Protesting Publics in Indian Cities
The 2006 Sealing Drive and Delhi’s Traders

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The bazaar or intermediate classes have remained outside the predominant research imagination on urban change. Delhi’s wholesale and retail traders, the primary subjects of this paper, are a subset of this bazaar world. This paper uses a case study of the Supreme Court-ordered sealing drives of 2006-07 to investigate how these traders were threatened by eviction dynamics earlier experienced by slum-dwellers and small-scale industrialists. Trader groups, thus, must be included within narratives of displacement despite being deeply enmeshed in the growth of the “world-class” city and lifestyles. This paper examines how a dispersed trader presence located across the city became a citywide protesting public and the multiple political strategies it used in coalescing public opposition.

In February 2006, in the case M C Mehta versus Union of India and Others, the Supreme Court ruled that shops and businesses illegally operating in Delhi’s residential areas would have to close or be sealed. The order came in response to public interest litigations (PILs) filed by Resident Welfare Associations (RWAs) which argued that the presence of illegal commerce was causing numerous civic problems in their once peaceful neighbourhoods, such as congestion and strains on civic amenities including water, electricity and parking. Such commerce in residential areas was fundamentally illegal and thus needed to be removed.

The Court in the previously cited case found such establishments to be in violation of “permitted” “land use” because Delhi is zoned into distinct, and entirely separate, residential, commercial and industrial spaces. It ordered violating commercial establishments to close and submit an affidavit to this effect. If they did not close down voluntarily, municipal squads were to go out, identify illegal shops, offices and businesses, cut off their electricity and water supply, down their shutters and affix a red wax seal, denoting that they were “sealed” on Court orders. While the initial order had an impact on commercial establishments operating on 189 of Delhi’s major roads, it was estimated that when fully implemented, the judgment would affect anywhere up to 5,00,000 such establishments. In effect, the Court had ordered a mass eviction. In the 13 months that followed, there emerged a massive campaign involving thousands of people, organised under the banner of Delhi’s “traders”, who came out to oppose the “sealing”.

This paper uses the case study of the sealing drives of 2006-07 first to draw attention to the traders who stood to be evicted. These groups are variously described as the intermediate classes (Harriss-White 2003; Jha 1980) or bazaar (literally market/marketing) networks (Yang 1998). Second, the paper considers the contours, perspectives and politics of this world in relation to the processes and politics of urban transformation via displacement in the post-reform period. Critically, retail and wholesale traders have historically played an important political role in Delhi, especially as a constituency of the Bharatiya Janata Party (BJP), which has long been considered a party of “shopkeepers” (Jha 1980). But the anti-sealing campaign cannot be characterised as being entirely under the aegis of the BJP, or any pre-existing trader organisation or configuration. Despite this, by the end of their campaign, these traders had engulfed the city – in the north, south, east and west...
— in their collective protest, eventually stalling Court-ordered sealing. This paper, thus, shows how a large and widespread trader campaign arose through the sealing crises itself, within the dynamics of the contemporary politics of urban development and displacement witnessed in Delhi.

As Markovits (2008) writes, bazaar/intermediate capital has been little studied in the post-Independence period. Kalhan (2007) notes that little research has been done on the impact of considerable urban political economy transformations on ubiquitous retail networks within Indian cities in the post-reform period, a lacuna this paper hopes to address. In Section 1, the paper points to Delhi's historical and existing trader networks as exemplifying the wide-ranging presence of bazaar/intermediate capital within Indian megacities. It further argues that shopkeepers or traders in contemporary Delhi must also be included with the city's narratives of displacement in the post-reform period, because their eviction matched the template previously seen in the Court-ordered removal of small-scale industry and slum settlements.

In Section 2, the paper examines how a dispersed trader presence located across the city came to be a citywide protesting public. What is crucial here are the multiple political strategies used by the traders in coalescing public opposition. At the same time, these protest politics spread across markets and neighbourhoods, fuelled not necessarily by coherent campaign organisation or its capacity to reach all traders, but through the articulation of a number of different dynamics. These included common memories of post-Independence place-making, the politics of sealing, the actual sealing itself, as well as shared vernacular narratives of the role of state and corporate actors, and finally, media coverage, eventually interpellating a vast oppositional “trader” public. In the coming together of the mass campaign, what is made apparent is an Indian metropolis comprising a multitude of urban publics, articulated in the mass campaign, what is made apparent is an Indian metropolitan “trader” public. In the coming together of the mass campaign, what is made apparent is an Indian metropolitan “trader” public. In the coming together of the mass campaign, what is made apparent is an Indian metropolitan “trader” public.

1 Bazaar Economic Networks in Delhi

In defining the traders as part of bazaar/intermediate classes and capital, this paper amalgamates two related literatures. In the colonial era, scholars have associated bazaar/indigenous trade or market networks with specific castes and communities (Marwari, Parsi, Khoja, etc), working within specific moral economies (Haynes 1991) and operating at different spatial scales (local, regional, national, transnational) (Yang 1998). In contrast, intermediate class or capital is a term derived from post-Independence scholarship (Harriss-White 2003; Jha 1980) which considers how a class of small-scale, self-employed retailers and wholesalers (traders), manufacturers, service providers and farmers, lying between the bourgeoisie and the poor, labourer and rentier simultaneously, flourished during India’s experiment with “socialist” capitalism, with constraints on larger capital formation.

