

The sanctioning state

Official permissiveness and prohibition in India

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Abstract: This article examines the Indian state's engagement with deportable foreign migrants. It draws on an ethnography of officials' responses in Mumbai to noncitizens from Bangladesh and countries in Africa. The conceptual focus is on the "sanctioning state": official powers that alternately permit or prohibit migrants' presence. At one level, the Indian state sanctions, or prohibits, unauthorized migration. Simultaneously, via authorities' discretionary power, the state can sanction, or permit, foreigners' presence. To address why state actors simultaneously sanction migrants' enduring presence, and also sanction their intermittent removal, this article delves into the Indian state's historical evolution and everyday functioning. The domains of bureaucratic practice, discretionary authority, and differentiated citizenship are framed by antecedent logics. This historical survey undergirds an ethnographic study of the state in migrant-saturated neighborhoods in Mumbai. Based on interviews and observations with officials and migrants, this article elucidates the rationales, capacities, and strategies that comprise the "sanctioning state."

Keywords: bureaucracy, discretion, discrimination, India, migrant, state, sanction

In a monograph on the India-Bangladeshi borderland, Delwar Hussain (2013) examines the traffic of labor and commodities across state lines. Recent decades have seen the formidable retrenchment of this border, with personnel, wire, and weapons. Bangladeshi workers, abetted by complicit border authorities, illegally cross to work in Indian coal mines abutting the territorial border. Mine operators value such workers because of their ambiguous and vulnerable status. Hussain argues that the state, generally seen as the embodiment of the licit, is implicated and in collusion with the illicit (Van Schendel and

Abraham 2005). Generally conjured as an abstract entity, "in borderlands, states have legs, nametags and the ability to look away, permit and sanction" (Hussain 2013: 64).

In this article, I argue that it is not only at its periphery—at the topographic edges of formal authority—that the state's sanction is visible. One need only look at India's commercial capital—the heavily policed city of Mumbai—to find similar processes at work. This is an article about what can be called the "sanctioning state." I use the term in its double sense: sanction as green-lighting activity and sanction as penaliz-



ing it. Sanction thus implies permission as well as prohibition. This ambiguous dynamic is observed among Mumbai's detention and deportation authorities, as they deal with undocumented or unauthorized migrants from Bangladesh and countries in Africa.¹ The state's double-edged capacity to sanction these migrants' presence is expressed in the spaces between competing, unevenly resourced institutional blocs, and in officials' everyday habits of discretion and discrimination.

Before we examine the historical and contemporary arrangements at the core of this argument, some prefatory remarks about my conception of the state, and my usage of sanction, are in order. Arguably some scholars of official practices are prone to "seeing like a state"; the cause and effect of bureaucratic inscription and resolute control at the heart of modernist statecraft is presumed more than shown (Scott 1998). Consequently, an implicitly or explicitly normative understanding of how the state functions abounds. The Indian state's discretionary expressions, in this vein, may be seen as ad hoc improvisations, deriving from institutional deficiencies, or evidence of bureaucratic arbitrariness and politicized self-interest. Critics of the modern state, describing bureaucratic discrepancies or official aberrations, do invoke notions of incompetence, scarcity, and corruption (Mathur 2015: 15). In such scholarly and class narratives, the Indian state is a deficient imitation or an inadequate approximation of a proper state. The etiological attribution or causal logic for this inability to realize ideal form alights on the self-interested, inept, or politicized officials that comprise it.

In this article, I argue against these suppositions. Rather than postulate the state's universal breadth, unitary coherence, and teleological unfolding, we benefit from scrutinizing the varied genealogy of state practices, and the contingent production of state effects (Mitchell 1999: 84). Such an approach suggests the double-edged capacity to sanction not as evidence of official incapacity, arbitrariness, or greediness, but as an available potential in state functioning. This article therefore provides not only a specific ac-

count of one postcolonial state, but invites us to more generally denaturalize prototypical states. Euro-American states are still often seen as templates for how states elsewhere are understood. We can circumvent this modular and normative transposition by attending to how the specific elaboration of statecraft described here resonates with state functioning elsewhere. This analysis is therefore not to be read as the Indian state's atypical expression; rather, it is more widely symptomatic of how states employ discretionary capacities.

As some analyses of postcolonial states imply a discrepancy between an earlier impartiality and competence, and today's erratic implementation and insalubrious rent seeking, the Indian state benefits from being historicized. Such a reading underscores diachronic tendencies to discretionary privilege evident in the transition from company rule to colonial state. These have arguably widened in scope with the evolution of an omnipresent institutional nexus of officials and bureaucrats that today conditions many spheres (Fuller and Harriss 2001). This historical reading helps to explain the variance between the agonistic political and public posture vis-à-vis foreign migrants, and the state's frequently collusive engagement with them.

Having contextualized my approach to the state, the forgoing analysis also benefits from clarity regarding my use of the term "sanction." The notion of social sanctions has a well-worn intellectual history within sociology and anthropology. Durkheim, in 1893's *The Division of Labor in Society*, contrasted "repressive" and "restitutive" sanctions (1984). The former were prohibitive or punitive in nature—thus marking a rupture in the everyday flow of sociality—while the latter depended on social solidarity and the desire to engineer normality. In the mid-twentieth century, Alfred Radcliffe-Brown (1952) discussed sanctions in light of comparative methods of social control. He distinguished between "negative" or disapproved sanctions, and "positive" or approved sanctions; he also highlighted diverse methods—such as organized versus diffuse—by which sanctions were formulated and imple-

mented. Edward Evans-Pritchard, in his classic analysis of Azande witchcraft and magic, also reflected on the multifaceted character of social sanctions ([1937] 1976: 217). In his view, socialized disapproval and authorization were crystallizations of collective sentiment, seen in everything from the employment of magical medicines to channeling of social conflict.

