

Problematizing Privacy and Surveillance from the Streets of Delhi

Pariroo Rattan, April 2025
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Abstract: Two sets of arguments dominate the mainstream discourse on privacy in India. One position pushes for equal and robust rights to privacy for the poor. The view against privacy contends that privacy is an elite idea, and that the poor are willing to give up their data for better livelihood or welfare. Is privacy an elite (western) idea that the marginalized do not care about, or do they desire equal and robust rights to individual privacy? Or, is there a more complex explanation that is informed by the politics of precarity, sight and selfhood in the digital age? I interrogate these issues through a multi-year ethnography with street vendors in the Sarojini Nagar market and other street markets in Delhi to understand the perspectives and practices of those in the informal economy. I contend that individual privacy and surveillance are *not* the right terms with which to understand the trepidations of these marginalized communities when it comes to the politics of digital oversight. Instead, they are more concerned with the implications of digitization for *recognition* and *inspection* by the state, emanating from their history as precarious political economic actors. While street vendors maintain the myth of an autonomous individual to engage the state, they are simultaneously social subjects in kinship-caste-neighbourly relations with porous digital and material infrastructure exchange based on reciprocity. In effect, the mediation through the digital is based on dual imaginaries of personhood: of the citizens by the state (citizens using digital infrastructure and maintaining data trails as individuals) and the state by citizens (communal maintenance of digital identifications and infrastructures to fulfil the needs of their economic livelihoods, kinship obligations and be legible to the state).

Note: I have included more of the ethnography, quotes, interviews and empirical findings in this draft to encourage discussion how others might interpret and analyze the same evidence! I would also be grateful for references of related works. Thank you very much for taking the time to read.

Introduction

Since the late 2000s, India has seen unprecedented nation-wide digitization of governance and the economy. In 2009 a unique digital identification based on a biometric and iris scan, *Aadhaar*, was introduced to improve delivery of public services. Currently over 1.3 billion Indians are enrolled in Aadhaar. Coupled with the proliferation of low-cost android smartphones, the mid 2010s witnessed a major boom in internet usage with the introduction of

cheap mobile data, especially with Mukesh Ambani's Reliance Jio telecom company. Finally, in 2014 the Prime Minister launched the *Jan Dhan Yojana* (Financial Inclusion Program) which has resulted in the opening of more than half a billion bank accounts. These bank accounts have led to a further financial revolution in the country, and now the poor and the rich use digital payment apps for real-time mobile based transfers using the Unified Payments Interface (UPI) technology. Poor street vendors and beggars flash QR codes for even ten-cent transactions. The combination of biometric ID being used across government services, the proliferation of smartphones and cheap data, and widespread use of digital payment apps has meant that swathes of data are being collected about Indian citizens, including poor, informal workers and marginalized members of the polity who are often "off the grid" or "invisible" to the state.

These developments have spurred debates about issues of privacy and protection in India, leading to a landmark case that reached the Supreme Court of India in 2014 challenging the constitutional validity of Aadhaar. The petitioners included former judges, technologists, hackers, civil society commentators, human rights and constitutional lawyers, development economists and policymakers. Two sets of arguments dominate the mainstream discourse on privacy in India. One position pushes for equal and robust rights to privacy for the poor. It rests on the idea that the individual is the person to be safeguarded by the law and that selfhood is captured and informed by data and information. Privacy is then rooted in values of dignity, autonomy, democratic freedoms, and a universal respect for human values. Privacy and surveillance are protections of an imagined periphery around an autonomous self. The view against privacy contends that privacy is an elite idea, and that the poor are willing to give up their data for better livelihood or welfare. Some equates privacy with secrecy and others also

constructs privacy as a “Western” idea, focusing more on culture than class, that does not apply to the communitarian culture of India.

Is privacy an elite western idea that the marginalized do not care about, or do they desire equal and robust rights to individual privacy? Or, is there a more complex explanation that is informed by the politics of precarity, sight and selfhood in the digital age?