Markovits (2008), Damodaran (2008) and Tripathi (1984) attempt to bridge this gap in the case of India’s entrepreneurs, including traders. Tripathi offers the term “business communities”, suggesting that these groups possess the attributes of a class and community simultaneously, on a socio-economic continuum ranging both in their ethnicity and scale of operation. Markovits defines merchants and traders as having emerged from the bazaar, to become a part of India’s entrepreneurial middle classes, increasingly engaging with the new liberal economy.

Delhi’s wholesale and retail traders, the primary subjects of this paper, are a subset of this bazaar/intermediate world. These self-employed, self-financed, and often “family”-based concerns are central to the city’s informal economy. They anchor wholesale, commodity distribution, consumer retail, and everyday services, in a city that has historically been a significant redistribution hub for commodities in north India and is currently the country’s largest consumer market (World Bank 2009). Evidence of the importance of merchants and traders in Delhi’s civic and economic life is available for the colonial (Gupta 1998), post-Partition (Datta 1986) and post-Independence periods (Jaffrelot 2000). This role was intensified by colonial interventions to encourage trade and commerce within the Old City (Gupta 1998), and especially with the reworking of north Indian trade geographies after the Partition. Following Partition not only did many Hindu and Sikh tradesmen come to Delhi, but conditions of massive demographic expansion, low entry barriers into trade, economic policies of restricting large and foreign capital and imports spawned widespread small-scale manufacturing and trade in Delhi, and the continuance of its wholesale function. Such trade and small-scale manufacturing flourished in the import-substitution decades, fuelled by state policies, Delhi’s favourable tax and tariff regimes, superior infrastructure and the city’s large consumer market.

In the post-reform period, this bazaar/intermediate world also became enmeshed in the development of a “world-class” city and lifestyles, as distributors, retailers and franchisers of new, “branded” and “unbranded but stylish” goods, commodities and services. Given restrictions on foreign investment in retail, these are still largely provisioned by bazaar/intermediate traders because “organised” corporate chains have only emerged recently.

Trade establishments exist on a wide continuum and can be (i) area-based, (2) based on a particular commodity or (3) service-providers, (4) wholesale or retail, cumulatively catering to Delhi’s diverse socio-economic resident and business communities. Retail and wholesale trade are found across all posh districts of the city; within different spatial typologies (urban village, resettlement colony, planned area). It includes shops operating on different scales (individual corner shop, medium-sized specialty shop, large showroom, franchisees, chains); shops selling a huge range of commodities from food to shoes, stationary to hardware and construction material, along with numerous “intermediate” service providers. If the organising trader body is to be believed, only 16% of Delhi’s
commercial establishments, at the time of sealing, were legal; the drive affected all 84% of others, irrespective of whether they were trading in “global” brands or kabaar (recycled waste). Participation in the anti-sealing campaign, thus, came from a diverse group of markets, trade and service publics.

Inserting Traders into the Literature

Despite their ubiquity, including as participants in celebratory consumption central to the “new” India story, the traders saw themselves in the case of sealing as threatened by the arrival of larger and more powerful capital in various forms. For those who participated in the campaign, the sealing drives were a conspiracy between the government and new developer capital, cemented by high-level corruption and aimed at evicting smaller scale retail from the city. This reading came as part of a large trader narrative on Delhi’s cumulative transformation.

The city has seen the greatest degree of spatial expansion, state financial investment and cumulative “upgradation” (the metro, the building for the Commonwealth Games, new airport, massive road construction, etc) compared to other Indian cities. Simultaneously, it has also seen, almost uniquely, a series of mass evictions of elements – slum-dwellers, hawkers, rickshaw-pullers, small-scale industry and traders – of the pre-liberalisation economy.

Rather than isolated incidents, the sealing drives were placed within long-standing logics of state-initiated mass urban upgradation started in the 1990s, reworking and displacing the entire erstwhile urban, and even national, political economy (as a model, if not in fact). In Delhi, such eviction came through a well-established template. Like slum-dwellers and small-scale industry before them, the traders were also found by the courts, during various PIL rulings, to be unwanted, illegal, the cause of civic problems, and an urban blight. The Court’s order for displacement was implemented by the executive state, in effect making space for the new sovereign and socially normative priorities of encouraging ambient urban environments, contrary to the “chaos” of Delhi’s existing landscape. Read partly as an effort to aestheticise (Ghertner 2010) and legally rationalise the city as a way of creating a world-class urban environment, the drive for urban transformation was also seen by 2006 to be in favour of large-scale real estate development. Possibilities of large monetary returns on urban redevelopment at a time of heightened land development and speculation existed in 2006-07 when the sealing drives unfolded.

Despite this, traders do not figure in narratives on Delhi’s urban transformation, and in the context of large metropolitan Indian cities in general, while the eviction of the urban working poor and slums have been discussed extensively (Baviskar 2003; Mahadevia and Narayanan 2008; Ghertner 2010). This is possibly because large-scale trader displacement is almost uniquely restricted to Delhi. At the same time, the extant literature has focused on reading post-liberalisation urban transformation as the production of an elite or middle-class metropolis, expanding at the cost of the urban poor. In mapping contemporary urbanisation, there has been a tendency to imagine the Indian megacity as a binary formation, with a focus on the creation, and trajectory of two opposing, increasingly polarised, sociological, structural, categorisable urban worlds – the middle class and the poor – in discourse, in the law, within the built environment (Baviskar 2003; Ghertner 2010; Harriss 2007). Larger traders, like small-scale manufacturers, are usually considered to be a part of the middle-class city, and in this sense, a part of the problem of the poor, trapped between renewed attempts at eviction in the post-reform period and poor working conditions (Baviskar 2003).