In this article, I build on these insights concerning how societies employ sanctions to signal, naturalize, and enact both censure and incorporation. The sanctioning state here conditions the possibility of certain foreign migrants' mobility, residence, and work. State functionaries' discretionary and discriminating powers come to mediate presence or absence, continuity or rupture, collusion or disapprobation.

Let me flag some differences between earlier conceptions of sanctions, and my use of the concept here. I am concerned not with what state and noncitizen encounters reveal about migrant lifeworlds, but with how they illuminate a pervasive and ambiguous capacity inhering in the state—which, of course, is a social institution. Durkheim, Radcliffe-Brown, and Evans-Pritchard honed in on the ambiguous power to sanction within relatively bounded, predictable, and stable social spheres where expressions of conformity and punishment, norm and transgression, were at issue. In contrast, I focus on social authorities in a heterogeneous, globally networked milieu that is nevertheless saturated by nationalist discourse and systemic policing.

State officials exercise notable capacities to enable fortunes or disable fates. This may be thought of as a pervasive and ambiguous potentiality, for foreign migrants in contemporary India who mediate their residence, mobility, and income generation via official negotiation and bureaucratic paperwork confront neither a readily collusive apparatus nor a totalizing disciplinary machine. What requires elucidation is the state's complicity in migrants' continued presence, as well as its interest in their absence, rather than presuming that it functions in any which manner as a coherent and contiguous force. The state's strategic and selective practices of ampli-

fied scrutiny, routinized disinterest, performed prohibition, and implied permission vis-à-vis certain foreign migrants, I suggest, demonstrate an equivocal capacity to sanction that is more widely prevalent in state-subject encounters.

To illuminate my argument, I draw on three months of ethnographic fieldwork conducted primarily in Mumbai's foreign migrant-dominated northern suburbs in 2014.² The following analysis of official practices highlights the double-edged capacity of the Indian state vis-à-vis unauthorized and deportable foreign migrants: its sanction to permit, as well as its sanction to prohibit.

Historicizing India's sanctioning state

Where might we elaborate the Indian state's capacity to sanction deportable noncitizens? I suggest that one productive locus is at the intersection of bureaucratic strategies and nationalist exclusion. We benefit, particularly, by looking at bureaucratic capabilities that express discretionary authority and bear on differentiated citizenship. Scholars have shown how bureaucratic documentation and communication proved central to modern governance in South Asia. From the eighteenth century, the East India Company's practices of written accountability—for the management of distant and unreliable commercial agents—were absorbed into the colonial state. During its earlier years, in the late eighteenth and early nineteenth centuries, British officers and native functionaries were commonly seen as untrustworthy and corrupt. The institutional response was to expand the graphic regime of surveillance and control: signatures, dates, and stamps connected people, places, times, and artifacts (Hull 2012: 10).

This elaboration of a bureaucratic infrastructure built on material representation and statistical signification generated powers of immunity and impunity for state agents. The state inoculated itself from critique by monopolizing practices of authority and legitimacy; and there was simultaneously notable latitude for officials

to discriminate in their everyday functioning. Practices of enumeration and codification became crucial to bureaucratic classification and categorization of the social world. Various “investigative modalities” of rule, such as fingerprinting and the census, were elaborated so as to secure greater oversight over subjects, while broadening officials’ exemption from accountability (Cohn 1996).

The early colonial state, then, while generalizing procedures for population scrutiny, simultaneously created vehicles for suspending or circumventing these powers. As the state’s policing powers and recording capacities expanded, it simultaneously allowed police and revenue officials “strategic exemptions”; this pattern of “selective documentation” expanded the colonial state’s discretionary capacity (Raman 2012: 139). With precolonial mechanisms for appealing or contesting authority eclipsed, police, judges, revenue officers, and village headmen acquired enhanced powers of discrimination (155).

At one level, the state’s elaboration of its rationality in institutions, textual forms, and personnel was expanded. Yet this paralleled its configuration as an entity built on exceptions. These exceptions worked where the state’s writ was effectively subservient to community practice; and in terms of officials’ discretion as to how and when to apply regulations. Law and order were frequently outsourced to community leaders, for example, in a process of investiture (Hansen 2005). Furthermore, officials’ own selective and uneven enforcement was commonplace. In colonial Mumbai, for example, the police delegated neighborhood order to a diffuse patchwork of local strongmen, even as they colluded actively in illegal trades such as prostitution (Chandavarkar 1998: 192–200).

The postcolonial state came to bear the legacy of earlier discretionary patterns. The arbitration and adjudication of citizenship claims is illustrative. Niraja Jayal has argued that national belonging and political membership in India cannot be viewed through a dyadic lens of citizen and other (2013: 276). Rather, claims to reside, work, and obtain welfare provisions

should be seen in terms of a gradient where citizenship is differentiated. The state, at different scales, and via different arms, has exercised significant discretionary power in deciding matters of residence, identification, and property for various groups seeking citizenship. This oscillating capacity—intervention and retreat, collusion and disapproval, overzealous interest and selective disinterest—vis-à-vis subjects need not be seen in terms such as capacity or failure, arbitrariness or consistency, implementation or its lack. Rather, such discretionary power can be thought of as enacting and expressing certain instrumental logics, class biases, political hierarchies, and material deprivations. In this way, socialized notions of permissiveness or prohibition—society’s ambiguous capacity to sanction—are fed into and reflected in state rationales and strategies.