Both sets of arguments rest on assumptions that critical scholarship ought to interrogate further. Both assume what interests or properties are to be protected, what the spatial and epistemic zones of protection should be, and against whose intrusion citizens need protection. In this paper, I interrogate these issues through a multi-year ethnography with street vendors in the Sarojini Nagar market and other street markets in Delhi to understand the perspectives and practices of those in the informal economy. I study the uptake, imaginations and practices of Aadhaar biometric ID, the Unified Payments Interface (UPI) and associated use of (smart)phones by these urban migrant street vendors who operate at the boundaries of legality and illegality.

The paper complicates the two existing positions on privacy in India by studying the political and cultural conditions that shape street vendors’ relationship with digital oversight by the state and the private sector. I contend that individual privacy and surveillance are *not* the right terms with which to understand the trepidations of these marginalized communities when it comes to the politics of digital oversight. Instead, they are more concerned with the implications of digitization for *recognition* and *inspection* by the state, emanating from their history as precarious political economic actors. Digital visibility is a way of laying a claim on the state (recognition) to gain positive benefits, but it poses the threat of being caught or entangled doing illicit activities (inspection). Street vendors aspire for the state (in the abstract) to *see* its citizens in order to *know* the state of the polity, and make good governance and welfare decisions. This is

an imagination of the digital state as a social welfarist state, distinct from the extractive state embodied in local officials like the police, municipality and other private actors.

But while street vendors maintain the myth of an autonomous individual to engage the state, they are simultaneously social subjects in kinship-caste-neighbourly relations with porous digital and material infrastructure exchange based on reciprocity. The binarism of liberal conceptions of privacy, a purely private as opposed to public sphere operated by consent, breaks down. Instead, there is a porosity of data and digital infrastructure sharing with zones of openness or closure that are continuously managed. To some extent, this subverts the presumed logic of the Indian state as it tries to turn informal economic subjects into formal subjects, by “seeing like a state.” This illuminates the synthesizing argument of the paper. In effect, the mediation through the digital is based on dual imaginaries of personhood: of the citizens by the state (citizens using digital infrastructure and maintaining data trails as individuals) and the state by citizens (communal maintenance of digital identifications and infrastructures to fulfil the needs of their economic livelihoods, kinship obligations and be legible to the state).

Seeing, surveillance and the gaze have been analyzed in many modern contexts (Foucault 1977, Lacan 1988, Scott 1998, Zuboff 2018), but none have an informal economy of quite the size of India. Critical scholarship on privacy has tracked the liberal political ideas that elevate the significance of the individual and the private realm (Galison and Minow 2005) and its implications for self-making (Cohen 2013). In American context, for instance, privacy overlaps with property (Rao 2000), has risen to become a primary democratic concern (Coleman 2019) and produces citizen-subject relations conditioned by dual revolutions of the counterterror state and digitization (Masco 2017). In response, there has emerged a literature on decolonizing surveillance, which largely maps the colonial roots of modern identification and governance

systems (Sung 2019, McKinson 2019, Schnepf 2019, Dubrofsky and Magnet 2015). Another approach studies alternate perspectives on privacy and surveillance, like the notion of Ubuntu relational privacy (Reviglio and Alunge 2020) and the negotiation of privacy among displaced Timbuktuans (Hernann 2017). Payal Arora has explicitly called to decolonize privacy and surveillance studies by “questioning the normative understandings of selfhood, community and nation, juxtaposed against the territorial, ownership and propertied notions that pervade privacy discourse (Arora 2018: 4).” My paper takes a step back from some of these works to study ethnographically what being seen digitally *means* to street vendors; how, by whom and why they want to be seen and known.

I proceed, first, to lay out the status of privacy under Indian law with an analysis of the Supreme Court case on the right to privacy as well as responses to it from varied quarters. I then turn to my ethnography with street vendors and elaborate on their struggles to be seen by the bureaucratic state and on the myth of the autonomous individual as observed in India’s informal economic sector. I end with a discussion and conclusion on how dual ideas of personhood stabilize the workings of digital governance.