If at all considered, traders are usually placed within the contexts of neighbourhood-based economic clusters and markets. It is possible to peruse the literature to build up a picture of specific bazaar/intermediate trades, and manufacturing within cities – plastic, silk, media, etc – working as microcosms (Benjamin 2008; Sundaram 2010). This “cluster” imagination suggests that such worlds are positioned within the interstices of the modern, planned city. By contrast, the sealing drives require paying attention to bazaar/intermediate market formations, capital and circulations that exist on a continuum of scales across the city, including in the new world-class city. The sealing drives made visible not only a diversity of trader formations within the city but also that the city itself exists in the form of multiplicities, and not in binary form. Evidence of the multiplicity of urban worlds affected by court-ordered eviction, for example, can be seen in the final outcome of the sealing drive. A bill passed every year since 2007 regularised not only the traders but also attempted to shield unauthorised construction and colonies, street vendors and slums existing on private lands. There was recognition that such eviction had affected a diversity of Delhi’s urban residents, and hence increasingly become politically unmanageable.

2 The Politics of the Anti-Sealing Campaign

In trying to defer the sealing order, traders utilised a repertoire of multiple political strategies. Traders deployed “under the radar” politics of stealth in the locality to manoeuvre bureaucracies and politicians as commonly noted in the literature (Benjamin 2005). However, they also attempted to intervene in the public debate on Delhi’s urban transformation – what it was and what it should be – given that the Supreme Court order called into question the presence of Delhi’s trading world in its entirety. Delhi has seen this highly mediated debate on “the state of the city” since the 1990s.

Trader organisations, thus, deployed a number of protest strategies aimed at the city’s public sphere – whether the street, the media or the institutional spaces of government, shifting their approach as events unfolded on the ground. These included deliberative strategies of associational “civil society”, building a trader identity, and linking to anti-colonial and nationalist repertoires of street-based performative politics (dharnas, gheraos, bandhs). Eventually when lobbying and deliberative strategies appeared to yield little by way of result, traders ratcheted up what they saw as critical trader
inheritions of “performative politics” (Kaur 2005; Hansen 2001), making dissent visible in the public domain, indeed performing opposition at a mass scale so that they could not be ignored.

It can be suggested that the emergence, coherence and success of the traders’ campaign was based on a shared interest in saving their shops. Their collective possession of socioeconomic class capital made the campaign difficult to ignore, by either politicians or the media. While this is certainly the case, this analytical frame does not entirely explain how the traders, dispersed across the city with very little prior contact, came to form an operational campaign and a seemingly unified public. In the summer of 2006, for example, participation in the campaign was sparse. However, by the end of the year, as one trader organiser of the main representative organisation told me (Interview conducted October 2006, New Delhi):

Associations are now joining on their own. In the beginning we used to call people, now people are calling us. The problem is that there are 30,000 roads in Delhi and neither we, nor them, can count all of them.

While the main representative trader body certainly acted as the public voice, negotiator and formulator of the public protest calendar through a core group, local protest actions (covert or overt) were organised by area shopkeepers and market associations themselves. These groups increasingly also participated in citywide events. Rather than the acts of a preformed sociological and political entity, this paper presents the collective political emergence of Delhi’s traders’ anti-sealing campaign as an emergent urban reality in process, coming through a contingent political process, with inherent “tensions, shifts, uncertainties, unevenness and confusions” (Williams 1977).

The process of becoming, or the emergence, of a protesting trader public and campaign, thus, lies at the intersection of dynamics unfolding at different urban scales, including discussions in the Court case, the government’s response, and actual sealing on the ground. The traders’ political response, with the prolonged anxiety and uncertainty propelled the involvement of a number of diverse publics, as sealing drives spread to different areas and categories of shops and services. As Kaur (2005) suggests, participation in public performative repertoires, in particular, provided a locus, or focus – affective, visual, discursive and practical – through which individual political subjectivities came to be reformulated within and across the city. The increasing presence of a visible mass opposition, intensified further afield by the media effect, eventually brought forth a large and spatially spread out, visible and often violent, oppositional public.

The fieldwork for this study was done in 2006-07, first within the institutional arena of the Court case itself, and during the actual sealing drives. Second, I followed the campaign in the traders’ camp, in local markets and by interviewing affected individuals. In building an analysis of the campaign coalescing, it was important to understand how dispersed residents (trader and non-trader alike) came to perceive and respond to the urban changes and the sealing crises. How did they conceive of and interact with what they saw as new values in urban governance, the widespread aestheticisation and technological upgrading of the city, achieved through large-scale and private capital investment and building, and eviction? Ethnographically foregrounded are the logics linking everyday residents to what was around them as individuals, and as part of networks, in time and space, informed through local political experiences, geographical and historical memories, and narrated in their own embedded discourses and languages.

**Trader Space**

In the sociological literature, Delhi’s traders are usually represented as indigenous capital dominated historically by a few north Indian castes (Marwari, Baniya, Punjabi Khatri, Arora, Kayastha, Sardar), and geographically by the Old City, but now having a cross-ethnic and caste presence. In contemporary Delhi, traders increasingly straddle the different worlds of “rich-poor”, consuming and purveying the global city and its lifestyle to the middle classes, using practices cultivated in the informal world of work, production and trade. For Raju and Ravi, brothers who lived in a posh “farmhouse” and ran a boutique for men in a prominent South Delhi market, this split was evident in their work responsibilities – one dealt with customers, cuts, imported cloth and clothes from Bangkok; the other dealt with labour, local politics, and the sealing campaign. If, in the decade following liberalisation, both Delhi’s celebratory consumption and poor migrant populations increased, representing the expansion of the city’s “legal” commodity and “illegal” informality worlds, the traders were an important link between the two.