An important conditioning force here were the repercussions of the partition of colonial India into Muslim-dominated Pakistan and Hindu-dominated India, during the post-1947 transition to postcolonial rule. Unprecedented levels of human flight and mass killing accompanied this partition, which was not a single event; over many years, migrants, especially Muslims, crisscrossed the nascent borders multiple times, subjecting themselves to evolving parameters of citizenship adjudication (Zamindar 2007).

The larger implications of this partition, some have argued, were to shape citizenship in religious terms. In debates surrounding the formulation of the Indian Constitution in 1950, for example, distinctions were made between Hindu “refugees” and Muslim “migrants” from Pakistan, naturalizing the entry of the former and reinforcing suspicion of the latter (Jayal 2013). Over time, India’s citizenship regime has increasingly hinged on religious identity, allegiance, and loyalty. Muslims moving between Pakistan and India in the years after 1947, as well as Bangladeshi migrants in recent decades, have therefore negotiated an ever-circumscribed residency, employment, and mobility framework.

Though India’s citizenship framework has unfolded in increasingly exclusionary terms, the

bureaucratic practices by which it has been instantiated cannot be understood as uniform. For example, makeshift and contingent evaluations of mobile subjects marked the years after partition. Passes and passports were fitfully issued, for the regulation of cross-border travelers; official determinations of residence, identification, and property were often piecemeal and improvised (Zamindar 2007).

Thus state actors have had considerable discretionary latitude in shaping the putatively fixed and territorially delimited contours of national membership. It is precisely this intermittent autonomy and dispersed authority that has meant a state vested with ambiguous capacities to sanction the presence of unauthorized migrants. For example, divisions within India's political establishment on the rights, duties, and allegiances informing citizenship have been mirrored in the state's countervailing tendencies. Shifting political stances toward aspirants for citizenship were reflected in "practices of official agencies, especially in the exercise of their discretionary powers and grant of permits" (Jayal 2013: 62). In other words, state sanctions, while conditioning movement, rights, and collective self-imagining in ever-narrower terms in the decades after partition, have been unevenly and selectively exercised, *de facto* legitimizing the presence of some noncitizens in India.

Thus migrants' access to residence, mobility, entitlements, employment, and formal citizenship in India has been mediated by authorities' capacity to permit or prohibit. We see this dynamic at work in different institutional forms and bureaucratic practices. Though only the central government grants citizenship, foreign migrants seeking it must be authenticated by local and regional administrative parties. The diverse authorizing capacity of the state—a force that may allow or disallow—is in evidence here. Regional states have, for example, selectively applied federal, parliamentary, and Supreme Court directives; at times, district collectors, at the local level, have had powers to grant citizenship to migrants, while at other times these powers have been removed (Jayal 2013: 78–79).

What is striking about the state's engagement with such migrants is how bureaucratic practices and material artifacts figure into claims. On the one hand, through complicit state actors, many migrants, including Bangladeshis, have obtained counterfeit identification documents that often transition into legal ones. In this way, "documents themselves are proffered as certifying and authenticating claims to citizenship," inverting the expectation that citizenship enables the ownership of certifying documents (71). On the other hand, these proofs, in a climate of political hostility toward Muslims, are commonly rendered suspect, with courts reflexively questioning the integrity of migrants' documents. Yet this proliferation of fake and counterfeit bureaucratic documents does not dissolve state authority so much as it enhances it. Ultimately, citizens and noncitizens mediate their access to a variety of goods by subjecting themselves to the state, making even counterfeit documents badges of state allegiance (Das 2004). Not only does the state's sanctioning capacity create different legal and political subjectivities—informal versus formal, illegal versus legal—but those who are banished outside a normative domain must seek reincorporation by mimetically adopting the state's authenticating accoutrements.

Thus one can trace a recurring ambiguity in the Indian state's relationship to unauthorized migrants: some officials are complicit in—and thus sanction, in the term's permissive sense—such claims. Yet other arms of the state foreclose—and thus sanction, in its prohibitive sense—these aspirations. This dynamic was seen, for example, when millions of migrants, both Hindu and Muslim, came to India from neighboring Bangladesh in the years after its formation in 1971. Many such migrants settled in India's Assam state and were eventually enfranchised. They incrementally established official claims, acquiring bureaucratic proofs—ration and voter cards—that served to authenticate citizenship applications. These accoutrements of "documentary citizenship" were enabled through bureaucratic collusion, via "networks of complicity"

and “networks of profit” (Sadiq 2009: 111). This sanctioning—as in enabling—process is all the more striking for it has occurred amid public and political antipathy. Political discourse and bureaucratic practice in India often telegraphs hostility to Bangladeshis.

How does this oscillating dynamic of the sanctioning state get worked out in the present day, and in contemporary urban India?³ We turn now to examples of the Indian state’s sanction, extended and enforced vis-à-vis unauthorized and deportable migrants in Mumbai.