Background on privacy jurisprudence and *Puttaswamy v. Union of India* (2017)

The 2010s saw robust debates among academics, lawyers, civil society, economists and activists on the stakes of privacy for Indian citizenship. The discussion centered around a case that rose to the Supreme Court. In 2012 former Justice K.S. Puttaswamy filed a petition challenging constitutional validity of the government’s Aadhaar scheme on the grounds that it violated the right to privacy. On August 11th 2015, a bench of three justices passed an order saying it must evaluate whether citizens have a fundamental right to privacy, building on the

historic cases *M P Sharma v Satish Chandra, District Magistrate, Delhi*, 1954 (Eight Judge Bench) and *Kharak Singh v State of Uttar Pradesh*, 1964. The Indian Supreme Court in 2017 examined the right to privacy in the abstract. Based on the 2017 judgement in 2018, the Supreme Court examined the constitutional validity of the Aadhaar Act. The Court upheld the law's constitutional validity of the stating it does not violate the fundamental right to privacy. However, it struck down individual provisions as unconstitutional, such as private entities insisting on Aadhaar as a precondition for providing services.

While the term “privacy” is absent in the Indian Constitution, the history of privacy jurisprudence has evolved through several landmark Supreme Court cases. In particular, the *M.P. Sharma v. Satish Chandra (1954)* case arose when the petitioner challenged the constitutionality of the search warrant under the Criminal Procedure Code (CrPC) by contending that the search violated their right to privacy and protection against arbitrary searches. The court held that privacy was not a fundamental right in the Indian Constitution and emphasized the state's authority to conduct searches and seizures under valid legal procedures. In *Kharak Singh v. State of Uttar Pradesh (1963)* the Court evaluated whether the police could visit habitual or potential criminals in their homes at odd hours. The Court reasoned that the visits violated the right to life, but it held that the right to privacy was not explicitly protected under the Constitution while acknowledging that aspects of personal liberty were linked to privacy. In *Maneka Gandhi v. Union of India (1978)*, journalist and activist Maneka Gandhi's passport was impounded by the government without being provided a reason. The Court ruled this unconstitutional on grounds of the right to life and personal liberty and significantly expanded the interpretation of the fundamental right to include fairness, reasonableness, and procedural safeguards. The Court emphasized that personal liberty includes the right to be treated with dignity and the right to

make informed decisions about one's life choices—which proved key to the eventual privacy case. While smaller bench decisions like *Gobind v State of Madhya Pradesh* (“Gobind”), *R Rajagopal v State of Tamil Nadu* and *People's Union for Civil Liberties v Union of India* did uphold the right to privacy, the Court in 2015 suggested that it to be better that “the right to privacy is either asserted or referred be examined and authoritatively decided by a Bench of appropriate strength” (7: 4/13 paragraph).

The Position in Favour of Privacy

Overturning some of these historic cases, a nine-judge bench of the Supreme Court in the landmark *Puttaswamy v. Union of India* (2017) case unanimously ruled that “the right to privacy is intrinsic to the right to life and personal liberty” (71, para 168). The 547-page judgement guaranteed privacy as a fundamental right under Article 21 of the Constitution and declared “privacy is the constitutional core of human dignity.” How did the Court come to this conclusion and what assumptions did the judgement make on the relationship between selfhood, data and citizenship? In this section I examine how privacy is conceptualized by the Supreme Court judgement, and by activists, economists and lawyers in similar support of privacy.

The Indian Supreme Court's judgement on privacy, following the categories of secular modernity's archetypes that inform the Indian constitution, emphasizes the individual as the unit to be safeguarded by the law¹. The Court theorizes society as a sum of individuals, “the individual is the focal point of the Constitution because it is in the realisation of individual rights that the collective well being of the community is determined.” Unlike Durkheim's “collective consciousness” where he argues society is more than the sum of individual acts, or Marx's idea

¹ The judgement reads “The individual lies at the core of constitutional focus and the ideals of justice, liberty, equality and fraternity animate the vision of securing a dignified existence to the individual. (93)”

of society as a sum of interrelations in which individuals stand², the Supreme Court of India propounds a Lockean idea where society and government are founded on the individual rights and consent of its members. In fact, the Supreme Court judgement explicitly mentions the writings of Locke (page 42). Peter Galison and Martha Minow note the liberal origins of such a social contract, “The roots of privacy in specifically liberal political ideas serves to elevate the significance of the individual.... and constrain the state to protect individuals through laws and rights (Galison and Minow 2005: 278).”