Along with new global capital flows, the 1990s saw liberalisation as a policy regime freeing domestic capital from the licence raj. The impact of rapid economic growth from these first rounds of domestically aimed policies was visible in the intermediate city’s growth. Spatially, shops, offices, and businesses expanded onto main streets, basements, upper and lower floors of residential neighbourhoods, made available as commercial spaces by energised local real estate markets as the demand for more goods, shopping and services in boomtown Delhi grew, with retail expansion employing an increasing number of the working poor. Under the National Democratic Alliance government, Jagmohan had already attempted sealing of illegal shops around 2000. Trader organisations had also fought against the repeal of the Rent Control Act and the imposition of Value Added Taxes (vat), parts of the new urban regime that affected them adversely. Those who opposed these two measures politically would be central to initiating the anti-sealing campaign.

As municipal sealing teams started coming down main market streets in early 2006, the traders’ important intermediate position in the city between rich and poor was promoted in the campaign beginning to coalesce around a few existing trader organisations, centred in Old Delhi/Karol Bagh/West Delhi, spaces long associated with bazaar/intermediate capital. As their main campaign demand, the traders and the association that sought to represent them, the Confederation of All
India Traders (CAIT), wanted to maintain the status quo, i.e., a landscape continuum encompassing rich and poor, big and small capital, and the intermediary trader space. CAIT sought to position traders in the middle, between the “top-rank” “new” professional middle classes and the bottom-rung dispossessed.

In press conferences and press releases, CAIT suggested that theirs was the small capital that employed and provided for the urban poor, while also being committed to the middle-class goal of building a world-class, rationalized city. Traders were the main consumers of new retail “mall” space, reflecting their long tradition of being a prime engine of the city’s “progressive” urban development. In this view, their illegality was either customary—in some cases, predating introduction of statutory zoning laws in the city Master Plans which they were guilty of contravening. Or like much of Delhi, their illegality had emerged without paying much attention to planning provisions, including by development authorities. As one trader told me, even the extensions of the Supreme Court, were, after all, illegal. It was this position of “respectable while unfortunately customarily illegal” that the CAIT hoped to project in its negotiations with the state, and from which it hoped to bargain.

CAIT’s arguments appeared, however, to impress no one. The Supreme Court, for one, was insistent on the removal of “misuse”, given the various civic problems caused for “legal” residents. Most critically, for the Court, these were a sign of flourishing, open and rampant illegality. To the traders, after a decade of escalating judicial activism—first the removal of slums and of small-scale industries—the Supreme Court judgment made apparent that the wave of “straightening out” the city had gained enough momentum to go after the more affluent trading classes. The judgment’s harshness showed that the decision was informed by the belief that only the danda (punitive force) would actually cause change among feckless Delhi residents, especially its deeply embedded traders.

In interviews, traders also suggested that a number of common North Indian stereotypes found in the everyday parlance of the city were not playing in their favour. As lalas (pejoratively, fat trader) in dhandha (pejoratively, unscrupulous trade), they were considered conservative, morally suspect, physically obese, secretive, and stingy, willing to make money at all costs, bribing their way through legal planning regulations, with little interest in the humanitarian concerns of the city and labour around them. This was also a prevalent image from decades of socialist era films, where the trader or sethji of the traditional trading caste was routinely depicted as fat, overtly religious but covertly corrupt and parasitic, the mixer of stones into rice, charger of exorbitant interest rates, only interested in money. As one trader said:

Over the past 50 years we were called by many names—hoarders, profiteers, speculators. Chor ko chor hi dikhta hai (a thief only sees a thief, in special reference to the Congress party, for the court order had come under a Congress administration). So this has set a wrong image in the minds of people (Interview conducted May 2006, New Delhi).

As goondas (thugs), as one RWA member described them, the traders lacked the requisite style and demeanour of the professional middle classes; they were “vernacular” rather than western, seen to take on any fight or use force to solve their problems. In the early months of the campaign, there was little public sympathy for the traders’ impending eviction. Commentary in the English language media, for example, concurred that people who did these things—building illegal shops in housing colonies—should pay the consequences.

Journalists reporting on the story often privately suggested to me, that shopkeepers were awash with “black money” hidden from the taxman, but visible in the showy, opulent, and over-the-top showrooms that now crowded the city. For the sealing order had come at a time when the city creaked from parking wars in overstretched markets. On television, it became apparent in the case of Jessica Lall, that the city’s “big fish” could get away with anything.

Politics of Protest

In response, one CAIT strategy was to build trader as a respectable identity. Adopting the Hindu right’s slogan, “Say with Pride, I am a Trader” (Garv se bolo, hum vyapari hai), CAIT’s leadership explained the history of trading in Delhi and how it was, in some respects, a cultural form. At meetings, on TV, and in press releases, they highlighted the traders’ contributions in the form of endowed schools and hospitals. Putting their reasonableness on display, the polite to a fault, articulate trader leaders also presented technical solution after solution to the sealing problem, through elegantly collated and presented documentary evidence, hiring technocratic expertise—lawyers, planners—through the campaign when required.

Simultaneously, traders, following CAIT, also used the languages of India’s poor, suggesting that their fight was for rozi-rozi, or survival. This rhetoric was generally sceptically received by non-trader audiences who could not imagine that traders were poor. However, such appeals were made within a vernacular repertoire of marking one’s place in a hierarchy, suggesting that those being evicted were smaller in status and stature, dependent on the benevolence of petitioning RWA, and the political authorities.