The sanctioning state— permission and prohibition

Mumbai’s northern suburbs, far from the “island city” that comprised Bombay’s original core, are home to many different kinds of migrants. In suburbs such as Bhayender, Mira Road, and Mumbra, there are neighborhoods where migrants from within South Asia, and those from further afield, commute on the same local trains, live in adjacent housing colonies, and pray in similar spaces. For example, in Mira Road, the congregants of Pentecostal churches are comprised of Africans (mainly Nigerians and Kenyans), and those from India’s “northeast” (such as Nagas, Manipuris, and Mizos).

I conducted a three-month ethnographic study, mainly in these suburbs, from January to March 2014. I sought to understand the interface between state officials and certain unauthorized and deportable migrants: those from Bangladesh and those from countries in Africa. Bangladeshis constitute a subterranean if ubiquitous presence in the country; they are widely employed, routinely oppressed, and periodically vilified (Van Schendel 2004: 226–235). While some Bangladeshi migrants have obtained Indian citizenship, others occupy an interstitial legal space. According to officials, some, settled for a longer duration in India, will possess at least partial identification documents and are therefore institutionally embedded within society. Yet others migrate back and forth between

India and Bangladesh for seasonal labor purposes, and do not possess Indian documents. Whether in India for a few months or many years, having some fragmentary legitimacy or none at all, such Bangladeshi migrants remain noncitizens who are, in the state’s parlance, “unauthorized” residents in India. There are widely considered to be hundreds of thousands of Bangladeshi noncitizens in Mumbai, and millions in the country at large; no state agency, to my knowledge, has precise numbers in this regard. A notable, though perhaps not determining factor in such migrant experiences are surges of vitriolic public Islamophobia. While such antagonism clearly conditions ordinary and official encounters, collusion, indifference, and dissimulation can converge to effectively naturalize the presence of Bangladeshis.

Nigerians comprise India’s largest African migrant community. They are routinely vilified for their purported engagement in drug peddling, prostitution, and consumer fraud. Kenyans, Ugandans, Tanzanians, South Africans, and Congolese are other present African national communities, mostly in larger Indian cities. In comparison with some detailed studies of Bangladeshis in India, little scholarly attention has been directed at how Indian state regulations, designed with South Asian migrants in mind, affect a newer and burgeoning category of noncitizens from Africa (JIPS 2013). For example, unauthorized African migrants currently resident in Mumbai are thought to number in the low tens of thousands, a fraction of the total number of Bangladeshis.⁴ Just as anti-Muslim sentiment may shape but not overdetermine the experiences of Bangladeshis, racism against Africans must be acknowledged as a prevalent but perhaps not structuring factor in their interface with authorities. Rather than implying a causal or functional relationship between discretion (as in the latitude to exercise one’s disposition) and discrimination (as in prejudicial treatment of different categories of people), we might see them as mutually constituted in official-migrant encounters.

Mumbai’s northern suburb of Mumbra was once a small village, flanked by high, rocky hills.

It was rapidly incorporated into the wider urban fabric in the 1990s. In 1993, a set of riots and bomb blasts scarred relations between the city's Muslims and Hindus. This period coincided with the liberalization of India's economy, and a steady rise in following years in land speculation, urban redevelopment, and property construction. Suburbs away from the colonial-era island city expanded, especially those in proximity to the suburban railways. A significant number of Muslims left their residences in other parts of the city and bought flats in Mumbra. Today it has one of the densest concentrations of the city's Muslims. Yet far from being a homogeneous religious enclave, Mumbra has a diverse, class-differentiated population with numerous, sometimes competing Muslim sects.

The steady expansion of northern suburbs like Mumbra—containing high numbers of both domestic and foreign migrants—has in turn drawn Bangladeshi migrants, who can blend into the landscape, one of low-slung concrete buildings and dusty roads with hawkers. According to officials, many Bangladeshi men work in Mumbra as laborers, and women as domestics, for middle-class Indian Muslims; a smaller number of migrants are more established and have small shops.

On one visit, I met Inspector Nagarkar in the main Mumbra police station. Outside sat a number of confiscated vehicles covered with dust and pigeon droppings. Inside, I was offered tea, and Nagarkar provided context for his policing approach: “This is the Muslim belt. There are some Bangladeshis here, but you cannot parse them out vis-à-vis Indians [*aap distinguish nahin karsakte hain*]. The main thing is that the border between us and Bangladesh is porous [*border porous hai*].”

Over repeated visits, the impression gathered from him, and other police in Mumbai's northern suburbs, was relative unconcern. He admitted the intermittent appearance of formally deportable Bangladeshis on the official radar: “We have our own contacts within our network, they pass on information. They tell us who has come.” Like many police officials, Nagarkar be-

lieved that the political will to comprehensively deport Bangladeshis—periodic swells of xenophobic sentiment aside—was lacking: “The government doesn't want to fix the problem. India is a democracy, and the politicians need voters. Like in Assam, they can get a new ‘vote bank’ if they make those foreigners into nationals. The government knows everything but will not stop it.” His perspective accords with scholars who have found state collusion decisive in the incremental incorporation of Bangladeshis into India's citizenship regime (Sadiq 2009).

On another day in Mumbra, I met Shabir in a small police *chowki* (checkpoint). A 40-something man, he presented himself as an estate agent and builder; in his polo shirt, leather slippers, and embroidered jeans, he cut a fashionable figure among the men in cream-colored robes and women in black burkhas. Shabir agreed to meet after a police official who employed him as an informer arranged an interview. Such informers (in local parlance, a *guptachar* or *mukhbir*) are widely employed not only to deliver information to police but also to mediate between the community and the state.

Shabir explained his mediation between the police and the neighborhood's residents.