Second, the Court articulates a notion of privacy rooted in the values of dignity and autonomy to the individual. The Court writes “privacy ensures that a human being can lead a life of dignity by securing the inner recesses of the human personality from unwanted intrusion (109).” This is a view of the individual as wholly capable of thought and action outside of society’s interventions. The Court explicitly mentions Kant in its judgement, who famously believed that true moral actions come from individuals who act according to rules they have chosen for themselves, which became the basis of his Categorical Imperative. The lack of privacy in its liberal ideal denotes a “reduced scope for self-making” (Cohen 2013: 1911)³. Following this, the Court ruminates on the relationship between privacy, information and the individual. It constructs personhood to be captured and informed by information. The Court argues that “in aggregation, information provides a picture of the being: of things which matter and those that don’t, of things to be disclosed and those best hidden (248).” Just the Court constructs society as a sum of individuals, the individual is a sum of information. The Court

² Marx famously said “Society does not consist of individuals, but expresses the sum of interrelations, the relations within which these individuals stand.”

³ Unlike the American conception of privacy and property as overlapping with one another (Rao 2000), the Supreme Court of India focuses on dignity and autonomy as the stakes of protecting privacy.

diagnoses that the individual is the right unit to control information, and that it is the role of the state is to create conditions for the individual to possess control over information⁴⁵.

Interestingly, the judgement relies heavily on the historical and contemporary jurisprudence on privacy in the United Kingdom, United States, South Africa and Canada (Sethi and Ramesh 2017). The Supreme Court finds that whether Constitutions explicitly mention privacy (South Africa and Canada) or not (US) that the scope of privacy has been expanded and developed over time by Courts from thinking about property and physical invasion to telecommunications, sexuality and surveillance. The Supreme Court of India examines the decisions of the European Court of Human Rights, the Court of Justice of the European Union and the Inter-American Court of Human Rights. The judgement also draws on and engages with legal scholars Julie Cohen, Michael Dorf, Catherine Mackinnon, Ronald Dworkin, Laurence Tribe, Anita Allen and Helen Nissebaum. The judgement explains “Despite cultural differences and disparate histories, a study of comparative law provides reassurance that the path which we have charted accords with a uniform respect for human values in the constitutional culture of the jurisdictions which we have analysed. These values are universal and of enduring character (193).” The Court constructs a universal value system that governs a supposedly universal citizen-subject, drawing from progressive jurisprudence countries across the world.

Activists, scholars and civil society actors have also participated in this public discourse. Development economists like Reetika Khera and Jean Dreze have opposed Aadhaar on the grounds of surveillance, the right to dissent and access⁶. The second line of critique has been

⁴ It explains that “informational control empowers the individual to use privacy as a shield to retain personal control over information pertaining to the person.”

⁵ A 2017 article cited by the Court, an article titled “A Typology of privacy” published by the University of Pennsylvania Journal of International Law includes the notion of “informational privacy which reflects an interest in preventing information about the self from being disseminated and controlling the extent of access to information.” (203)

⁶ They have conducted important work to document how digitization breaks down and excludes the poor from welfare (Dreze, Khera, Dey, Roy)

from the likes of legal and human rights scholar Usha Ramanathan and hacktivist Srinivas Kodali, who were directly involved in the petition to the Supreme Courts:

“Telling a citizen that I will penalize you because you will not give me information about yourself that I wish to have, is an extraordinary thing for a state to do..... This is a way of [the government] turning it [the argument] around to [the citizen] to say that you have to explain why you have a right, which is a fundamentally flawed approach. I have a right whether I like it or not, whether you like it or not, whether I use it or not.” (Usha Ramanathan)

“What we are witnessing now is the idea of spycraft becoming part of statecraft, where the nation state uses it against its own citizens.” (Srinivas Kodali)

Above are quotes from Ramanathan at her keynote at a MediaNama event in 2022, which go beyond defending privacy on the grounds of individual autonomy and freedom. She questions the knowledge and power relation being set up between the citizens and the state, and raises the stakes of privacy debates to be about the state’s respect for the citizen rights and laws. Ramanathan rejects the idea that a state ought to know its citizenry or can coerce its citizens into providing the state with information about themselves.