In local markets, shopkeepers also pointed to Delhi’s “ground realities”. The argument was simple—there was not enough legal retail space in the city. Further, in the city’s overlapping circuits of trade and capital, “illegal” stores in the central city funded “legal” expansion on the peripheries, in malls, in suburbs, as centre city traders bought shops in newly developed areas. The sealing drive did not take this anchoring arrangement into account. Reworking this arrangement would collapse post-Partition economic networks, signalling another disruption in the lives of many of the very same trading families. This was not something they were going to let a Congress government do to them again. It was not uncommon for older Punjabi traders to bring up this reference to Partition constantly to justify their defiance (Interview conducted May 2006, New Delhi): “We were like beggars in the refugee camps. Our fathers and grandfathers have worked so hard. We cannot and will not go back to that again.”

One source of increasing ire was the ubiquitous rumour that suggested that the sealing drives were funded by new and large real estate developers who wanted the value of legal
Retail spaces to rise given the national capital region’s (ncr) saturated legal retail market (since too many malls had been built). Until the sealing, most customers did not seem to actually shop in malls. In the traders’ perception, sealing was for the developers’ benefit, and to make “Delhi look like Paris”. The conspiracy was that after sealing, this Delhi would be home, in its central areas, to a far richer and more powerful urban elite. The lower and middle-class self-employed traders, businessman and service providers who now either owned or populated large parts of the core central city would be dispersed to the emergent ncr, having lost their livelihoods. Urban decongestion via sealing would achieve the triple ends of first “cleaning up” the city of the illegal traders and associated civic problems; second, opening up prime land in the centre city for redevelopment; and finally providing customers for newly developing outlying areas.

Shopkeepers noted that the new, ostensibly legal networks of large and corporatised real estate were as saturated in flows of corruption and irregularity as those being currently dismantled. This was the culture of the city – one that required change, but change could not come in such draconian fashion. As one builder of illegally large shops explained, evoking a profound Hindu image:

Do you know that scene in the Gita? That scene when Krishna appears to Arjuna as the entire universe, when, in him, Arjuna can see the universe in its entirety. That is also the scene in Delhi. Its entire universe is corrupt (Interview conducted May 2006, New Delhi).

One trader noted that there were 4.5 million square feet of new commercial space if one combined all the new malls and those under construction. The average price rise due to the sealing drive was Rs 15,000 per square foot. When multiplied by the space available, the total profit made via sealing would exceed the digits available on a regular calculator. “How much of that would it take to influence the judiciary?” he asked (Interview conducted January 2007, New Delhi).

Shopkeepers also pointed out that they understood the complaints of petitioning RWAs about the problems caused by the commercialisation of their neighbourhoods:

I would also be aggrieved if there was a bank in front of me, despite the fact that I am an offender as far as law is concerned. People who want to live peacefully are disturbed with this problem. They have all the right to voice their concern and the government should take care of their problem. We also want a world-class city. But the government is not taking care of it (Interview conducted January 2007, New Delhi).

Instead, if the government continued to intervene to rework the city and national economy, in favour of powerful, larger capital, the traders foresaw that:

Everything will be owned by big companies like Reliance. The hawkers on the street will have no vegetables to sell because they will all be owned by Reliance. This country of RMs [public distribution system]... will all become private. The day Reliance wants, you will get neither petrol nor electricity nor vegetables (Interview conducted January 2007, New Delhi).

In different versions, sealing was also placed within the context of rising land values, and the sons, and sons-in-law of top politicians were seen as the main beneficiaries of the mall owners’ corruption. It was rumoured that shops now sealed, would later be legalised, after powerful politicians and businessmen had the opportunity to buy them at throwaway rates, since their values would drop precipitously on closure. Such rumours corralled more and more of Delhi’s markets and their representative associations into CAIT’s campaign, making visible the covert political economy strategies “actually” at play, including the unspoken and invisible world of illicit and more powerful city networks and linkages that the traders often alluded to.

3 Protest ing Publics onto the Streets

As the campaign began to coalesce, one section of the central government began to sense electoral doom and put forth a number of solutions in court to stall the drives (Table 1). With a brief stoppage during the summer of 2006, when the Court went into recess, the sealing drives continued into the fall as, one by one, these solutions came to be deferred or rejected.

Table 1: Partial List of Solutions Proposed by the Ministry of Urban Development to the Sealing Problem

(1) Establishing the high-powered Tejinder Khanna Committee on illegal construction and commercialisation (February 2006). The Government of India sought to stop sealing while the report was being prepared; however this was not accepted by the Supreme Court. Neither was the plea that time be given to develop zonal plans, and mark out commercial areas, since these did not exist.

(2) Amending the Delhi Master Plan 2001 by notifying “mixed land use” streets and norms (March 2005). This notification aimed at halting sealing on smaller roads and ground floors, but not on larger shops, or shops in basements, first and second floors, where sealing continued. The Supreme Court stated that sealing was to continue while it examined the notification, and would extend sealing to 60 foot roads in May.

(3) Parliament passed the Delhi Laws (Special Provisions) Bill 2006 as a one-year moratorium on the demolition and sealing drives in Delhi (May 2006). The Municipal Corporation of Delhi (MCD) started de-sealing based on the bill, but the Supreme Court asked for “re-sealing” in August 2006. Sealing was to recommence notwithstanding the law, which would be examined.

(4) At various times (June, October, November 2006), considering placing the Delhi Laws (Special Provisions) Bill 2006 in the Ninth Schedule, outside the purview of the Court.