The way it works is that I have people below and beyond me, people who I know; they tell us that these people are speaking in that Bangladeshi dialect, I have not seen them before in this neighborhood. So then I can go have a chat with the inspector, we will meet. We will also do raids with the officers that happen after 10 pm, and we go to the building. If I am there I can identify which person is new, which person is legitimate. Sometimes it gets difficult, they break the roof of their residence and run away. But a lot depends on the officer—if he wants to launch an investigation, go on a raid, or if he is busy, says let it go. An official, if the Bangladeshi family is better off, will sit down with them and make a deal [i.e., arrange a payoff]. But no one can tell how many there are, they are in each lane

[*gali*]. The residents benefit from them—a local person will charge Rs 400 per day for labor, Bangladeshi guys offer the same for Rs 250; then another person has a room to let, they can get Rs 3,000 from the Bangladeshi but only 2,000 from the local person. So local people benefit too.

We see here how officials' discretionary capacity echoes Durkheim and Radcliffe-Brown's focus on sanctions' double-edged potential. The Mumbai police can, and do, use their authority in a disciplining, repressive sense. However, as much of local society depends on and is complicit with Bangladeshi presence, the state often leans toward signaling tacit if tense permissiveness.

Shabir had expressed some striking facets of the sanctioning state: officials' ample discretionary power, whether to raid, investigate, detain, and deport Bangladeshis; openness to transactional exchanges, bribes that imply consent to stay; and residents' willing complicity in the continued presence of noncitizen Bangladeshis.

At the top of the clumped-together islands that make up Mumbai proper sits the suburb of Bhayandar. It lies just before the curving Vasai Creek, which separates Mumbai from the mainland, and the fast-growing satellite city of Navi Mumbai. It is distant from the historic core in the city's south, and the glossy business towers rising from former cotton mills in the central suburbs. Yet Bhayandar is a busy, migrant-heavy enclave, with its own signs of prosperity. I arrive there on a late February morning, having been told that I can meet a police officer at the Anti-Trafficking Unit. I am only told to go to the front of Maxus Mall—a fresh-looking complex adorned with film posters and KFC signs, beside newish apartment complexes, and a half-dug-up road that hosts a bulge of traffic. There, on an island of green grass separating traffic lanes, sits a small, squat building.

About forty-five minutes later, a police jeep pulls up to Maxus Mall, and out come a set of officers dressed in civilian clothes. The officer in charge—Inspector Ahir, a bulky man with short hair, wearing a linen shirt with a large horse,

Polo-style, embossed on the chest pocket—asks me into his private office, at the back. With him follows a deputy, holding multiple phones, interjecting occasionally, and studying me closely. The men, like many of Mumbai's police force, are Maharashtrian, and speak Marathi between themselves, switching to a mixture of Hindi and English with me.

The Anti-Trafficking Unit's primary task, I am told, is to “find girls in the sexual business. *Hum repatriate karte, rescue karte* [we deport them, we rescue them].” He describes the circuit of agents, pimps, border guards, and police who facilitate the “flesh trade.” Alongside and overlapping with this remit, the unit deals with foreigners who are found to be illegally resident. We speak about his work, the bulk of which involves tracking women, often from neighboring countries such as Bangladesh and Nepal, as they cycle through regions in India. The officers and their informers seek to gain a foothold in the network of agents (*dalals*), border officials, and counterfeiters that move women around and give them *jaali* (fake) identity documents. We speak at length about Bangladeshis purportedly involved in the “currency racket”—authorities often blame neighboring countries for hosting counterfeiting rings that produce Indian rupees. Ahir expresses sympathy for the plight of Bangladeshi migrants, however, and regards their overall presence in India in benign terms.

A hurdle for him, as for officers elsewhere, is that Bangladeshis dissemble and can easily mask their identity: “When we conduct raids on Bangladeshis they say, ‘We are from Bihar’”; “They hide their identity.” The inspector, echoing some other Mumbai police officials, downplays the urgency of identifying and expelling such non-citizens. Instead of antipathy, he expresses sympathy: “They don't come to do anything illegal, only to fill their stomach”; “Over there is such severe unemployment—one cannot fault them for coming.”

In the imagination of such officials, Bangladesh, like the nearby countries of Nepal, Pakistan, and Afghanistan, is disorderly and unpromising, a contrast to India's stability and prosperity. There

is a resigned inevitability, in their narrative logic, to the flow of Bangladeshis to India. Inspector Ahir talks about how an agent in Dhaka will be connected to one in Kolkata; they arrange transport for migrants and are in turn connected to builders and contractors in other Indian cities. Whereas an Indian worker may get Rs 300 per day on a building site, the Bangladeshis receive Rs 200, with about 30–40 rupees going to the contractor; the “local police will know and be in communication but do nothing” (*contractor police ke saath in touch hain lakin kuch nahin karte*).

Such comments underline that in contemporary urban India, state actors (in the form of police demanding bribes) and others (contractors, employers) capitalize on the unauthorized status of Bangladeshi migrants. The potential sanction—or prohibition—of the state encourages migrant invisibility and docility, which employers exploit. Yet another, consequential dimension is coproduced alongside this: the state’s sanction, or permissiveness, of what is ostensibly illegal. In Mumbai or Bhayander, unambiguously punitive engagement vis-à-vis such migrants is generally undesired by state officials. The police are also reluctant to take forward the bureaucratic deportation process. In relative proportion to the many Bangladeshis illegally resident in India, few are detained and deported from a major commercial city like Mumbai. Mumbai’s police station, for example, reported deporting three dozen Bangladeshis via the Border Security Force in 2013. In an important sense, the state must be understood neither simply as all seeing and omnipotent, nor as merely arbitrary, incompetent, or deficient. The point is that state agents can selectively refuse to make legible—in ways that accord with wider interests.

