benevolent researchers like Ritajyoti was perhaps the only tractable way to embark on systematic research within time and resource constraints. After the chaos of Operation Sunshine, when the hawkers came back in 1997, HSC was a major player in the resettlement of hawkers in the footpaths. Ritajyoti claims that in the post OS environment, HSC and the state “have come to constitute each other” as it has become the most visible, active, and powerful organization representing the hawkers in Calcutta. According to this account (based on interviews with General Secretary Shaktiman Ghosh), in the decades following OS the state seemed to have outsourced its role of governing the informal street retail to HSC, which underwrites informal credits, negotiates payments to the police, and controls entry and exit of hawkers.⁵ There is ample evidence from news sources to support this claim. For example, in 2006, a corporation drive selectively evicted hawkers from various parts of Calcutta. However, by 2009 more hawkers have returned those spaces. One Nirmal Patra, who sells ready-made garments, said “we had to shell out a lot of money to reserve the right to sell our wares. We had to satisfy a section of hawker union leaders as well. We give a portion of our to some police officers as well.” The actual numbers came down to “Rs. 50,000-75,000 which is reportedly divided 50-50 by police and union leaders” and an

⁴See (Bandyopadhyay 2016).

⁵See (Bandyopadhyay 2009).

extra Rs. 20,000 annual "protection money" is regularly collected via handbills.⁶ According to a 2009 news report, however, this control of HSC over the informal vending in Calcutta does not seem to be as straightforward as it might appear on face value. In an article titled, "Hawkers to have ID cards soon"⁷ Shaktiman Ghosh reportedly (and echoing his erstwhile political adversaries) said, "despite orders from the mayor to demolish illegal and permanent structures set up by hawkers, little seems to have been done by the city police. There was a nexus between the police and some hawkers backed by some political parties." The account of HSC as the primary negotiator (an institution that serves as a transmission mechanism between the hawkers and the state, a final arbiter if you will) shaping the particularities of everyday street vending is also a contingent truth: always structured by the politics of markets and imperatives of making a livelihood. In other words, the authority of HSC in Calcutta, although ubiquitous, is always under pressure from people willing to make a living by street vending and willing to pay for it. HSC, in turn, has to take the same position as the state. It has to police the number of hawkers and assist the state in evicting those not filtered through the union's institutional process. It is essential to also situate HSC within the broader theoretical context of neoliberal politics. A core principle of neoliberalism (as I mention in chapter 2) is that the *TSP* should reduce spending by withdrawing from welfare and redistribution functions and must bring in more than it spends (*P2*). This retrenchment in welfare expenditures is accomplished by outsourcing the welfare and distribution function to organizations like HSC, which operate both as a union and an NGO. The field of social welfare itself becomes a market where various NGOs vie for grants, donations, and political legitimacy to sustain themselves and represent their clientèle.

My fieldwork also revealed that in the decade following OS such a managerial role

⁶See (Times of India 2009 (Accessed Jan 11 2015)).

⁷See (Statesman 2009).

was also accompanied by a concomitant and significant ideational shift that drew HSC into a broader ambit of struggle that defined the focus of hawkers' movement in the post OS era. It is important to note during the first decade of the 21st century a new conflict was looming on the horizon. As India Inc. (a term that will be used to refer to NSEs in the neoliberal era), poised to become a competitive global entity fully integrated into the global flow of capital and commodities, the conflict between formal and informal retail over the control of *S2* became increasingly politically relevant and prominent). In this concluding chapter I will chart the course of this transformation of the social movements of the street vendors from the turn of this century and comment on its implications for understanding the political economy of informal retail. Studying the main contours of the street vendors movements in the new millennium will also allow me to analyze how the right to the city is modulated and managed in the neoliberal era. This chapter thus allows us to understand the crucial link between the neoliberal management of the economy and the formal/informal divide in the *S2*, by analyzing the policies and discourses concerning right (and rightlessness) in informal street retail.

5.2 Ideational Role of HSC

When I asked Shaktiman Ghosh, still the General Secretary of HSC in 2010, to recount the events surrounding the inception and establishment of the union, he stressed the adamant stance (*oudhotyo*) of Subhash Chakrabarty (when he became the transport minister in 1996) and his blatant disregard of the previous order of negotiations. Soon after winning the elections Subhash started to talk about “encroachment and traffic speed,” occasionally holding citizens meeting to create public support. In one encounter with Shaktiman Ghosh, Subhash bragged he would blow up the hawkers like the disciples of Balak Brahmachari (*Balak Brahmachari-r moto uriye debo*) and tear up any order from the Supreme

Court.⁸ According to Shaktiman when the Transport Minister's threat seemed more and more credible and his rhetoric was getting increasingly bellicose⁹ 36 unions were identified. Under the chairmanship of an independent (supported by Congress) councilor called K.P.Ghosh these conglomeration of unions formed the HSC during a Meeting in Bharat Sabha Hall in August 1996.¹⁰ Massive rallies and all party meetings (CPM was absent in these meetings), and signature campaigns were held all through November. It is during this time that Mamata Banerjee who was about to break away from Congress and form her own All India Trinamool Congress (AITMC), became an active sympathizer. Shaktiman Ghosh especially stressed the massive all-party meeting on the 19th December. It was held in front of the governor's house and Mamata Banerjee joined. There were even unofficial promises from the chief minister that hawkers can unofficially stay for a month. However, the police harassment continued. Ghosh recalls a turning point in his thinking when a major skirmish ensued in the Hatibagan Syambazar area as a women pushed back against police harassment, protesting that she wants to buy cheap products from the street. It was from here on that his philosophical disposition about street vending started to changed. When the public was resisting, saying '*eta amar bazar*' (this is my market), Shaktiman realized

They were not just poor; they are an asset. Their presence enables poor, middle classes, and unorganized workers to live in the city. They are here because they can offer commodities at low prices that the big shops cannot afford. They are here because they are offering a price that is 25% less than that of big shops, but if they are not there, the big shops will sell way more than what they are selling now because it will increase their monopoly. We understood the turnover generated by hawkers and the contribution to the urban economy. There was a radical change in thinking about hawkers.

⁸When Subhash was accusing hawkers of forced occupation (*jobordokholkari*) Shaktiman Ghosh told me he reminded Subhash that many leaders of the left ruling class migrated from Bangladesh and forcefully occupied land, and later through land tenure (*patta*) build three-storied houses.

⁹Subhash famously said he would resign if there is a single hawker in Calcutta after December 31st 1996.

¹⁰Shaktiman Ghosh (General Secretary Hawker Sangram Committee) interview by author February 11 2010.

So, it is then that HSC started collecting data on hawkers. They decided to "call different experts," "gather economists," and "talk to university students." Shaktiman said that the leadership started to see the broader economic relations that the hawkers support and sustain, especially interlinkages with *S1*. Echoing the Supreme Courts verdicts Shaktiman said, HSC started to make a case that this was a "poor economy" (*gorib arthaniti*). "It was a small economy, but the subject is vast (*chhoto orthoniti kintu bishoyta onek boro*)" he said. According to Shaktiman Ghosh the HSC started to describe this as a pavement economy or low circuit economy (*bhoomitor orthoniti*) of small retail (*khuchro byabsha*). It is the "pavements' own economy," and "we understood, that it is a natural market of the pavement itself (*footpather nijossho bajar*) that cannot exist separately. Nowadays we do not say we are poor. We say under-serviced and self-organized, we have understood that the state should support this natural market instead of cutting it."