(5) Amending the Master Plan for Delhi 2001 on 7 September 2006, allowing different types of commercialisation in different neighbourhoods, based on municipal property tax classification, and also declaring certain streets “commercial”, others pedestrianised, and deciding norms for “mixed” use.

(6) On 15 September 2006, the Government of India added 2,024 areas to the earlier notification, declaring them either mixed land use or commercial use. The Supreme Court did not void the two September notifications, or the protection provided by them, but ordered the sealing of establishments not covered by the two notifications, while asking all others to provide an affidavit that they would close shop if the notifications were found to be legally untenable. However, this left traders vulnerable to sealing in the future.

(7) Deferred sealing on the basis of “law and order” problems, lack of available police force, or for festivals; slowed down sealing at times. Set up a Group of Minister (GOM) to manage the problem.

(8) Brought out the Master Plan 2021 with new mixed land use provisions to supersede the existing Master Plan 2001. However, the government itself was reluctant to speed the notification of the new Master Plan to defer sealing, sealing for five months.

(9) Passing an ordinance to stop sealing, demolitions, slum demolition (except on public land) and the removal of hawkers (July 2007) as the Master Plan 2021 was still under hearing by the Court.

Sources: MC Mehta versus Union of India and Others (see note 1), and media coverage from The Hindu, The Times of India, The Hindustan Times, NDTV, CNN, February 2006-December 2007.
With sealing spreading to Delhi’s nine districts, more and more “respectable” but increasingly desperate and angry traders decided to “come onto the street”, because of the pressure put on them by an unreasonable and corrupt executive and judiciary. In their “representative” discourse, CAIT leaders pushed “the trader” as a protesting public, a citizenry whose presence could not be ignored and a democratic subject of sovereign rights. Organisationally, they sought to leverage their presence, attempting to mobilise the city’s vast intermediate economy to their cause, betting on their ubiquitous presence in neighbourhoods, and in specific trades and services to ensure that the demand to stop sealing seemed to emerge from almost every urban nook and cranny.

This was not an easy feat given that the city’s markets and services were spread over 1,400 square kilometres and millions of people. CAIT had not been in, and could not be, in touch with many representative market and trade associations. There remained enough scepticism of CAIT itself, especially the idea that its leaders were only creating a political platform for themselves, and did not distribute information well.

Over time, what would also drive more people and associations into CAIT’s campaign were not only its organisational efforts but also the continuing and spreading sealing drives and the endless twists and turns in the case, with the Court appearing relentless in pushing for shop closure. Critically, everyday perceptions of democratic politics being played out at the city level were complicating matters. The municipal corporation, the Delhi Development Authority (DDA), and other bureaucratic agencies, it was suggested, did not place “certain important relevant provisions of law and facts” before the Supreme Court. This included the entire arsenal of evidence that established trader legality and governmental recognition (TIN, trade licences) or admitted to the lack of existing legal commercial space, mainly to avoid censure for the agencies’ own mistakes in not developing adequate commercial space.

Twists and Turns

There were also the perceived political rivalries. The chief minister, architect of the city’s rebuilding through events like the Commonwealth Games, was reportedly not sympathetic to the traders’ cause given their various “encroachments”, and was being opposed by the union minister for urban development, an industrialist from West Delhi, seeking to make his political fortunes as a saviour-politician including, it was rumoured, by spreading sealing. It was believed that the chief minister had told the Congress High Command that those being evicted only comprised 4-5% of the electorate, and need not be appealed. At other times, it was said that the sealing case had become a turf war, a battle of prestige, or egos, between the judiciary and legislature. It was a fight that the judiciary appeared to be winning, with the Court taking the stance that it, and the “rule of law” could not be moved by the presence of a gathering mob, for which the Government of India appeared to be willing to ignore, and supersede court orders.

A cycle of traders’ protests, the Government of India’s public appeasement in framing deferral solutions, and subsequent court anger continued, even as sealing continued on the ground, and petitioning RWAs intervened in the courts to prevent the Ministry of Urban Development from finding solutions.

The average trader, whether Agarwal Sweets, or Dinesh Photo Studio, had never considered what the Master Plan said while starting their shops and businesses, and had just obtained their licences and started trading. They did not even want to know whether they were legal or illegal, but just that they were in a “safe zone”. For these traders, uncertainty abounded. If people did not know whether they would survive the next sealing drive, neither credit nor inventories would be available. The circulation of commodities, like credit and real estate sales slowed, even as the price of legal commercial space spiralled.

Workable information was scarce. Neither CAIT, nor the municipality, nor private lawyers or real estate agents could actually tell what plot of land in the city was legally commercial and would remain so, given the to and fro between the government and the Court; or whether a business would be

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**Table 2: Partial Chronological List of Shops and Services Sealed, and Issues Raised, by the Sealing Drives and Government Solutions**

**February to May 2006:**
1. All shops, and services in the basement, ground floor, first floor of buildings
2. Traders in the “negative” list (junk, building materials, auto repair, printing, etc).
3. Professionals who worked in residential areas
4. Nursing homes
5. Banks and ATMs
6. Schools
7. Guest houses
8. Banquet halls
9. Protection to retail shops on Right of Way 18 feet, 60 feet, 90 meters and in the heritage zone of Old Delhi
10. Shops selling everyday items
11. RWA consent for shops to operate
12. Conversion charges (for different categories of shops).