It is the first week of March and I have traveled to Cuffe Parade to visit another node of the Mumbai police, the Anti-Narcotics Cell. I am directed to meet DCP Rathore, the unit’s head. I have been guided to his department by recent news stories of Africans, especially Nigerians, arrested and deported in connection to drug offenses. News articles and politicians’ rhetoric

regarding Nigerians are often xenophobic, yet it is unclear how the state machinery responds to such public alarm. Over three meetings, DCP Rathore explains the procedure for deporting foreign nationals from Africa convicted of criminal acts.

He tells me that his cell can keep those caught under these offenses in either “police custody” or “jail custody”: the former allows the police to keep and continue to investigate the detained person, while the latter means that the detainee is kept under court supervision. DCP Rathore tells me, in a somewhat exasperated tone, that judges are reluctant to allow police custody—“due to unfounded rumors of torture”—and that most Africans remain under the court’s supervision. His cell, despite dozens of Nigerian arrests in recent years, made no deportations in 2013. He accounts for this by referring to the interminable enmeshing of various state agencies, each, in his view, eager to defer responsibility for action and put the onus for deportation on others. A recurring rationale that is invoked amid this institutional dissonance is underfunding: “How can we get rid of them with no money? Give us the money and we will do it.”

Other police officials in Mumbai echo DCP Rathore’s frustrations. There is, they say, no built-in incentive to deport migrants given that it subtracts from a finite general budget (a “station fund”), and is unlikely to figure in a police official’s career promotion. Thus, seeming inconsistencies from year to year and from station to station in the number and variety of migrants deported reflect the particular circumstances of state agents. In particular, police officials believe, given the state’s top-down institutional culture, that when emphasis is placed on deportation it is generally because of the proclivities of the particular station’s head, the superintendent of police (SP).

In Mumbai’s Thane suburb, for example, officials at the police station reported that in 2012 and 2013, more effort was expended on deporting Africans and Bangladeshis because of the SP’s personal interest in this issue. However, after he was transferred—officer-level officials are

routinely transferred to new postings in India's bureaucracy—junior police personnel that were interviewed felt it unlikely that the new station head would adopt this priority. Most likely, the rates of detention and deportation of foreign migrants would drop, another example of the state's oscillating capacity to sanction.

An hour and a half north on the train from southern Mumbai—the iconic Victorian steeples, art deco buildings, and swooping seaside promenade of “Bombay”—lies Mira Road. On the track's western side are vast salt plains, fields of shallow saline water divided into neat rectangles, from which sediment the consistency of dirty slush is collected into neat pyramids. It is at the station's eastern side that humanity spills, under large flex-board awnings of rival “Marathi first” parties. Indeed, a large Maharashtrian population resides in this northern suburb.

Close attention to the visual landscape, however, hints at a more complex demographic. Plastered to the station's walls are white photocopies advertising—in Hindi, not in Marathi—flats in new apartment developments. The property boom that engulfs Mumbai unfolds here, too, far from the Italian marble and glass-fronted skyscrapers of posh neighborhoods. The modesty of these flats lies in the details: other property ads list apartments in units of “BHK,” for “bedroom and kitchen.” Mira Road's apartments are offered in other units: “RK,” meaning simply “room and kitchen”—a family sleeping, entertaining, and studying in one room. The price of these flats hints at their limited luxury: “1RK = 3 lakhs,” a fraction of the price elsewhere. For modestly salaried migrants, Mira Road offers a room—but not much more—of their own.

The Mira Road police station is a multistoried structure across from gated enclaves. It is a weekday, but only one policeman, a man who introduces himself as Raghubir, is present. He is not sitting inside but supervising a set of laborers outside who are painting the building. When we finally go inside, I explain my research purpose and give him my business card. When I ask, tentatively, about his encounters with Africans, he casts a glance at others in the sitting

area, and motions to a desk. Sitting down, smiling quietly, he writes out a few words in English: fraud, email scam, drugs, lottery. He turns the paper toward me, asks me to not to converse out loud about what he has written, and tells me to wait for his supervisor, Sub-Inspector Rawat.

Rawat arrives, and we slowly warm up to the subject. Generally, his unit will only investigate Africans based on a complaint—often a neighbor's phone call or an informer's tip. When the police make an inquiry, Rawat says, the Nigerians—like other officials, he uses “Nigerian” interchangeably with “African”—must show their residence proofs. If someone is found not to have a passport, or one with an expired visa, a case of “overstay” or “illegal stay” is put forward. Migrants have a seven-day window to respond to an investigation about their status. At this point, he notes, some Africans simply flee (*shift karte*). Indeed, in interviews with unauthorized African migrants—often those overstaying visas, and evading the state's deportation machinery—I gathered that many led a nomadic existence, moving among friends or kin ties, stitching together an existence via business, church, and student contacts. Rawat's unit does not have the resources to track them down (*strength nahin hain*). He evinces minor rather than great concern that migrants are lost in the layered and dense city.

