

Living Between Laws

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What is the true nature of laws? Are they intended to include more and more people or do they want to actually simplify the lives of the lawmakers by excluding as many people as possible? The term 'lawmakers' here is used in a broad definition which includes not just the various systems of the state, but also each individual seeking to control some aspects of the space around him/her.

Let us assume that all laws are based on certain pre-ordained understandings of what act/activity is 'right' in a space for a particular person. In this case, if the range of people and activities covered by laws is considered, it is perhaps possible to identify certain interstices between these spaces where the law does not exert control, merely because these spaces do not exist in the imagination (and therefore in control) of the Law. It is also possible that these spaces between laws are not controlled because it is inconceivable for the lawmakers that people could exist within them. This could be because the position of these interstitial dwellers is either 'illegal' according to some *other* laws, or because it is theoretically impossible to occupy those spaces physically due to anthropometric limitations, or there is some (legal or extra-legal) encouragement/persuasion to disregard the existence of these spaces.

What do these spaces offer us? They represent the very sites within the fabric that provide resistance to the narrative of the mainstream. By retaining their position as *almost legal*, the activities engendered by and contained within these spaces have the potential to expose chinks within the armour of the structures of authority.

This issue then brings up some peculiar problems that the act of lawmaking and enforcing confronts and creates. First, the idea of control over all things and acts that can be defined, and a denial (almost) of everything else; and second, the absence of any legal structure capable of dealing with the undefined/indefinable.

The essay will try to examine the act of lawmaking as a concept removed from these problems and placed rather in the 'realm of the publics', a (virtual) space that is informed by the existence of these several legal and spatial interstices rather than restricted by them. It will try to look at some ways in which:

- a) Limits to the imaginations of control mechanisms create these interstices in a city.

b) How these limits extract responses from the occupiers of these interstices.

The domain selected is Public Space in Mumbai. This is because 'Public Space' becomes the one domain where both the lawmaking authority and the people who subvert its authority are manifested most explicitly. It is interesting to see how these interstitial spaces between laws are occupied in various ways, since by remaining on the margins of lawmaking and implementation processes, they become micro-narratives of resistance to the power structures seeking to control them.

'Public Sphere' vs. Public Spheres

If the 'limitations' in our ways of imagining controls stem from the (social) space where the law is imagined, then it is this space that needs to be challenged. The idea of the 'realms of the publics' could prove very useful in this regard. I would like to stress that this seemingly all-encompassing term is in fact just a tool temporarily adopted to distance this argument from any notion of 'One Public' that may try to apply itself to Mumbai. Habermas' conceptualisation of the Public Sphere¹ often becomes the sole means of understanding public space in any context, in the absence of another clear and comprehensive theory that is more appropriate to the Indian context. However, Habermas' descriptions are deeply rooted in schemes of democracy specific to Europe. As Sudipta Kaviraj² writes,

"Habermas' work shows precisely how a specific configuration of the idea of the public emerged in the modern West. Paradoxically, this quality of historical specificity of his work has been widely ignored, with scholars striving to show the existence of a "public space" in widely dissimilar cultures. It seems to contribute to the great popularity of Habermas' argument at the cost of a serious misunderstanding...The other problem that one could have with Habermas' theory is its discursive nature, one that is rooted in a systematic but rigid application of reason and a denial of intuition. This could tend to neglect the representational aspects of the idea of the Public Sphere, such as connections of city space to collective memories made by simple acts such as the naming and renaming of roads".

The notion of the 'realms of the publics' therefore gives us an opportunity to distance ourselves from any aspirations that we may possess of imagining a uniform (and perhaps even happy) civil society. It gives us an opportunity to create systems of control or restraint informed by a knowledge of 'publics' that is based on studies and understandings, both researched and intuitive, of the way people live, rather than the way people should be living. And it simultaneously allows for varied interest groups to come together under a common cause.

Resisting Control in Space

What needs to be seen, of course, is whether such seemingly democratic understandings of the spaces where the lawmakers could position themselves lead us any closer to informing and influencing the way behaviours of bodies in spaces can be

controlled/monitored. The overarching influence of the global media has been instrumental in escalating concern over terrorism, and it seems that it may be a while before any decentralised/destabilised power structures are allowed to grow. There is already ample documentation of how security concerns are exploited for complete control over our public spaces. It is further compounded when architects trade possibilities of politicising public spaces with mere rhetoric. The World Trade Center redevelopment in New York City by star architect Daniel Libeskind presents us with an extreme example of such rhetoric in action. As Michael Sorkin³ writes,

“...The Freedom Tower is simply an office building, doubtless one in which free access will be heavily circumscribed by security demands and sky-high rents. It imply signifies liberty via a vague asymmetry meant to evoke the Statue of Liberty, a devoluted icon for an icon, abstracted beyond recognition...What has happened downtown is the creation of a plan that is essentially about business as usual, validated as appropriate by a laying on of sacral iconography. Everything receives its label – Freedom Tower, Wedge of Light, Park of Heroes, and so on – in order to create an aura of rhetorical piety to redeem activities that are anything but”.