From my interview with Shaktiman Ghosh, it was clear that the opposition to the state policies in this post OS period was starting to be formulated in terms that chastised the state for not protecting "natural" (competitive) markets. The ideological undercurrent that informed the sustained protests, against eviction related policies during and after OS, marked a shift from thinking about hawkers as a liability to understanding them as competitive and entrepreneurial agents. The main point of attack was that the state was violating one of the core principles of neoliberalism (*P1*) by not protecting, supporting, and encouraging the vast range of competitive businesses that allow a price range that is affordable to a large section of society. HSC linked up with other organizations like the Tata Institute of Social Science (TISS), Youth for Unity and Voluntary Action (YUVA), and individuals like Medha Patekar of "Narmado Bachao" fame. The HSC leadership realized that "this is not about cleaning streets or speed of cars but the first blow from the larger process of globalization led by World Bank and DFID because John Major was coming and the state needs money from them." HSC kept on the movement by organizing

workshops and conferences along with sustained protests and civil disobedience. “I was arrested 23 times” boasted Shaktiman, and “the story of rehabilitation was a total fake so we boycotted the rehabilitation altogether.” The hawkers who left for the various spots of rehabilitation especially in the Gariahat area during and after OS, left others to fight on the streets of Gariahat in the three years following OS. According to Shaktiman Ghosh, many of them who left couldn’t make a single sell in six months (*chhoi mashey bouni kortey pareni*). By 1999 the “rehabilitated” hawkers wanted to be back on the streets but by that time HSC affiliated hawkers have consolidated their spaces in the Gariahat area. Some of the hawkers (with the mediation of Mamata Banerjee) were allowed to come back to the pavements. Towards the turn of the century, HSC had consolidated significant support and power over the tenor of hawkers movement which allowed it to expand its sphere of activism.

(Bandyopadhyay 2016) and (Bandyopadhyay 2011) have well documented HSC’s role as an archiver and a negotiator. Here I want to stress HSC’s concomitant role in creating and organizing a counter-hegemonic alliance while reshaping its own disposition towards the question of hawkers. My research suggests that the role of HSC as an archivist and statistician is intermingled with its new role as a knowledge producer against new forces of corporate retail. By 2000, HSC wanted to give this movement an “All India Shape”¹¹ and held a three-day workshop between 7th and 9th January, in Loreto College. A wide range of interested parties from all over India, including intellectuals (*buddhijibi*), members of parliament, and the mayor himself attended the workshop. Prominent members of the CPM party and chief editors of important newspapers also joined the workshop. “This is the first time the idea of national policy was proposed,” Shaktiman exclaimed. In 2001, the central government called a meeting in Vigyan Bhavan in Delhi, and the HSC sent a delegation of 14 people. An 18 member Taskforce (of which Shaktiman Ghosh was

¹¹Shaktiman Ghosh

a member) was created and they worked for four years and produced a policy paper in 2004 called National Policy on Urban Street Vendors. Along with the Article (19)'s right to livelihood the policy explicitly derives force from the directive principles Articles 39 (a) and (b) of the Indian Constitution that mandates the state to direct policy so that "(a) the citizens, men and women equally, have the right to an adequate means of livelihood" and "(b) the ownership and control of the material resources of the community are so distributed as best to serve the common good."¹²

In 2004, however, the LF lost the CMC elections. Trinamool Congress, (TMC or AITMC) Mamata Banerjee's splinter party from Congress, had won. Subrata Mukherjee, who was the prominent member of the INTUC and had supported the hawkers during the OS, became the mayor. Moreover, there was hope among the hawkers that perhaps there will be a solution at last. As Shaktiman Ghosh recalled, the new Mayor also fell back into the same tune that Subhash had orchestrated before, and to the disappointment of hawkers, the new city administration was in bitterly opposed (*tibro birodh*) to them. "At the end, there was no difference between the previous and the present administration." Subrata Mukherjee also ordered the eviction of all hawkers between Victoria house and Victoria Memorial. During the time of his work in the Taskforce, Shaktiman claims, he understood that

The attack (*akromon*) [on hawkers] was not about a particular state, but it is an international plot (*antorjatic chakranto*). It is a fight to capture markets (*khola bajar dokholer lorai*) in countries like ours (*amader moto desher*). The idea of development/progress (*unnoyon*) is a fragment of that fight [for existing markets]. Although this '*unnoyon*' is only for a select few, a result of this thinking was the need to remake and beautify (*notun korey shajabey*) the big cities in each state, to attract bigger capital (*aro boro punji*). So the widening of streets, making flyovers, constructing massive malls and huge skyscrapers, were ultimately backed by the forces of World Bank, ADB, DFID, Japan Corporation and above all WTO (*shobar uporey WTO*). We started to protest regularly in front of embassies, and every year since 1997 we have held massive processions marking Operation Sunshine as a 'Black day' (*kala dibosh*).

¹²See (Government of India 2004, p.1).

To counter against the “attack from above” (*upor thekey akromon rukhtey*) in 2002, HSC also organized a large (*bishal*) South and South East Asia conference of Hawkers between May 24-26, with the renowned Bengali novelist Mahasweta Devi as its chairman. There was a Calcutta and International declaration that 26th May will be International Hawkers day. Over the few years since the conference, according to Shaktiman Ghosh, HSC slowly started to increase in members as it was a “multiparty platform.” He especially stressed the unified nature of the platform HSC had been able to provide to unions and people of different partisan leanings.

In 2009 the Government of India (GOI) Ministry of Housing and Urban Poverty Alleviation published another National Policy on Urban Street Vendors. The “Overarching Objective” of (Government of India 2009, p.5) was

To provide for and promote a supportive environment for the vast mass of urban street vendors to carry out their vocation while at the same time ensuring that their vending activities do not lead to overcrowding and unsanitary conditions in public places and streets.

Alluding to the Indian Constitution and the 1989 Sodan Singh case, (Government of India 2009, p.2) also explicitly maintained that

To be able to practice any profession or to carry any occupation, trade or business is a fundamental right of every citizen in our country. A person who wants to buy some items in wholesale and sell the same in retail by hawking is actually exercising such a right. Thus it will be desirable, other things being equal, that such a right is not circumscribed unless reasonable restrictions are warranted in public interest. At the same time, it will be impracticable that every hawker be provided a permanent site because most cities/towns suffer from severe constraints on land for commercial vending. However, it should be possible to demarcate vending zones and vendors’ markets where peripatetic and mobile vendors can sell their wares within certain time restrictions and subject to regulatory stipulations

On 4th August 2009, Prime Minister Manmohan Singh urged (in writing) the chief ministers all states to implement the *Model Street Vendors (Protection and Livelihood and Regulation of Street Vending) Bill 2009* drafted following the 2009 policy document. “I

would earnestly seek your personal intervention,” the letter went, “to enact legislation to enable street vendors to ply their trade without harassment.”¹³ In late 2009 a letter on HSC letterhead to the Mayor Bikash Ranjan Bhattacharya was still demanding the mere issuance of identity cards in Gariahat and Rashbehari Avenue areas.¹⁴ In 2010 it seemed that the hawkers’ struggle had come a long way from the mid-nineties fears of violent eviction. When I was doing fieldwork in Calcutta in 2010, the 2009 policy still didn’t have any legal force. In fact, one of its specific objectives was its implementation.¹⁵ It was not until 2014 that the Street Vendors Act (SVA-2014) passed among much gimmickry surrounding the Prime Minister Narendra Modi’s origins as a tea seller.¹⁶ During my tenure at the field, I learned that HSC had expanded its boundaries of organizational capabilities to represent victims of slum eviction from the different parts of Calcutta: especially concerning their future rehabilitation under the national project called Basic Services for the Urban Poor (BSUP). These activist forms of organizing were part of a larger resistance against the ADB funded Kolkata Environmental Improvement Project (KEIP) that involved large-scale evictions of the urban working poor from the banks of a defunct and clogged internal waterway locally known as Old Ganga (*Adi Ganga* in vernacular). From my fieldwork I also gathered that the primary focus of street vendors’ politics by 2010 was not just the sustained efforts to provide the 2009 Street Vendors Policy a legal force but more importantly to resist the sizable corporate multi-brand and wholesale retail chains like Spencers, Reliance Fresh, Big Bazaar, and Metro Cash and Carry that were entering *S2*.