An issue here for state actors is that Africans are generally not detained when found to be in violation of the law. A lengthy process ensues to ascertain a migrant's status and, when found to be in violation of citizenship or foreigners' regulations, take action. Police may demand birth and domicile records, and identity documents such as an Aadhar or PAN card; file a First Information Report, which opens a legal case; produce a migrant before a magistrate; notify an embassy or another police unit, such as the Social Services Branch; and facilitate a court-ordered medical exam.

It is at this point that Rawat's language resonates with wider prejudices against Africans: “We cannot physically detain them because they have the strength of lions [*sher jaise hote hain*].

We cannot control them.” In popular discourse in India—films, advertisements, politicians’ statements—echoes of racist Victorian stereotypes are not uncommon: the African is often seen as sexually rapacious, animal-like in his urges, and lower on the civilizational ladder. Rawat solemnly recounts a story of another officer injured during a raid, because of the African migrant’s temperamental unpredictability: “They can knife anyone when they are upset” (*koi bhi cut de sakte*). Yet the Mumbai police do not follow the law’s imperative that one be detained in such cases. This discretion is rooted in a “cultural” logic: “If we put them in lockup, they will start screaming, shouting, banging their heads against the wall, saying I need to eat beef and chicken. They cannot handle our food. So when they are found for overstay, we leave them at home in Mumbai.”

We begin discussing the offenses for which Africans invite official scrutiny; in police parlance, the conditions under which a migrant may come “under the scanner.” Rawat says,

Nigerians do a lot of frauds. They give an SMS message that you’ve won the lottery; you only need to deposit 5 percent of the money for taxes into a set bank account and then you will get the balance. *Chut-iya banate* [they make fools] out of others. Others, they are involved in hacking: they have a duplicate card machine that steals the data of credit cards. They take their time and have good accomplices; one person we caught was even married to a Marathi girl and spoke Marathi. The Africans who are into drugs, they manufacture out of those large bricks of dope a *pudi* [packet], it costs Rs 700 for *ek time ka nasha* [one hit].

Despite such disdain for certain African migrants, it is not only the police that evince the state’s sanctioning capacity to authorize presence or absence. Nearby, a ten-minute auto rickshaw ride from the police station, is the Redeemed Christian Church of God, adjoining

the Mira Road train station, which has many Africans attending its Sunday sermons. After meeting with the Kenyan pastor, I start to drop in after weekend services, and slowly meet a few migrants from Nigeria. One, whom I call Kenneth, tells me of a fraught interview he once had at a Ministry of External Affairs office, while trying to convert his student visa into a business visa, so that he could stay in India after his studies. Africans such as Kenneth find profit in exporting hair, tonsured off at Indian temples, and sold for a booming extensions industry in Africa. While an impoverished and hungry business student in Pune, Kenneth had obtained a counterfeit ration card to access India’s public ration shops, which subsidize kitchen staples for those below a certain income threshold. Kenneth says that such documentation was widely available for a fee to other African migrants, despite the knowledge of ration shop operators that their cards were duplicates. At the Ministry of External Affairs interview, years later, Kenneth had inadvertently included a copy of that fake ration card amid his application papers. Recounting the stress of that moment, he recalls that the two officials interviewing him had become hostile, accusing him of being a criminal, and warning that they could detain him there and then. But somehow—Kenneth insists no money exchanged hands—they softened and finished the interview; later on, he received his employment visa. This example suggests that sanctioning tendencies, while most obviously visible in migrant encounters with detention and deportation authorities, are prevalent across state bodies. That officials at a ministry charged with adjudicating claims by migrants to stay and work in the country selectively permitted such applications, even in the face of illicit migrant practices, shows the widely prevalent state latitude to both permit and prohibit.

Back on another day in Mira Road’s police station with Rawat, I mention a contemporaneous scandal then unfolding in Delhi. In January 2014, the city’s law minister acted out his party’s vow to clean up putative lawlessness. He conducted a media-mobbed midnight raid, along-

side police, neighborhood toughs, and party supporters, of African homes in Khirki Extension. Ostensibly the minister was acting on complaints that Ugandan women residing there were illegal prostitutes; in his florid parlance, Khirki was a “den of vice.” Though lacking evidence or a police warrant, the minister oversaw the physically detention of several African women. In this confrontational milieu, some of these migrants were compelled to undertake invasive bodily examinations and medical tests. The raid publicly unearthed wider accusations and public complaints: that Africans dressed inappropriately, behaved lewdly, ate strange food, played loud music, and even ate human beings (Chatterjee and Vatsa 2014). For some weeks, the incident became national news and required diplomatic mediation when consular officials from several African nations protested.

The Delhi incident suggested an illiberal (if historically well-established) blurring of political impunity with state agents charged, in theory, with protecting civic rights. In our interview, a parallel collusion emerged: between righteous civic agitators and the official guardians of law and order. For in recent times, there has been agitation against foreign migrations by the Hindu nationalist Shiv Sena organization in the Mira Road and Bhayandar neighborhoods. For some decades, *shakas* run by the “Marathi first” Shiv Sena have been critical neighborhood nodes. These combine athletic and martial training for area youth with religious and moral instruction, and are commonly headed by prominent area residents. *Shaka* leaders in areas with high concentrations of African migrants, I learn, are known to aid the police as informers. In recent years, *shaka* leaders have threatened and even physically evicted Africans, often during contentious disputes with Indian residents. The police, Rawat admits, generally go along with these actions, as long as they remain relatively quiet, because such civic organizations are symbiotically intertwined with an enduring political presence. There are certain parallels with the quasi-official vigilantism of the Delhi episode: in both, state actors such as the police that are

formally outside of particularistic party agendas become entangled in the public expression of political interests.