The ‘people living between laws’ point us to the possibility of subverting these meta-narratives of control in public space. By their acts of resistance to the system, they enrich the way we envision and intervene in such spaces.

Some Case Studies of BMC Interventions

The Brihanmumbai Municipal Corporation (BMC) has on several occasions experimented with ‘schemes’ to try to control some aspect of public life, sometimes with noble intentions and almost always with hilarious propositions. November 2004 has been one such month of ceaseless entertainment, thanks to the Corporation’s Public Health Committee. These examples are representative of a kind of authority that completely misunderstands its task due to an almost self-imposed ignorance of the realities of life in Mumbai. The problem lies in one direction, but is addressed in an entirely different one. The power to both establish and enforce control rests in a few centres, which end up holding the others responsible for any mismanagement. The irony of the situation is however, lost on them. Reproduced from the city newspaper *MID-DAY*:

“Call us if you see a dengue mosquito! (10 November 2004)”⁴

The Brihanmumbai Municipal Corporation (BMC) wants to check the spread of dengue, which has already affected 70 people in the city this year. So what does it do? It does the most convenient thing possible: it asks Mumbaikars to inform the local ward office if they see the mosquito that causes dengue. And how are Mumbaikars supposed to know how the mosquito looks? Well, the BMC has worked hard enough to give them the right description! The mosquito, called the *Aedes Egyptii* or the dengue mosquito, is just over a centimetre in size, has vivid black and white stripes on its body and legs, and is seen during the day, the BMC says.

This idea of tackling dengue is the brainchild of civic health committee chairman Ramesh Naik. Naik in fact feels the problem of dengue has arisen because most people are not aware how these mosquitoes look or how they breed. If an 'identification' is made, the BMC says, people should inform the local ward office and get in touch with the Medical Officer Health (MOH) at the ward. The MOH will then send his staff to check the person's residence and surroundings for the probable breeding ground. If the squad suspects the dengue mosquito is present, the area will be sprayed with chemicals that will kill the pest".

"Bhaag, kuttay! (varna BMC earring degi) (24 November 2004)⁵

If your local stray is wearing an earring the next time you see him, don't rub your eyes too hard – it's just the batty BMC at work. Ramesh Naik, chairman of the Public Health Committee, has proposed to make it mandatory for NGOs to put rings on the ears of every dog they sterilise. There is, he says, no other way for the BMC to tell if a particular stray has been sterilised. 'In fact, it is doubtful whether dogs are being sterilised at all. If they are, how come there are so many strays in the city?' Naik asks. At present, sterilised dogs sport a mark on the thigh, which Naik claims is not visible. 'They mark the inside of the thigh but it is not easy to lift a dog's leg to check. If we put rings on sterilised dogs' ears, they'll be easier to identify', he says. Atulkumar Shah, convener of the committee for the management and supervision of street dogs, flayed Naik's proposal. 'Putting rings on dogs' ears would cause a lot of problems. The rings could end up hurting them during fights', he says. And what is Naik's reply to this criticism? 'An earring is no big deal. It's not going to cause much pain. Don't we humans pierce our ears?' Shah, meanwhile, claims the proposal is being made to sweep the real issue under the carpet. 'They are not catching enough dogs for sterilisation, and now the BMC says it doubts if we are actually sterilising them. This is surprising, as their staff is involved in the process', he says".

These examples indicate situations of public life in Mumbai where power structures create certain controls which themselves produce interstices where people may exist. They contain within them the code to generate their critiques and resistances. As in the case of defining a body, where the focus shifts from the body to the means of its classification and identification for purposes of establishing control over it, the debate over sterilisation of strays is shifted to putting earrings on the dogs, and speculating as to whether it will hurt the animals.