Based on the news reports and documents generated during this time it can be argued that the consolidation of unions into a somewhat unified national force was also a response to the increasing perception of an equally unified global force of big capital that

¹³Copy of Letter to All Chief Ministers of States/UTs, PMO, New Delhi, 4th August 2009. Available from author

¹⁴Letter from HSC to Mayor of Kolkata, Dated:November 30, 2009. Available from author.

¹⁵See (Government of India 2009, p.5-6), specifically objective 3.2a.

¹⁶See (Bandyopadhyay 2016, p.678).

was destined to enter the retail sector as a formidable competitor. From an erstwhile conflict that focused on the hawkers' presence in the face of city level evictions, the struggle now morphed into a more significant/high stakes tussle between formal and informal retail. I understand this as a conflict between two oppositional forces: a) industrialization of *S2* through the formalization of the spaces of selling and b) the organizations of already existing nonindustrial (informal) market networks that structure *S2*. Concomitantly, two continuing struggles mark the political economy of retail in contemporary India. First is the struggle to implement the SVA-2014 in cities and towns. Here the unions often find themselves taking the position of the state in thwarting 'unwanted hawkers' and controlling the bureaucracy of pavement access. Second is the struggle between these forces of organized corporate retail and small unorganized retail. Here the hawker associations along with other civil society groups resist the big (chain) retail, not only by rowdy demonstrations in front of the formal outlets but also by building a counter-hegemonic force through the dissemination of information and critical literature.

In this light it is important to notice the dual role of HSC as an everyday negotiator and a knowledge producer, providing the empirical and ideological basis for further struggles at the local and national level against international and national forces of big capital. The understanding that Shaktiman and others held, about the nature of their struggle in the 2000s, however conspiratorial, was still not wholly devoid of truth concerning neoliberal thinking. The high growth imperative of *P3* entailed courting big capital (foreign and national) to invest in the city. The courtship will not be successful, or so the logic went if the city was not made to look investment-worthy. For the city to live up to that standard, some people will have to stop living and being in the city. However, one can analyze the predicament of the street vendors in another way. A high growth display could be easily posted by corporatizing retail, by allowing massive investments by organized retail chains. After all, the hawkers can generate growth and employ millions of people directly

and indirectly, but they cannot plop down a multi-million dollar investment, which is more conducive to a high growth rate. Hawkers have tarpaulin sheets and bamboo structures. They have federations like HSC. But this pales in comparison to massive air conditioned warehouses, machinery to handle large inventories, host of lawyers to play at the edges of legality, ability to sustain losses for years, and the ability to spend millions in advertising. Surely the latter will produce lots of growth in GDP terms. The street vendors and an overwhelming part of the retail trade in India are part of the existing global capitalist market system. It is a part of the lived economies of millions of people dependent on their networks of suppliers, artisans, credit, trust, locational advantage, and most importantly, demand from end consumers. Even though informal retail is a competitive market system (falling within the fundamental definition of many sellers and many buyers) this capitalist gain oriented market competition, (which Hayek, Lionel Robbins, and others thought to be the touchstone of civilization, and which Shaktiman explained as “the natural market”), must be systematically dismantled in the long run in favor oligopolistic and monopolistic behavior. Neoliberal politics is bound to violate its central principle of market memorial paradoxically. Instead of authoritarianism by the god of free competition neoliberal thinkers argued the state should institute and subject themselves to, we will now have neoliberal authoritarianism against the competition. As will become more evident in the following sections, hawkers and HSC (in Calcutta) are drawn into this struggle front and center.

5.3 Informal Vs. Formal Retail

According to the AT Kearney’s Global Retail Development Index (GRDI) of 2017, which is closely watched by multinational retailers, India is the most attractive retail destination in the world, overtaking China. Big capital’s outlook on *S2*, is summarized by (Kearney

2016, p.4-5)

The conditions for retailers in India are favorable and will continue to provide strong fundamentals. The GDP is forecast to grow 7.4 percent in 2017 and 7.6 percent in 2018, which is helping boost the middle class and increase consumer spending beyond the essentials. These trends are expected to help organized retail double in size by 2020. Meanwhile, the government is taking steps to eliminate the federal and state rules that curtail retail development, and new regulations are being developed to attract investment and increase consumption. The enthusiasm around the initial public offering of DMart, one of India's most profitable food and grocery chains, shows that modern retailers are well positioned for profitable growth. This environment has propelled India to the top spot in the GRDI.

(Bandyopadhyay 2016, p.715) describes the political economy of street vending in the neoliberal era with the phrase 'institutionalized informality,' "a process- indeed a transition from mobilization to institutionalization." The transition entails

small-scale mobilizations over the decades morph into larger regional-national and international constellations through the organization of the bureaucracy, archive, a regular cadre base, division of labour, professionalization, differentiation among the stakeholders, and the vital capacity of the organization to socially reproduce this asymmetric structure.

(Bandyopadhyay 2016) shows these hawker organizations, while making strong demands on the state to create and standardize regulations and tenure of hawkers (and other informal sector workers), behave like quasi-states endowed with the power of self-regulation. This regulative role of the hawker federations, now blessed with state sanction, carves out the institutionalized informal, the formal-informal one might say. The management of existing informal labor force engaged in street vending is geared towards insulating privileged hawkers from the population-in-waiting or informal-informal if you will. The author opines that

Although it is difficult to make a clear separation between the owner of capital—the employer—and the labourer in the informal economy, our evidence shows that at least in the case of street vendors in India, the organizations represent the former segment.

I believe this is a very productive argument and an appropriate evaluation of the po-

litical economy of street vending during the last decade. I will return to this issue of rights and rightlessness to selling in the following section. Here, I evaluate this “institutionalized informality,” within the framework of “institutionalized formalization” of *S2* via retail chains. I say this because it is important to note that “institutionalized formalization” of spaces of selling do not entail formalization of employment. The terms of contractual or sub-contractual wage labor within formal spaces of selling remains overwhelmingly informal. Seen in this way, formalization of *S2* through investment in organized retail also institutionalizes, if not institutes, informality in employment.

By 2008 the conflict between hawkers and big retail chains was playing out in all its South Asian glory. Rama Prasad Goenka (RPG) Group and Reliance Industries were attempting to extend their retail arms in Calcutta markets with chains named Spencer’s and Reliance Fresh. In early July 2008, hundreds of agitated hawkers descended in south Calcutta to disrupt and ultimately shut down the inauguration of a 36000 square feet Spencer’s on Rashbehari Avenue. The hawkers set ablaze Spencer’s advertisements and discount coupons. Some broke a couple of light bulbs and wrenched out a metal number from the address embossed on a gate.¹⁷ Sanjiv Goenka, the Vice Chairman of the RPG group, who was supposed to inaugurate, left Calcutta without arriving at the scene. CITU, the union affiliated to CPM, however, was not present in the agitation. It was even more awkward for CPM (the ruling left front’s leading partner) because AIFB and RSP broke with the ruling government’s position and joined the hawkers. AIFB’s state secretary Ashik Ghose openly acknowledges support for hawkers because “big corporate entities” will be detrimental to the livelihoods of “thousands of small traders and hawkers.”¹⁸

Shaktiman Ghosh, of HSC, who was also joined by the independent local councilor of the 85th ward, Mr. Debashish Kumar, told the press that they had the support of 6000

¹⁷See (Telegraph 2008*a*).