Such police complicity with political agendas is common in India, as police forces fall under state jurisdiction, and parties can, and do, make transfers and promotions for intended or actual loyalty. The police themselves may not find in these conditions contradictory interests. Rawat does acknowledge the potential for abuse when civic actors, borrowing from a party’s political legitimacy, act with impunity in threatening, detaining, and even physically removing resident noncitizens. He says, sensibly enough, that “they should only act as ears and eyes, give us the necessary information, and let us take action when an African is committing some nuisance.” Later, however, he voices less qualified support for these efforts: “These Shiv Sena boys, they may also do something for the community. We should support that, na? What is the harm in it if they do good social work?”

The official dispositions and bureaucratic rationales described here show a range of other potentials in dealings with unauthorized African and Bangladeshi migrants. On the one hand, the myriad arms of the state, often with the help of outsourced mediators and local partners, do periodically enforce detention and deportation orders, such as in the raids done on Bangladeshi and African migrants in Mumbai’s northern suburbs. In this sense, contemporary Indian officialdom sanctions or prohibits undesired migration. On the other hand, police articulate a lack of bureaucratic incentive, technical coordination, or financial support to explain a dissonance in applying the law as written or policy as desired. State actors may show sympathy toward migrants and be in complicity with counterfeiting schemes that migrants employ. We have observed this in the episodic and uneven punitive practices of police and officials vis-à-vis foreign migrants. In these senses, the state sanctions (or permits) the continued presence of illegal migrants. This does not mean, however, that the state dissolves jurisdiction over migrant fates, or withdraws from its pervasive claim over sub-

jects. In colluding with forces that counterfeit state documents, and tacitly green-lighting influential civic constituencies such as the Shiv Sena, the state does not dilute its sovereignty or weaken its preeminence over law and order. Rather, it deepens its imprint as a preeminent authorizing entity, making the effort to sway officials' discretionary capacities to one's favor part of the everyday labor of living.

Conclusion

To sanction is to simultaneously permit and prohibit. In this article, I have used for double-edged official responses in contemporary India the term "sanctioning state." State actors, in dealings with unauthorized migrants, generally adopt a discretionary and circumspect approach. We have seen how officials and police, in certain Mumbai localities, conduct raids on homes and businesses in an effort to detain or deport migrants. In this sense, the Indian state sanctions, or prohibits, illegal migration, administering the law as intended. Yet other arms of the state turn a blind eye to (or abet the continued employment and residence of) illegal migrants, including by refusing to record their movements and whereabouts, and claiming lack of resources and bureaucratic and political will. The significant discretionary power of police in northern Mumbai—employed in active or passive form—helps to explain the continued visibility of unauthorized African and Bangladeshi migrants there.

In an effort to address this ambiguous potential within the state, an ethnographic study has been married to an examination of the state's evolution. India's bureaucratic practices, governing habits, discretionary authority, and differentiated citizenship regime, in this view, should be seen in light of earlier forms of bureaucratic organization and official functioning. Such a perspective underlines the ambiguous potential of the Indian "sanctioning state" in its dealings with noncitizens from Africa and Bangladesh, a double-edged capacity that alternately enables or disables migrants' presence.

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Notes

1. In this article, I describe migrants from Bangladesh and Africa who are obviously very different constituencies. As the focus here is on a certain discretionary and discriminating capacity within the state apparatus, I cannot do justice to the varied cultural conditions, legal entailments, sociospatial habits, and practical strategies that inform migrant-state encounters. The state does not interface with subjects in a uniform manner, and encounters are conditioned by performances, networks, and capacities that vary considerably. I should also note that the state actors described in this article use a varied nomenclature to describe the legitimacy and legality of migrant presence. I encountered terms such as "unauthorized," "illegal," "undocumented," and "noncitizen" used by state officials, sometimes interchangeably. This blurriness evokes the spectrum of tactics that migrants from outside India use to work in the country and evade deportation as illegal residents, from deliberately destroying identification documents to obscure nationality, to fabricating Indian ones to claim it.
2. Fieldwork was facilitated by funding provided by the Netherlands Organization for Scientific Research (NWO) to Willem van Schendel and Barak Kalir for their project, "The Everyday Life of State Deportation Regimes: India and the Netherlands Compared." I am grateful to them, as well as to Raphael Susewind and Bert Suykens, for their engagement with this research.
3. The sanctioning tendencies of the Indian state might be productively explored in other arenas of governance and sovereignty. Urban planning and law and order issues, for example, are marked by discretionary and selective state intervention. Competing and overlapping bureaucratic interests often intersect with outsourced authority invested in local figures to create a space for the state to sanction in an

alternately permissive and prohibitive manner (Hansen 2005; Weinstein 2014).

4. Statistics on Africans in India—due to the legal irregularities of some migrant trajectories, and the fragmentary and inconsistent record-keeping practices of officials—vary. Police stations in Mumbai keep numbers on foreign participation in certain crimes and within particular jurisdictions. For example, the Mumbai police's Foreigner's Branch, Anti-Narcotics Cell, and Anti-Trafficking Unit compile yearly figures on foreigners, including Africans, detained for legal offenses under their purview. Otherwise, to the best of my knowledge, no overarching body compiles residency figures for non-Indians resident or detained in the country. Consular estimates do not account for those Africans who reside in India beyond the duration of their visa, a category that includes most undocumented and deportable subjects.

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