Between Laws: The Case of the Virar Electrocutions

The problem of death by accidents caused while crossing the railway tracks in Mumbai is an old one. Poor surveillance, inadequate infrastructure on the platforms and a lack of public will has ensured that almost 4000 people die in such accidents every year, and this figure is increasing. According to official figures:

Death on the tracks:⁶

2000 3067 dead, 3478 injured

2001 3859 dead, 3411 injured

2002 3773 dead, 3297 injured

2003 3809 dead

However, since 2003 there has been an alarming rise in deaths caused by electrocution of passengers. These accidents are largely concentrated in the Churchgate-Virar fast trains on the Western line. The Vasai-Virar sub-region just outside of the Greater Mumbai city limits has experienced tremendous growth in the past few years. The volume of passengers has therefore increased significantly. While the Railways have tried to match this growth by increasing capacities on this line, it has simply been unable to solve the issue of over-congestion. These trains see some of the highest densities of people possible in any inhabited public space. To solve this problem of crowding, some enterprising passengers took to regularly travelling on the roofs of the coaches. However, this led to several such travellers being electrocuted by the 1500-volt DC overhead wires, and caused a huge uproar in the local newspapers.

The problem reached a climax in mid-2003, and the Railways finally decided to take some action. Six to eight Railway Police personnel were placed on every platform to deter and arrest offenders. August 2003 saw a greater increase in both offence and surveillance, with 160 people being booked in two days, as against a monthly average of 500 offenders. In addition, the situation kept getting worse, with people travelling on the roof of trains even during non-peak hours.

It was at this time that the Railway authorities came up with the innovative idea of using, as a deterrent, plates hammered with hard plastic nails on the mechanism that links one coach to the next. The space between two compartments is the most popular means of climbing to the roofs of the coaches. A small box-like projection becomes the first step, a small ladder forms the second and then one can clamber onto the roof. The board, a 14" x 14" square containing rows of hard plastic nails at close centres, each about 3" long, was placed right onto the first step, the box.

The simplistic rationale of this proposed solution, however, proved lethal. The problem could have been addressed in other ways: increasing the carrying capacities of the trains by increasing the number of coaches, refining the timetables, increasing the number of trains during peak hours, etc. The Railways, however, chose merely to deter people from accessing the train roofs, forcing commuters to devise other, almost suicidal, ways to get on board. Travellers in Mumbai are far more resilient than the Railways can imagine. With the hard nails in place, many people ignored Step 1 of the ascent, choosing instead to make a wild leap for the ladder, hurting or killing themselves in the process.

It would be interesting to know how the Railways classify these deaths; they were *not* due to electrocution. Over time these nails have been unable to bear the wear and tear of the daily grind, and are missing in parts. In some cases they have been eroded down to become excellent seats for people who would otherwise have none. The partially broken nails reportedly provide perfect traction for accessing the ladder, where people stand. At present, the only thing working as a deterrent is the fear of death.

Between Laws: A Strategy for Softer Cities?

If law enforcement itself is seen as a kind of a widely flung net, one can see the city immediately transforming itself into corresponding patterns of interstices so as to escape from the net and retain its 'freedoms'. Whether it is jumping fences to avoid overhead bridges, or wearing clothes with multiple pockets to transform one's body into a mobile shop, the city is quick and strong in expressing its dissent. An examination of such 'interstitial' behaviour could suggest, to local authorities, less regimented ways of (supposedly) controlling public spaces.

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NOTES

1. According to Habermas, the 'Public Sphere' is a social space where consensus emerges on matters of political morality. This public sphere presupposes freedoms of free speech and assembly, a free press and the right to freely participate in debate and decision-making. The public sphere thus mediates between the domains of the family and the workplace, where private interests prevail, and the state, which often exerts arbitrary forms of power and domination. From Habermas, Jurgen, *Structural Transformations of the Public Sphere* (MIT Press, 1989, Cambridge).
2. Kaviraj, Sudipta. "Filth and the Public Sphere: Concepts and Practices about Space in Calcutta". In *Public Culture* 10 (1): pp. 83-113 (1997).
3. Sorkin, Michael. "Critique". In *Architectural Record* (October 2004).
4. *MID-DAY*, 10 November 2004.
From <http://www.mid-day.com/news/city/2004/november/96717.htm> (accessed on 28 November 2004).
5. *MID-DAY*, 24 November 2004.
From <http://www.mid-day.com/news/city/2004/november/97727.htm> (accessed on 28 November 2004).
6. *MID-DAY*, 29 December 2004.
From <http://www.mid-day.com/news/city/2003/december/72503.htm> (accessed on 28 November 2004).