¹⁸See (Business Standard 2008).

members and other hawkers' unions (except CITU).¹⁹ The logic of such agitation was simple. As Ghosh, who emerged in the press as the leader of the agitation, plainly said "We are threatened by players such as Spencer's and Reliance which, if allowed to operate, would eventually drive us from the market," and laid down the rules for the peaceful coexistence of hawkers and corporate retail. The rules prevented Spencer's from selling "fruits, vegetables, food articles and cheap garments." Spencer's vice president of marketing, one S.S. Shekhawat said, "the agitation and the blockade were based on misinformation and vested interest."²⁰ However, no one was arrested because the RPG group did not launch a complaint with local police, perhaps because it was made clear by Shaktiman Ghosh "we will not allow this to happen and we will keep on protesting every time they try and open this store." Mr. Goenka instead chose to assuage fears, insisting to the press that since "organized retail only forms 3-4 percent of the total food and grocery retail opportunities in India, this is not a threat to traditional trade."²¹ To him it was a matter of misunderstanding, arguing that Spencer's will only cater to richer customers, and sell products that are higher priced and qualitatively different from those of hawkers.²² The press inquired, "many small brick and mortar Spencer's stores have been operating in Calcutta, but why is it that the hawkers chose to resist this and not the others?" Ghosh replied that those places where the small format Spencers were operating were not serviced by hawkers, as is the case with Gariahat area. Moreover, he alluded to the meetings regarding the national policy of street vendors, where, he claimed, a decision was reached to avoid constructing malls within 2km of areas where hawkers sell their wares.²³ Subhash Chakrabarty, still

¹⁹See (Anandabazar Patrika 2008*a*).

²⁰See (Economic Times 2008).

²¹See (Telegraph 2008*a*).

²²"We have to make them understand that we don't sell the same products, we don't share the same customers, and we don't compete with them in the same price points. We will sell products made in UK, Thailand, China and so on. How can these products compete with what they are selling?" asserted Mr. Goenka. See (Hindustan Times 2008*b*).

²³See (Anandabazar Patrika 2008*a*).

the Transport and Sports Minister in 2008, fumed, blaming “rich hawker leaders” for the ruckus. “They are instigating poor people to carry on their dirty politics,” he told the press, and with his characteristic bellicosity, insisted that Spencer’s hypermarket must open there, and no “Haridas Pal”²⁴ hawker leader can obstruct it.²⁵

Mayor Bikash Ranjan Bhattacharya (also a CPM member) promptly held a meeting which was attended by Shaktiman Ghosh, Vice President of Spencer’s Eastern Region, Prabin Dalal, the local councilor Debashish Kumar, among others. The negotiations ended in an 8-point condition for operating Spencer’s shopping mall in Gariahat. The conditions provided by the hawkers included quantitative and price restrictions on sales.²⁶ The hawkers also demanded restrictions on quality and types of good Spencer’s could sell.²⁷ In the meeting Debashish Kumar also demanded the mall should hire youth from that area.²⁸ Who will enforce these conditions? HSC was ready for a “stringent vigil.” The mayor commented that “you cannot have a headmaster or monitor for everything.”²⁹ The hawkers in that area became agitated when a reporter raised the Sepencer’s issue. One told a reporter that “the entire city is filling up with malls as CPM is indulging/encouraging these big foreign and national businesses which will result in a complete annihilation of our trade.”³⁰ On Monday evening, with the Mayor’s mediation, the store opened without much fanfare. The mayor and the hawkers unions including the central trade unions like CITU, AITUC, claimed Spencer’s has accepted their conditions, while the Spencer’s told the press that they were not obeying any such rules. VP Pravin Dalal said that the reason Spencer’s can-

²⁴This is a somewhat casteist comment where Haridas Pal is a commonly used phrase to mean an inconsequential commoner.

²⁵See (Anandabazar Patrika 2008b).

²⁶Spencer’s cannot sell garments that are below Rs. 300. Spices sold to a customer must be above 500 grams. The minimum weight of potatoes and onions sold to a customer have to be above 6kg. Prices of all commodities that can be sold in Spencer’s have to exceed the prices charged by hawkers by at least Re. 1.

²⁷The hawker demanded that sale of handkerchiefs, socks, and underwear are to be prohibited. Unbranded staples like wheat and rice should be sold as well.

²⁸See (AajKaal 2008).

²⁹See (Hindustan Times 2008a).

³⁰See (Dainik Statesman 2008).

not abide by such conditions is because it will sell superior products and are not in competition with the hawkers in any way.³¹ Interestingly enough, the chairman of the West Bengal Agricultural Produce Marketing Board claimed that although the malls sell 4 to 5% of fresh food produced in West Bengal, these stores have still failed to obtain a clearance from his department. Controversies continued over the following weeks as the HSC complained that the store was flouting the guidelines and threatened renewed agitation. On Wednesday 9th July 2008, another meeting was held with the concerned parties at the Mayor's office. The meeting failed to reach any concrete long-term solution other than, the somewhat unenforceable, micromanagement of quantity restrictions where the hawkers reduced the restriction on poppy seeds from 500 to 250 grams.³² By the middle of July 2008 things seemed to have petered out as the VP of RPG Sanjiv Goenka himself insisted that even though guidelines were affecting sales and the store was registering losses on certain items Spencer's will still abide by those rules only for the mega-store on Rashbehari Avenue. "As we go forward" Goenka commented, "hawkers will realize that what we sell is completely different from the products that they offer. Products like American Apples and Canadian grapes are hardly sold by them."³³ Sudipto Mitra, the organizing secretary of the National Hawker's Federation, told the press that the hawkers' intended to make the company suffer losses in certain sectors like fresh vegetables and that the hawkers will be happy if the store refrains from selling groceries altogether. In case Spencer's fails to follow the hawkers demands, Sudipto Mitra said, "we will again start agitation...to set an example for every retail major through this incident."³⁴ The incident made it to the national news outlets where Shaktiman Ghosh told The Hindu that "other stores in the area will also be targeted and gradually the movement would be taken to the other parts of the

³¹See (Shongbaad Pratidin 2008).

³²See (Hindustan Times 2008c).

³³Goenka also said that from now on stores will open without an fanfare. See (Statesman 2008) and (Indian Express 2008).

³⁴See (Indian Express 2008).

country where street hawkers and round-the-corner mom-and-pop stores were suffering due to entry of big retail.” The spokesperson from Spencer’s complained about “restrictive trade practices” and said that the Rashbehari Store were forced to stop carrying fruits and vegetables.³⁵

5.4 Pushback Against Corporate Retail

These conflicts between hawkers and large retail must be situated within a broader intellectual debate about the vagaries and benefits of large-scale retail chains, on which both parties were basing their arguments. Indian Council of Research on International Economic Relations (ICRIER), a private think tank/research group released a report on the retail sector in India “based on the largest ever survey of unorganized retailers (the so-called “mom and pop stores”), consumers, farmers, intermediaries, manufacturers, and organized retailers.”³⁶ At the very outset the study claims that,

The total retail business in India will grow at 13 per cent annually from US\$ 322 billion in 2006-07 to US\$ 590 billion in 2011-12. The unorganized retail sector is expected to grow at approximately 10 per cent per annum with sales rising from US\$ 309 billion in 2006-07 to US\$ 496 billion. Organized retail, which constituted a low four per cent of total retail in 2006-07, is estimated to grow at 45-50 per cent per annum and attain a 16 per cent share of total retail by 2011-12. In short, both unorganized and organized retail are bound not only to coexist but also achieve rapid and sustained growth in the coming years. This is clearly not a case of a zero sum game as both organized and unorganized retail will see a massive scaling up of their activities. In fact, the retail sector, left entirely in the unorganized and informal segment of the economy, could well emerge as a major bottleneck to raising productivity in both agriculture and industry. One of the rather surprising findings of the study is that low-income consumers save more than others through shopping at organized retail outlets. This is a result of targeted discount shopping. It is also seen that farmers gain considerably from direct sales to organized retailers, with significant price and profit advantages as compared with selling either to intermediaries or to government regulated markets.