**After August:**
1. Protection to shops in property tax category A, B, C, D, E, F, G and the levels of commercialisation allowed
2. Protection to shops existing before 1962, before the Master Plan actually existed.
3. Protections to shops existing under the Gadgil alliance (made after the Partition to ensure that refugees were not evicted from their illegal shops).
4. Protection to shops in DDA-developed flats and group housing colonies
5. Protection to shops in unauthorised colonies, resettlement colonies, and urban villages, and special areas
6. Protection for tuition centres and coaching centres
7. Protection for shops running in industrial and institutional areas
8. Defining the list of professionals and whether they needed to work in their own homes
9. Multiple shops on the same plot
10. Commercial storage in basements

**Miscellaneous issues:**
1. Registration of all shops with the MCD.
2. Cases filed against sealing by individual shops
3. RWA responses to the government’s attempts to legally “save” the traders
4. Monitoring Committee reports on the MCD, sealing, conditions in the city, individual cases

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Sources: MC Mehta versus Union of India and Others (see note 1); Ministry of Urban Development, Delhi Division, Notification dated 28 March 2006. Published in the Gazette of India Extraordinary Part-II, Section 3(i); Ministry of Urban Development, Delhi Division, Notification dated 7 September 2006. Published in the Gazette of India Extraordinary Part-II, Section 3 – Sub-section (i); Government of the National Capital Territory of Delhi Urban Development Department Notifications, dated 15 September 2006. Published in Delhi Gazette Extraordinary, Part-4; media coverage from February 2006–December 2007.
sealed and when, or whether it would be spared. There were three dynamics at work here. First, the Supreme Court orders, and government solutions, did not really anticipate the complexity of settlement patterns on the ground or the various categories of shops that existed, raising a whole host of issues and norms to be decided (Table 2, p 85) that always appeared to leave someone out. Second, the Government of India's shifting proposals for addressing this complexity were written in the often incomprehensible technical language of the Master Plan. Further, some of these were stayed, some agreed upon, some were not decided on, some became a subject of conflict between the Court, the Court-appointed “monitoring committee” and the government, even while sealing continued. Even if not immediately targeted, shops and services remained illegal, their future unclear, and most legal commercial space unaffordable.

With the fate of businesses in limbo, it was impossible for traders to plan for future circulation. Further, on the ground, it was reported:

The demolition and sealing is pick and choose. No one knows what is really going on. This shop was inaugurated by the Chief Minister, was sealed, and it is now open. The shop next to it is totally illegal but it is still open. The one next to it is running but has given the affidavit (saying the shop will shut down voluntarily) (Interview conducted February 2007, New Delhi).

Theatre of Protest

As confusion, fear and despair increased, the city, in turn, came to be engulfed in waves of even more well-timed, coordinated, and often theatrical protests, which grew in size and number, as placid meetings gave way to chakka jams (road blockages). Not only were protests held across the city, CAIT called for different types of protests to gain and hold media and public attention. These ranged from bandhs (shop closures), to ladies’ and students’ protests, gheraos (encirclements), hunger fasts and motorbike rallies. They also included replays of Rang de Basanti inspired candle-light vigils and Munnabhai-derived re-enactments of Gandhigiri (with the CAIT leadership dressing like Gandhi), drawing on contemporary movies that valorised protesting publics and the imagery of freedom fighters.

Other urban assemblages were also continually active, most notably local politics. Bureaucrats, councillors, legislators, and Members of Parliament were mobilised to lobby for particular markets or businesses, to provide information, if possible to be paid off, and to present an opposing political voice across the city. While the traders’ leadership certainly favoured their traditional party, the BJP, for the most part, CAIT maintained a middling position between the two parties, aware of a larger political consensus on reshaping the city. Also many traders were Congressmen, and negotiations would largely be with the Congress, as the party in power at the state and central level. Further, while the BJP actively supported the traders’ protests, it was also rumoured that they had only to gain from increasing public confusion. Having progressively witnessed the mass eviction of Delhi’s slum-dwellers across the city, CAIT avoided going to court, not wanting an “up or down” decision on trader eviction, but a negotiated settlement with elected representatives.

While attending CAIT meetings, organising local protests, lobbying, and networking for workable information, shopkeepers and service providers also tried to stay away from the entanglements of the case. When the sealing squads arrived on particular streets, it was not uncommon to find boarded-up shops and the empty shells of gutted out showrooms. For even as the traders pushed their visibility on the street, legally they sought to remain invisible, both because there was no clarity on what would happen to properties once sealed or when they would be reopened, and also because sealing would legally bring them into the Court case, and thus subject to only the court’s decision on their fate.

With more and more police added to the streets to prevent growing chaos during the spreading sealing drives, belief in a democratic dispensation was fading in the traders’ camp, even after having coordinated tens of meetings, with government, in the neighbourhood and at the city level. Why was the government hesitant, given the level of protest? Why did ministers keep saying they were listening when nothing happened? Convinced now that the judiciary and the executive were in cahoots, in meetings that came to be held at the city level, CAIT now increasingly used the language and imagery of the anti-colonial struggle. It positioned the struggle and loss of livelihood as similar to the coming of the angrez, the English, pointing to the dominance of the postcolonial black Englishmen, or kale sahib, as being no different from the colonial economic masters, in ignoring local interests and extracting profits. This is also why they would not buy the government’s proposal for splitting the traders into different technical categories in seeking solutions and partial regularisation; this after all was a classic colonial strategy of “divide and rule”. Evoking Bhagat Singh, Guru Gobind Singh and other Hindu-Sikh militant icons familiar to the largely Hindu-Sikh audience, traders suggested that their increasingly violent disruptions re-enacted patriotic acts of nationalist/Hindu-Sikh pasts, of rebellion, self-preservation and self-determination, as was their right and obligation.