Finally, is the question of how Courts and critics think about privacy for the poor. The Court and progressives have negated the very framing of the tradeoff between economic and civil rights. Instead the Court argues that economic prosperity goes hand-in-hand with civil rights, “.. conditions of freedom and a vibrant assertion of civil and political rights promote a constant review of the justness of socio-economic programmes and of their effectiveness in addressing deprivation and want. Scrutiny of public affairs is founded upon the existence of freedom. Hence civil and political rights and socio-economic rights are complementary and not

mutually exclusive (216).” One of the core tensions among the progressives is in balancing the values of transparency and privacy as coming into conflict with one another. Transparency has been an important value in India after the rise of anti-corruption campaigns by Anna Hazare and Arvind Kejriwal (Citizen Ombudsman Bill), with a long history of the Right to Information Act (RTI) that promotes accountability in government by enabling citizens to seek information from public bodies, which is also currently being debated as part of the Data Protection Act. Overall, the pro-privacy position in the Indian context constructs a rights-baring individual whose autonomy and liberty are tied to upholding the value of privacy. Privacy is tied up with essential fundamental rights such as the right to life, dignity and freedom to dissent. In other words, privacy needs to be preserved for the actualization of a citizen’s constitutional rights. This position sees the self as being known through data, and the virtual self as being able to meaningfully interface with the world.

The Position Against Privacy

The Attorney General, KK Venugopal, in defending the Union of India during the *Puttaswamy* case argued “Some citizens cannot agitate against Aadhaar, saying it is a violation of their right to privacy. An elite few cannot claim that their bodily integrity would be violated by a scheme which serves to bring home basic human rights and social justice to millions of poor households across the country[10].” There have been accusations that the demand for privacy is “elite”, or as some have argued, “Western.” In response, there has been discussion on how to understand privacy from the perspective of the “poor” or against the backdrop of “Indian culture”—both of which I elaborate on separately.

The Economic Survey of India (2018-19) advises that “in thinking about data as a public good, care must also be taken to not impose the elite’s preference of privacy on the poor, who care for a better quality of living the most.” “Elites” are often called out (ironically, by other elites) for misunderstanding the needs and views of the poor. Aadhaar advocates claim that the poor are unconcerned with surveillance either because they are too busy trying to earn a livelihood or that they are willing to give up on privacy if it means better welfare delivery. This was in similar vein to arguments for the Union government in the Puttaswamy case by Attorney General Venugopal submitted that “it would be difficult to uphold the right to privacy as a fundamental right in a developing country like India where there were bigger concerns of malnutrition, human trafficking etc” (Supreme Court Observer)⁷. The Economic Survey and Attorney General make the normative assumption that while information belongs to the individual citizen, citizens are willing to give up their information in exchange for “better lives.” It also means that a binary trade-off is set up between civil guarantees (right to life, freedom from trafficking, right to food etc) and the preservation of privacy.

The other line of argument takes the form that privacy is a Western invention and does not map onto Indian culture. For instance, the Digital Empowerment Foundation, in a 2017 piece titled “Understanding the Lack of Privacy in the Indian Cultural Context” suggested that there is “little understanding of private lives in India where almost every part of one’s lives is open to, intertwined with and dependent on a family, a community, a village or a society.” An article in *The Mint* details common cultural instances of violations of individual privacy: the mobile phones of girls are inspected and policed by her family, locking the door of a bedroom by a child is frowned upon, community members want to know the most intimate details about marriage