³⁵See (Hindu 2008).

³⁶See (Joseph 2008, p.1-5).

India only had 4% organized retail, compared to 80 percent and above in the US, UK, and France. Given that “home markets were crowded” the report stressed the need for “modern retailers from the developed world” to enter “new markets”. But what about the regulatory framework for large retailers in the developing world? The report seems to contradict its own advocacy masked as neutrality when (Joseph 2008, p.5) says that

It is interesting to note that regulatory restrictions on the growth in modern retail is more stringent in developed rather than in developing countries. For example, in most West European countries, setting up of hypermarkets has become very difficult since the late 1990s and early 2000s as governments became alive to the demands of traditional small retailers and non-mobile consumers in these countries. Merger and acquisition plans are now looked at more critically by the national and European competition authorities. While in most countries opening hours are liberalized including holiday trading, the very small number of countries where opening on Sundays are prohibited include developed countries such as Germany and Austria.

It begs the question then, why the governments in places like Calcutta might not learn from the West and become “alive to the demands of traditional small retailers and non-mobile consumers.” Why would the government not be responsive to small retailers if according to the report itself organized retail “may affect employment in unorganized retail and the trade intermediaries associated with traditional supply channels.” The report goes on to reconcile this adverse effect on already existing markets by providing a typical consequentialist argument based on dubious claims about jobs gained and jobs lost. Arguing that the employment generation in organized retail will be enough to offset the loss in employment in traditional retail, (Joseph 2008, p.21) goes on to say,

Finally, but most importantly, the employment generated by organized retail is building a quality labour class that is gaining vocational training in skilled and unskilled jobs at the graduate and tenth class level. To meet the growing demand of trained professionals in the retail industry, several management and training institutes conforming to the international standards of certification have been launched across the country. Foreseeing the demand for trained staff, leading organized retailers are creating their captive human resources pool through internal training and programmes and tie-ups with retail management schools. The case studies represented here directly accounted for employment of nearly 28,320 people in 2006-07.

The report rests on a set of assumptions that are hard to defend if anyone has studied with minimum detail unorganized retail, and particularly street vending. The arguments rest on a common assumption that jobs in the unorganized sector are not building a “quality labor class”. For example, we are to assume that the cornucopia of food that is cooked (and eaten) on the streets of Calcutta every day from early morning to midnight, is not reflective of a skilled labor force, or perhaps we are to assume that untrained and unprofessional street vendors are handling hundreds of thousands of lunch and snack orders every day. Why just food? Garment hawkers in Gariahat for example, are continually updated about the latest fashions and designs, informing their small producers-suppliers about hanging trends. Yet, according to the reports broad assumption, they too are waiting to become “quality labor class.” The second assumption is its automatic division between modern and traditional retail. Although traditional retail is squarely situated within contemporary modern capitalism, only the corporatized retail form can be deemed as modern. For some reason modernity in this argument cannot extend to the visible spaces of selling; it cannot extend to hawkers who are selling movies and songs from around the world, or small shops repairing cell phones, watches and cigarette lighters of any shape and form. ICRIER cannot evaluate the dynamism of these sellers, (their presence and resilience in modernity, their ability to source millions of commodities from producers and intermediaries via a system based on price signals) as a living example of modernity. Instead, the report coaxes the reader to gloss over this reality to espouse or assimilate into the hypermodern gloss of RPG’s 36000sq. ft. retail. It is interesting to note, and easy to miss the contradiction between the statements of Goenka et al, and ICRIER. According to ICRIER, “One of the rather surprising findings of the study is that low-income consumers save more than others through shopping at organized retail outlets,” while Goenka maintained that they were in the business of Canadian grapes and such. It is a conundrum how “low-income consumers” can benefit from stores that are putatively targeting high income

earners.

The internal inconsistencies of the report, the ideologically inflected assumptions shrouded in the language of empirical neutrality, or the simple fact that 28000 jobs will not even round up to one percent of total number of people that millions of unorganized retail enterprises employ down the supply chain, doesn't thwart (Joseph 2008, p.26) to provide unsubstantiated claim that,

while the jobs that organized retail displaces are the low-end, low-quality, under-productive ones, the new jobs created are the high quality, productive ones. It also generates a number of jobs for unskilled labour for the tasks of sorting, grading, labelling, etc.

If we contrast this automatic beauty of high quality labor ushered in by organized retail with the actual conditions of labor in societies organized around corporate retail, we can find conditions of slavery, destitution, and trauma.³⁷

In 2010, I went to the biggest Spencer's store in Calcutta (inside the South City Mall) and tried to inquire about the nature of employment and conditions of work on the shop floor, so that it was possible to compare it with the nature of employment in unorganized retail. Firstly, it was impossible to get an interview with any of the workers. I was repeatedly asked to meet the manager who told me no one will talk to me. I did manage to get a contact from one of the employees who said her friend would be able to talk to me as he had worked in retail and now works for an organized retail coffee chain called Café Coffee Day. I sat down to talk with Sumanta, after his six-day work week on a chilly winter evening in November 2009.³⁸ He fits squarely in the category of graduates that are to be inducted into the "quality labor force" that ICRIER claimed retail will generate. He had passed High School and wanted to study geography but couldn't get through the college of his choice. He got a three year non-honors degree in English ("Pass course in English"

³⁷See (McClelland 2012).

³⁸Sumanta (Ex corporate retail worker) interview by author February 15 2010.

in local parlance) from a college where he didn't want to study. When he was about to graduate, he got a text on his phone that promised him free three month training in hospitality, Customer Relations Management (or CRS as he liked to call it) and Information Technology. He and his peers thus found out about Dr. Reddy's Foundation (referred to as DRF by Sumanta) that trains and prepares youth completely free of cost for corporate job market. When I pressed Sumanta about the details of these courses, he said "the training taught us how to talk because the job sector is very bad, so they gave us knowledge about how to talk." For example, "you have to welcome the guests in and seat them, and then serve the older people first and then the women in the group. You should always serve the host last." Towards the end of three months DRF arranged interviews with different companies. He was able to get a job in a corporate retail outlet called Big Bazaar. He wasn't however employed by Big Bazaar, rather it was a sub-contractual arrangement between Big Bazaar, labor contractor and DRF. He had to work eleven hours a day (from 9am to 8pm) for Rs. 150, and three meals. This was a short-term employment contract where they had to push certain cleaning products to consumers for a month. He left after two weeks as the travel was tedious and his father was not happy with him coming home after midnight. Dr. Reddy's NGO on the other end will pressure them regularly to go to different interviews as they had to show a 99 percent success rate. They called him incessantly and admonished him for not wanting to work. He worked for some time in a KFC, but then KFC changed the terms of his contract and forced him to work outdoors. Finally, it was Pizza Hut. Here also he worked as a sub-contractual labor which paid monthly salary of Rs. 3500. According to the contract Rs. 200 was to be deducted from the monthly salary for the uniform that they had to wear. Everyone had to work 11 hours a day for six days a week. Pizza Hut conducted a two-day interview which included learning the history of Pizza Hut. As a part of the interview process, they also had to go to other famous non-chain restaurants called Siraj in Park Circus (famous for its

Biriyani) and comment on their hospitality or the lack thereof. The interviewer from Pizza Hut pointed out that they were not greeted in these restaurants. There was an exam after two days on the history of Pizza Hut, and he passed. It turns out after all those history and hospitality lessons his job skill was to stand in front of an industrial mixer watching the dough churn. This boredom was broken by something nefarious. Sumanta remembered, “Sometimes a fair complexioned man (*forsha moton lok*) used to come. He will suddenly smack a guy with a belt. The other workers will laugh. If you pleaded him to stop, he would ask for Rs.10 to stop the beating.” He worked there for 3 days. He wasn’t paid in either KFC or Pizza Hut. In Big Bazaar, he was paid cash in an envelope. He said he is happier in his present work in Café Coffee Day because the manager is much better. The workday is eleven hours, and the salary is Rs. 2200. If they meet a sales target set for their franchise, they get a couple hundred more. “The job market is quite bad,” Sumanta said, “even worker in a small shop (*chhoto dokaner kormochari*) gets more money than this.” “This is not a career plan” he added, “I want to get a Master’s degree from a Private institution and teach in a school.”