After months of protest, at one citywide meeting, for example, attended mainly by shopkeepers in urban villages, tuition centres, chemists, computer institutes, paper associations, plywood, coal and oil associations, all in the line of sealing fire that week, the audience was looking for a jung ka ailen (call to battle). Speakers, chosen because they could affectively inspire the many gathered, shouted: Agar apni ma ka dudh piya hai to mcd ka office toro, bus jala, tor-phor karo (“If you have drunk your mother’s milk, break down the municipal office, burn buses, cause destruction”). By participating in the campaign, a new generation of traders – including those who ran fine-dining restaurants, high-end boutiques, and coffee shops – also learnt the oppositional language of performative protest.

As the protests increased, they received steadily increasing coverage especially on Hindi language local news channels that, at the height of the conflict, broadcast little else. While performative politics have a long history in India (Freitag 1989), in the case of sealing, the media, along with texts and meetings,
formed a vital communication link between the central leadership and local associations. In effect, what was created was a feedback loop: as traders and trader-led events captured more media time, more and more trade and market associations participated in the campaign. Using the news cycle to keep in touch with the plans and programmes of the CART, they reproduced them in their neighbourhoods when required, thus leading to an ever-increasing sense of traders’ protest engulfing the city. As media coverage intensified, it also promoted sympathy for the traders’ cause, making visible a mass indifferent public finally concerned by what they were watching, as they too were increasingly affected.

Violence
The city started systematically shutting down week after week, as the traders’ calls for stopping sealing were accompanied by increasing threats of violence (including against petitioning RWAs), civic chaos, promises of endless resistance, burnt tires, stone pelting, and more frenzied lobbying. The Court would only finally start relenting after a police shoot-out killed three people as a protesting neighbourhood pelted the police and the sealing squads with stones. In this culminating copycat event came the signal that the traders were actually capable of having blood spilt on the streets of the national capital. It was what the mainstream, middle-class traders had privately been hoping for – serious public violence to prove that they were a force to be taken seriously, having determined by now that this was the only language the state understood. For there remained the internal worry that “the shopkeepers are dheela (literally loose, incapable)...they don’t know how to fight back” (Interview conducted November 2006, New Delhi).

When I talked to traders after the incident they were privately relieved that somebody had finally died. CART however, was quick in public to condemn the incident, switching back to making reasonable plans, projecting their respectability and negotiating for a just settlement. Months later, in one Sikh-dominated West Delhi neighbourhood, which had been at the forefront of bus burning, window smashing, stone pelting, etc, traders strenuously denied that they had done anything but protest peacefully, as was their right as democratic citizens. Thus protesting traders sought to return to their invisible, comfortable respectability, plying their trade.

In the months that followed, the case would slowly come to a close, but not before, as the traders saw it, the Government of India made one final push to seal shops as a way of publicly showing its willingness to follow the Court’s orders. Sealing ended as the realisation grew that so entrenched were the eviction dynamics, as traders appeared threatened by the same eviction dynamics, and attending affects of fear, anger, distress and anxiety experienced by those displaced before them, such as slum-dwellers and small-scale industrialists. They, thus, must be included within narratives of displacement in the city, despite also being deeply enmeshed in the growth of the world class city and lifestyles.

The traders’ formidable resistance to their displacement came through a mix of tactics, shifting with events on the ground. These included the politics of stealth and also strategies aimed at the public sphere, including the identity politics of creating the trader as a recognisable category, strategies of reasonable civil society in providing deliberative, technical solutions, and as a protesting democratic public, utilising anti-colonial rhetoric and repertoires. Particularly effective was a performative politics of making “a community or cause as visible as possible in order to claim certain benefits or entitlements” (Hansen 2001: 232), including through threats of collective violence.

It is true that many traders (especially the campaign core) structurally occupy an intermediate position; unlike the poor, they possess social, economic and caste capital, and hence protesting entitlement. It is also true that in many ways the traders’ campaign brought together an unmappable emergent entity. The three men, for example, who died by police firing, in really the turning point in the case, belonged to the Muslim section of the neighbourhood of Seelampur and had very little contact with the main traders’ campaign, which moved even quicker to distance themselves from “Mohammedan” violence. In Seelampur, local retailers-cum-manufacturers reacted by stone pelting to what they saw as yet another attempt at their closure, having already experienced eviction in the case of small-scale industries. After relentless closure and sealings, it appeared that both the small Muslim manufacturer-trader and the large wholesale Bania trader seemed to know, despite their vast sociological and physical distance, that what was required was a politics of irrational excess or urban violence.
Excess was required as the former practical, moral and democratic compact on which the city rested, including a landscape of erstwhile understandable and systematised corruption, and accepted informality, came to be threatened by new and more powerful oligopolies. City decisions were seen as being made in distant terrains, with the law, rules of governance and city planning appearing as pliable sovereign instruments for re-engineering social, political and economic urban space. What brought together these disparate and multiple publics as a protesting unity together, in this instance, was not sociological similarity, or political familiarity, but the commonality of how the city, city politics and redevelopment itself came to be experienced and understood. What we see is the emergence of an amorphous, contingent trader campaign, brought about by various different articulations, including the ebb and flow of the case, the politics of different actors, the impact of widespread sealing on a range of urban publics, the media effect of centralising dispersed experiences, and the impact of local knowledge, affects, and politics of the traders themselves. In many ways, the trader reading foreshadows the recent debate on high-level corruption in world-class India, especially in the case of Delhi after the Commonwealth Games of 2010. What started out as a story of cleaning up the city has also turned out to be a story of something quite different, resonating quite widely across the nation with other stories of resistance to what is read as the working of larger and more opaque state-aligned capital.