

The House that Constitution Built

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The right to acquire/rent property anywhere in the nation is a fantasy fostered by the Constitution and the rhetoric of modernisation and urbanisation.

Let me begin with heresy. The Constitution of India is an attempt to impose a symbolic order/form over something traditional that cannot be ordered. This renders the Constitution a cultural fantasy of modernity, a script for a future, alternate and *possible* world rather than a set of observable directives for, or even commentaries on, the present—India's present remains governed by norms that pre-exist and resist Constitutional, legal ordering. A select few believed in the Constitution as a cultural fantasy of modernity, i.e. those like Terry Pratchett, Isaac Asimov, and Ursula Le Guin; for the worlds they create cannot exist in material reality within our known framework of laws. I take just one piece of evidence of the Constitution-as-cultural-fantasy: the Fundamental Right to 'to move freely throughout the territory of India; to reside and settle in any part of the territory of India' (Article 19: 1 (d) and (e), the Constitution of India).

The Constitutional fantasy (a.k.a. Right) is undermined by the material practice of *unhousing*. Given the various campaigns and discourses such as Marathi Manoos, the Telangana movement's now legitimised transfer of 'other' people out of the new state; and the 1980's-1990's Assam Movement, to name a few—does the Constitutional right (a.k.a. fantasy) mean anything? Exclusionary rental/ownership practices, the denial of housing to Muslims, minorities and people from the North-Eastern states, are now normalised: Emran Hashmi's 2009¹ complaint and Misbah Qadri in 2015² to name two. *The Hindu* filed its report under the heading 'Endemic Discrimination' on May 29, 2015³. In another case, a Councillor of the ruling party in Moradabad, "locked the house of Shahana Parveen with locks of his own and announced that he would not allow any Muslim family to stay in a Brahmin neighbourhood of the city"⁴. So, isn't the right to reside anywhere just a fantasy?

But there is another fantasy being circulated: 'smart cities'. Given that the Constitutional right of housing exists more as a cultural fantasy, are we to believe that smart cities will offer housing to

all castes, communities and religious identities? Or is the smart city the latest instantiation of the fantasy of the Right?

The smart city is a cultural fantasy for specific classes and clientele, where perhaps ethnic and religious identities may not deter you, if you are wealthy enough, from buying or renting prime space. It is also a cultural fantasy because it is predicated upon a set of rules within that sanitised space: money alone matters and if you have enough you can purchase ghettoized homogeneity. Would smart cities make provisions for caste and religion-based ghettos since such ghettos already exist, as Jeremy Seabrook noted in *People Without History*? (Shall we consign Seabrook to the garbage bin as one more Westerner saying horrible things about India, like Katherine Mayo, Mark Tully, Danny Boyle, Leslee Udwin and others?)

Homogeneity and the right to acquire/rent property anywhere in the nation is a fantasy fostered by not just the Constitution but the rhetoric of modernisation and urbanisation embodied in the idea of smart cities. Or perhaps the smart city can be sustained only through the *unhousing* of some groups and disenfranchisement of some others. Perhaps these cities are smart enough to quietly persuade some people, of say, differently angled eyes, for instance, or who wear prayer caps, that they would be *smarter* to not opt for Vrindavan or Regency or White Sierra gated communities.

Unhousing is the dirty material subtext of the cultural fantasy of smart cities, urban planning and the rights guaranteed by the Constitution. It is the Neil Gaiman 'neverwhere' to smart, modern London. Unhousing is the breakdown of the cultural fantasy of easy home loans as well. Unhousing is a counter social imaginary that undoes the Constitution's symbolic order or fantasy, by reverting to or re-asserting an older, more traditional mode of spatial organisation and ghettoisation. A fantasy, we have been told by commentators like Tzvetan Todorov, is plausible because given the nature of laws in *that* place, the events that occur are perfectly logical. But we cannot transpose them to *this* world where a different set of rules operate. In a world minus caste, religious and ethnic affiliations, the Constitutional guarantees work; but that is not *this* world, is it?

If the Constitution does indeed have a role to play in shaping the social imaginary of contemporary India, then how do we explain that its ideas and directives are more honoured in the breach? The Constitution is a set of aspirations, but the question is: did the makers of the Constitution *impose* these aspirations or did the aspirations emerge from a socio-cultural imaginary? If laws, like Constitutions, emerge from a cultural milieu then, given the breaches, one suspects it is the former because its aspirations and guarantees do not operate in the present cultural milieu.

The Constitution is an attempt at a pedagogy of socialisation characteristic of modernity, for which we are collectively unprepared. The question we have to ask is: does this pedagogy mitigate against traditional spatial organisation based on caste, community and ethnicity and

their forms of segregation? We might not be ready for a Constitutional modernity yet, since we are still grappling with what might simply be a premodern modernity.

Not everyone, it would appear, can own or rent the house the Constitution built.

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¹ Available at [http://www.dnaindia.com/mumbai/report-emraan-hashmi-alleges-he-was-denied-a-house-](http://www.dnaindia.com/mumbai/report-emraan-hashmi-alleges-he-was-denied-a-house-47441052.cms)

² Available at <http://timesofindia.indiatimes.com/city/mumbai/Muslim-woman-denied-flat-in-Mumbai/articleshow/47441052.cms>.

³ Available at <http://www.thehindu.com/opinion/editorial/reports-about-muslims-not-given-accomodation-in-indian-cities/article7256661.ece>

⁴ Available at <http://www.thehindu.com/news/national/other-states/bjp-councillor-locks-out-muslim-family-in-moradabad/article7330882.ece>