The skilled jobs in retail which are supposed to replace the unskilled ones from the unorganized sector even under a closer inspection turned out to be a dream rather than a reality. None of these jobs had any sense of tenure, security, or contributions to retirement funds and so on. The employment conditions and arrangements were doubtlessly informal and sometimes abusive. The market society of the hawker now seem to be replaced by the market society of the retail worker, with the only difference being that the hawker, however nominally, makes a profit from the business and may not work if he doesn’t want to, while the retail worker collects wages and has to work 11 hours a day to keep his job on a day to day basis. Corporate retail formalizing the spaces of selling but at the same time informalizes the modes of employment. Organized sector employees remain a part of the market society.

It is not just the hawkers that were against the corporatization of retail. Several civil society groups also published reports and opinion pieces against the entry of big retail in India. As the ICRIER report was picked up by *The Economist*, which wholeheartedly embraced its findings and touted the superiority of organized retail,³⁹ “Vyapar Rozgar Bachao Andolan: A Movement for Retail Democracy” published a “Critique of ICRIER Retail Report.” In 2008, (India FDI Watch 2008) criticised the ICRIER report for “questionable data” which was “hardly representative of “40 million retailers (including 10 million street vendors) and 250 million farmers and farm laborers and tens of millions of small producers and intermediaries.⁴⁰ A more pointed critique of the report was that it “fails to learn from Worldwide experience.” The (India FDI Watch 2008, p.4) lists out the high closure rates of small businesses in the US and other Latin American countries where corporate retail had made significant inroads.

For example the [ICRIER] report cites the experience of South East Asian Countries such as Malaysia, Indonesia, and Thailand, all of which eagerly liberalized their retail sectors in the 1990s, only to then impose comprehensive regulatory mechanisms once they realized the impact on employment

The intellectual pushback against corporate retail reminds us that the politics of comparison works both ways. As one can compare wealth of developed and developing countries, or mimic the visuals of global city to advocate particular policies (like cleansing the city of hawkers, or corporatization of retail), one is also open to refer to the vagaries of such policies that have already been experienced in the developed world. Most of the anti-corporate-retail activists repeatedly point to the destruction of small business in the places where corporate retail had taken hold. “Thousand of local businesses have closed on the US because of Walmart.” was the quote that Sudipta Mitra of HSC pointed to me to while holding up the interview of Dharmendra Sharma of Indian FDI Watch. HSC has accu-

³⁹See (Economist 2008).

⁴⁰Also see (Shaha & Shinde 2013).

mulated and saved dozens of such articles and interviews to make the case against corporate retail. It often uses these to convince members of the civil society to garner support against corporate retail and organize protests to shut down large retail outlets. Contrary to the claim regarding the overpowering and flattening forces of multinational corporations, the political economy of selling in India points to an ongoing and unresolved conflict, where actors in informal retail, namely the street vendors and small shop owners, have been able to organize and politically thwart, if not impede, the advancement of corporate retail. This has been accomplished by institutions like HSC, FDIWatch, and National Hawker Federation, not just by organizing protests on the street, but by generating literature and ideas that seek to disprove the claims made by those in favor of formalization of retail. It's a counterhegemonic alliance that seeks to resist as well as educate to garner mass support and sympathy. Now that we have an idea about the nature of struggle over *S2* and the modes of resistance mounted by hawkers' unions at the local and national level, against big retail chains, we are able to analyze the right of street vendors in the context of these forces of corporatization. In the following section, I will analyze the ways in which the discourses of rights are used by hawkers' unions and the state to safeguard their interests, especially in light of the street vendors bill. I will also comment on the implication of such rights in regards to the political economy of selling in urban spaces like Calcutta.

5.5 Right and Rightlessness

The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (SVA-2014) was a culmination of the several policy documents produced through the deliberation of hawkers' union leaders and elected representatives. It follows the National

Policy of Urban Street vendors of 2009, with certain exceptions.⁴¹ The Act applied to the whole of India except Jammu and Kashmir and lands under the control of Indian Railways. The act defined a street vendor as

a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, sidewalk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words “street vending” with their grammatical variations and cognate expressions, shall be construed accordingly

SVA-2014 creates a legal entity called the Town Vending Committee (TVC) with localized authority to regulate informal street retail. The chairperson of each TVC (to be set up “in each local authority” by “appropriate government”) will be the Municipal Commissioner. The TVC will be composed of interested parties representing

the local authority, medical officer of the local authority, the planning authority, traffic police, police, association of street vendors, market associations, traders associations, non-governmental organisations, community based organisations, resident welfare associations, banks and such other interests as it deems proper.

According to the conditions of membership, at least 40 percent of the members should represent street vendors as elected “street vendors themselves.” A third of this 40 percent must be allotted to women street vendors, and adequate representation should be reserved for “Scheduled Castes, the Scheduled Tribes, Other Backward Classes, minorities, and persons with disabilities from amongst the members representing street vendors.” Additionally 10% of the TVC must be composed of “members nominated to represent the non-governmental organisations and the community based organisations.” The TVC will create and enforce the strict demarcation of the urban space into “vending zones”⁴² and

⁴¹For example, Section 4.4. of the 2009 Policy document urges Municipal Authorities “to provide basic civil facilities in Vending Zones/Vendors’ Markets” like solid waste disposal, drinking water, aesthetic design for pushcarts, public toilets, protective cover for commodities, storage facilities including cold storage, parking areas, and even creches and restroom for women vendors. The Act doesn’t provide any legal force behind this suggestion.

⁴²“Vending zone” means an area or a place or a location designated as such by the local authority, on

non-vending zones. Within each vending zone, the number of legal hawkers must be “subject to a norm conforming to two and half per cent of the population of the ward or zone or town or city as the case may be, in accordance with the plan for street vending and the holding capacity of the vending zones.” Enforcing this norm will require enumeration in regular intervals and hence the TVC will “conduct a survey of all existing street vendors, within the area under its jurisdiction, and subsequent survey shall be carried out at least once in every five years” but “no street vendor shall be evicted or, as the case may be, re-located till the survey has been completed.” After the identification phase, “every street vendor”⁴³ will be issued a certificate of vending by the TVC which will contain appropriate time and space restrictions. The act also extends the definition of street vendors to include all persons (“whether or not included in the survey”) who were provided with some form of license or permission prior to the first survey, and the TVC will allow them to operate for “the period for which he has been issued such certificate of vending.” To obtain this non-transferable vending certificate issued for a fee, the would be vendors have to “give an undertaking” that a) the vendors themselves or their family members will carry on the business and b) they have no other way to earn a livelihood. In case of death, the right will pass on first to the spouse and then to the “dependent child of the street vendor.” Such a certificate for the temporary and renewable rights to sell comes with corresponding obligation on the part of the vendors, the violation of which will lead to a process of suspension by due process. The following are the rights and obligations as delineated in the act.

- Street vendors will have the right to carry on their trade without hindrance only in

the recommendations of the Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, side walk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending activities and providing services to the general public.

⁴³“Who has completed the age of fourteen years or such age as may be prescribed by the appropriate Government”

specified vending zones in accordance to the terms and condition mentioned in their certificate. However on TVC's recommendation the local authority might forbid convert vending zones into no vending zones "for any public purpose." The street vendors with certificates will be "entitled" to relocation to other vending zones.

- Where vendors use a space based on time share each vendor must "remove his wares everyday at the end of the time sharing period allowed to him."
- Street vendors must "maintain cleanliness and public hygiene" not only in the zone of operation but also "the adjoining areas." It is also the duty of street vendors to "maintain civic amenity and public property in the vending zone in good condition."
- Maintenance charges will be levied on the street vendors for the civic amenities provided in the vending zones
- The vendors are insulated from police intervention into their businesses if and only if the vendor "carries on the street vending activities in accordance with the terms and conditions of his certificate of vending."
- These certificates of vending, however, are "not to be construed as conferring ownership rights, etc." This act mentions specifically that it doesn't confer "any temporary, permanent, or perpetual right of carrying out vending activities in the vending zones allotted to him or in respect of any place on which he carries on such vending activity."

David Harvey writes "To claim the right to the city. . . is to claim some kind of shaping power over the processes of urbanization, over the ways in which our cities are made and re-made and to do so in a fundamental and radical way." While elaborating on the nature and content of right to shape the urban landscape (Harvey 2008) explains

The right to the city is far more than the individual liberty to access urban resources: it is a right to change ourselves by changing the city. It is, moreover, a common rather than an individual right since this transformation inevitably depends upon the exercise of a collective power to reshape the processes of urbanization. The freedom to make and remake our cities and ourselves is, I want to argue, one of the most precious yet most neglected of our human rights.

5.6 Conclusion

Based on this characterization, the SVA-2014 could be interpreted as a transformative moment in neoliberal era where millions of street vendors seek to harness their collective power to transform and reshape the process of urbanization in 21st century South Asian cities. The act negotiates with the apparent incommensurability of individual liberty to walk or own property to create a countervailing space of collective liberty where the hawkers' right to sell takes precedence.⁴⁴ It was after all, seen as a victory among the national level hawker federations, namely National Alliance of Street Vendors of India (NASVI) and National Hawker Federation.⁴⁵ It could also be seen as a political victory based on a recognition that fundamental human right must include the right to livelihood, now no less validated through legislation, by the largest capitalist democracy in the world.⁴⁶ Here the right to livelihood also involves the victory of the collective right to city spaces as it is exercised by a legally recognized professional class called street vendors. Based on the provisions of this act the street vendors will be able to carve out harassment free zones (hawking zones) within the city. This act can also be seen a victory of individual rights, not just one's right to sell within hawking zones, but also the individual consumer's right to buy cheaper products. (Bandyopadhyay 2016, p.708) however is rightly more cautious:

Certainly, the Street Vendors Act promises some amount of certainty to the tenuous

⁴⁴It is also important to note that such legislation at the federal level is absent in the US, even though congress has the right to regulate interstate commerce.

⁴⁵See (Bandyopadhyay 2016, p.679-680).

⁴⁶Notably right to livelihood is not a fundamental right in the US constitution.

existence of one segment of the lower rung of the petty bourgeoisie in the Indian urban scene, ironically through spatial zoning. . . Although it is difficult to make a clear separation between the owner of capital —the employer— and the labourer in the informal economy, our evidence shows that at least in the case of street vendors in India, the organizations represent the former segment.

I find the phrase “a transition from mobilization to institutionalization” to describe 21st century hawker politics particularly useful. The outfits like HSC, NASVI, and National Hawker Federation now take the position of the quasi state, with its own bureaucracy, archival power, counterhegemonic knowledge, and a legal mandate to shape and police the cities vending and vendor-free zones. The figure of the hawker leader as a mobilizer of the right to sell on the streets now morphs into a benign institutionalized bureaucratic enforcer, who sustains a formal-informal space where the hawkers operate under the roster of listed obligations and penalty and hawkers suspend their walk to engage in shopping. In its conceptual formation it is much like the Export Processing Zones or Safe Economic Zones where labor laws of the land are suspended for the sake of growth-oriented exports. These economic zones are formal spaces of informal labor, similar to hyper markets like Spencers or Big Bazaar, where formal spaces seek out disposable, informal employment. Leaders of hawkers’ organizations likewise create a zone for themselves while conceding the vast expanse of the city as the normative hawker free space. The vending zones are informal or at best semi-formal spaces: remember at any moment the zone can be dismantled for public purpose and the right to the space should “not to be construed as conferring ownership rights, etc.” This is not Goenka’s 36000 sq. ft property. It is a semi-formal space of selling with informal labor arrangements that has some formal recognition. As Ritajyoti points out, the 40% representation of hawkers in the TVC that primarily will regulate street vending seems like a spoof of the catchword “participatory democracy”. In essence, the institution of rights simultaneously institutes a strict rightlessness, by admitting some it produces the long-term possibility of strictly excluding others, by control-

ling the number of hawkers. Now instead of the state or city government coming after the hawkers the TVC will assume power with minority representation from hawkers. Having assumed the mantle of self-policing, now the unions, instead of advocacy for people selling on city streets, will have to extricate hawkers who do not or cannot provide proper certification and proof. This is where we find a tentative resolution to the contradiction of neoliberal governance. The political backlash from outright eviction to promote rapid economic growth, is now averted by the provision of rights. By controlling the hawker population to 2.5% and hence reducing competition in favor of monopolistic retail, the surplus labor is now channeled to corporate retail. Since the hawkers are to be tied to zones and their tenure is subject to renewal based on quintennial surveys, the fight against corporate retail will also be muted, as the hawkers will lose the legal ability to fight corporate retail establishments adjacent to their zones. Moreover, the neoliberal state, instead of staying clear of intervention in markets, now gets more involved in the administration of hawker markets, down to the block or district level. What about the implementation of this act? Note that, the act delegates responsibility to the local government and hence is not really a central rule of any sort. What if a state government doesn't implement the act at all? I end with some reports from a renowned Calcutta daily published in December 2017.⁴⁷

The eviction drive against hawkers in Salt Lake may be a one-off because Bengal appears in no hurry to implement the central street vendors act that recommends hawking and non-hawking zones in every city and town. The state government was supposed to notify a set of rules based on the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, within a year of it coming into force. More than three years later, the draft of the rules is still lying with the government's legal cell. In August, Calcutta High Court had given the government 12 weeks to form a town vending committee to regulate roadside hawking in the city. "This is our ultimate order. If the committee is not constituted in 12 weeks, the court will have to take coercive steps," the court said in response to a petition filed by advocate Debasish Banerjee. The continued delay in regulation has allowed hawkers to snatch the last remaining pavements from pedestrians. Metro had reported on Tuesday how a piece of a pavement can be bought in Gariahat for a price higher

⁴⁷See (Basu & Roy 2017).

than that of commercial real estate. The stakes are similar in the other illegal hawking zones like New Market, Chowringhee, Burrabazar and Hatibagan. Hawkers pay their union a fee both for space and immunity from police action.

Finally from 14th August 2018, we have⁴⁸

The hawker eviction drive resumed in Salt Lake on Monday but the encroachers returned after a few hours, playing a cat-and-mouse game with the authorities. Two eviction teams reached sectors I and II to drive away hawkers, who moved their push carts and cyclerickshaw-vans into lanes and bylanes to avoid the inspectors. "The hawkers have changed their tactics and are now simply moving away as soon as they get whiff of an eviction team approaching. It's almost like chasing them around the blocks. One day we evict them and confiscate their stock and the next day they turn up at a new spot," an official of the Bidhannagar Municipal Corporation said. "Nowadays we bring less stock and keep most of it packed so that we can wrap up within minutes if we hear of an eviction drive. We have stopped using stalls made out of bamboo poles and tarpaulin or plastic sheets as they cannot be dismantled quickly," said Ranjan Bera, who runs a tea stall on the road leading to DL block. The hawkers have started staying away from pavements along the main thoroughfares, including First Avenue, Second Avenue, Third Avenue and the Broadway that cuts across the township. Instead, they have set up stalls along sidewalks and even roads inside the blocks.

Shaktiman Ghosh has now traveled to "more foreign countries than PM Narendra Modi and have spoken at several world organizations, including the United Nations." He "leads 1192 hawkers unions" from around the world under an umbrella called "International Federation of Hawker and Urban Poor." But as it turns out, the hawker leader is not happy with the Indian hawkers now because he thinks "most hawkers here are indisciplined."⁴⁹ The movement that started by organizing against state eviction is now charged to impose discipline and punishment on the hawkers. From the position of an oppositional movement against neoliberal policies of exclusion it has transformed into propositional entity of instituting discipline. The resolution of the hawker problem through nationally recognized rights in practice essentially remains to be implemented, but in effect it erodes the rights of the urban poor to sell and creates a situation where over the longer term their

⁴⁸See (Sengupta 2018).

⁴⁹See (Pramanik 2017 (Accessed September 21, 2017)).

number will be reduced in favor more oligopolistic competition in S_2 .

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EDUCATION

Maxwell School of Citizenship and Public Affairs, Syracuse University; Syracuse, New York.

Ph.D, Political Science

Dissertation Title: "Right to Sell: Politics of Informal Retail in the Neoliberal era."

M.A., Political Science (2007)

Indira Gandhi Institute of Development Research (IGIDR); Mumbai, India

M.Phil., Economics (2004)

M. Phil thesis "Two Voting Algorithms". The thesis proposed, constructed and simulated two electoral processes of voting and government formation. Both the algorithms were developed to describe and emulate electoral behavior of switching voters and parties that form coalitions within a multidimensional policy/ideological space.

Jadavpur University; Kolkata, India

M.A., Economics (2000)

Subfields: Development Economics, Environmental Economics, Econometrics

B.A., Economics (1998)

HONOR AND AWARDS

LeMoyne College

Scholar-Athlete and Faculty Recognition Breakfast

Ignatian Mission Award

**2016, 2018
2017**

Syracuse University

Bharati Memorial South Asia Research Grant

Roscoe Martin Research Grant

Teaching Associate in the Future Professoriate Project, Syracuse University

Maxwell School Dean's Summer Research Grant

Political Science Department Summer Research Grant

**2009
2009
2007
2006 & 2007
2005**

TEACHING

Department of Political Science, Le Moyne College, Syracuse NY

Professor of Practice in Political Science (Present)

Visiting Assistant Instructor (2015 Fall -2018 Spring)

Adjunct Instructor (2010-2015 Spring)

2010-2018

Undergraduate Courses: International Politics, Research Methods, Understanding Modern Terrorism, Globalization, International Political Economy, American Politics, U.S Foreign Policy, American Presidency, Environmental Politics, International Law, Introduction to Macroeconomics, Introduction to Microeconomics.

Department of Political Science, Syracuse University
Teaching Assistant and Independent Instructor

2004-2015

Undergraduate Courses: Introduction to Political Analysis, Political Argument and Reasoning, Quantitative Methods in Social Sciences, Ethics and International Relations, Comparative Politics of the Third World, Politics of Africa, Politics of the Environment, American Politics, Supreme Court in American Politics,

Graduate Courses: Syracuse University
Quantitative Skills in International Relations

Indira Gandhi Institute of Development Research

2001-2004

TA for Graduate Courses: Microeconomics, Macroeconomics, Mathematics for Economists

PUBLICATIONS:

“Giving the Cold Shoulder? Politics of Neutrality in the Bandung Era” *Cold War in South Asia*, eds. Sandeep Banerjee, Subho Basu, Auritro Majumder (New York: Routledge, forthcoming).

WORKS IN PROGRESS:

“Neoliberalism and Machiavellian politics: *“The rise of Mamata Banerjee In West Bengal 1998-2015.”* Co-authored: Dr. Subho Basu, Department of History and Classical Studies, McGill University.

RESEARCH EXPERIENCE

Department of Political Science, Syracuse University
Research Assistant, Dr. Margarita Estebez-Abe **(2012-2014)**

Statistical Analysis of Gender and Labor Participation Dataset used: Luxemburg Income Study

Department of Political Science, Syracuse University
Research Assistant, Dr. Jonathan Hanson **(2011-2012)**

Creating and coding of original dataset regarding IMF lending to countries.

Department of Political Science, Syracuse University
Research Assistant, Dr. Christine Mahoney **(2009-2010)**

- a) Field Research in Sri Lanka regarding Conditions of Internally Displaced Persons and NGO activism
- b) Transcription of interviews, analyses of multi-country datasets with camp/country level variables.

Department of Sociology, Syracuse University
Research Assistant, Prema Kurien **(Summer 2010)**

- a) Literature review and position papers on Globalization, Religion and Ethnic Politics in USA with a special focus on Indian American groups.
- b) Conducting semi structured interviews with members and activists of various organizations.

Indira Gandhi Institute of Development Research
Research Assistant, Dr. Ashima Goyal **(2002)**
Econometric Analysis of macroeconomic data.

Department of Economics, Jadavpur University
Project Assistant to Dr. Jayasree Roy [Funded by International Energy Agency, Paris] **(2000-2001)**

Indicator Analysis and Preparation of Energy Balance for India.

SERVICE:

LeMoyne College

Invited as Guest Speaker for The National Jesuit Student Leadership Conference, July 20th 2018.
Title of Talk: Poverty of Politics and Politics of Poverty.

Moderator of the LeMoyne College Model United Nations Team.	2013-Present
Collaborated with local social entrepreneurs to organize and conduct culinary workshops where all proceeds were donated to charities connected to LeMoyne College including the Matt Shaw fund.	2017, 2018
Invited to Panel Discussion "Right to Learn" Open Access Week in Le Moyne College	2017
Poetry Hour with the HEOP/AHANA students during Summer in LeMoyne College	2014-2018
Independent Study with student on the Ethics of Drones, Presented on Scholars day	2016
Collaborating with Department of Music and local musicians to create a music project on New American Jazz. (Forthcoming) September 26th 2018	

SELECT CONFERENCES AND TALKS

American Political Science Association Conference Poster "Can the Subaltern Sell? Politics of Street Vending in Kolkata 1990-2010"	2018
Social Science Research Seminar (LeMoyne College) Lecture: "Politics of Informal Retail in the Neoliberal Era"	2017
South Asia Conference in Wisconsin Madison, Paper: "Street Vending in Present day Kolkata"	2012
Central New York Council for Social Studies Paper: <i>India and the Future of Democracy and Capitalism</i>)	2010
Political Science Research Workshop, Syracuse University, USA Paper: <i>The Political Economy of State Planning, The Urban Sector and Unorganized Workers in India during Liberalization</i>)	2009
Annual Lecture Series: Hoogly Mohsin College Lecture: Importance of Game Theory in International Relations	2004

Specializations and Area of Interests in Teaching and Research :

- Comparative Politics
- International Relations
- Quantitative and Qualitative Research Methods
- International Political Economy
- Applied Political Theory
- Political Economy of the Developing World
- Microeconomic Theory
- Macroeconomic Theory
- Applied Game Theory

FOREIGN LANGUAGE SKILLS:

Native Fluency in English, Bengali, and Hindi. Conversationally fluent in Urdu.

TECHNICAL SKILLS

Software R, SPSS, STATA, SAS. Latex2e. Programming language: Visual Basic.

REFERENCES

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