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<https://www.scobserver.in/reports/k-s-puttaswamy-right-to-privacy-hearing-report-day-3-arguments-k-k-venugopal/>

and weddings, Indians will often call out their debit card pins to waiters in restaurants, and seeking private information about another is not deemed “interference.” The piece differentiates privacy from secrecy, and urges that “Indians need to understand that privacy is not about what you want to hide but what others need not see.”⁸ In short, this cultural essentialist line of argument asserts that Indians have no “culture of privacy.” The law is seen to override this cultural reality, as is illustrated by the Huffpost article titled “Indians don’t care about privacy, but thankfully the law will teach them what it means—three cheers for western ideas.”⁹

This position critiques privacy as a western or elite idea, but in turn rejects control over one’s information altogether. This is a facile argument. As I will show in the remainder of this article, inhabited worlds have theories of selfhood, knowledge and closure. Societies in which the self is tightly entangled in other selves are increasingly confronted with technologies designed for individuals. I now turn to my ethnography with street vendors in Delhi to see how the self as a social being confronts digitization and the stakes of privacy.

The Politics of Sight from the Street

Sight and seeing have long held religio-cultural associations in the Indic tradition, many of which I saw in practice in the street markets. A gaze can have a deeply transformative potential depending on which authority is doing the seeing. The evil eye, *nazar*, is a commonly held belief that someone’s negative gaze or intent can bring misfortune or bad luck. Many street shops, no matter how temporary, small or make-shift, often have an evil eye amulet made of one lime and

⁸ <https://www.livemint.com/Opinion/rM3vgXErD5oWiv12IEaKcK/Privacy-and-the-Indian-culture.html>

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https://www.huffpost.com/archive/in/entry/indians-don-t-care-about-privacy-but-thankfully-the-law-will-teach-the-m-what-it-means_in_5c10c6c0e4b09dcd67fc26df

seven green chilies threaded together and hung near the shop. The tradition is said to stem from the belief that Goddess Alakshmi (associated with poverty and misfortune) is repelled by spicy and sour foods, but acts as a protection from anyone's evil eye. On one occasion Saroj, a street vendor whose family I spent the most time with in the Sarojini market, shooed away a bystander. She turned to me and explained "He casts the evil eye on our shop. He'll say 'Oh, look, so many water bottles are sold here.' I won't let him stand here."

Darshan, derived from Sanskrit *Darshanam* literally translates to sight or view, is an auspicious sighting of a deity (for instance, in a sacred shrine) or a holy person that bestows blessing and merit. *Darshan* is a reciprocal experience of seeing and being seen by the divine, and in a Hindu temple often involves going into the inner sanctum, *garbhagriha*, where the deity is placed. A Hanuman temple is located near Gate Number 1 of the Sarojini Nagar market around which one of my ethnographic interlocutors, Radha, the Nepalese *chai* (tea) vendor, sets up shop. She often talked to me about how momos, steamed dumplings sold by many Nepalese migrants, earn a much better income than *chai*. When I asked her why she does not then sell momos, she said "I am in the gaze of the temple. I cannot sell non-vegetarian food," exhibiting her particular strain of caste and purity. Another important Indic tradition restricting sight is the *purdah*, which literally translates to veil, and involves concealing women from public observation either through a cloth veil or through curtains and screens in the home. It is a Hindu and Muslim tradition (which has differences) of being invisible to those who one might not want to show themselves to, and creates an inside-outside boundary between what is seeable and transparent, or impenetrable and opaque. Another related idea is the *ghoonghat*, which is a head or facial clothing covering, typically by married women as a symbol of modesty and respect. Being seen, partially seen, or being invisible or opaque, therefore, has important transformative cultural

histories. A field of knowledge is created based on what is seeable and non-seeable, and the interesting question for the purposes of this paper is what it means for street vendors to be seen by the state. I now proceed to show how seeing is tied in with the possibility of recognition, and laying a claim on the state.

1. Recognition and Laying a Claim on the State

Street vendors in India “dance on a razor’s edge of legality (Anjaria 2016)” while being vital to the provisioning of the city. The roots of their precarity lie in their status as belonging to the informal economy without well-defined vending spaces and property rights to carry out their trade. In contemporary India, urbanization coupled with rising rates of migration out of villages has contributed to a rise in street vending. After the economic reforms of the 1990s, foreign competition and a decline of the manufacturing sector led to a sharp increase in the informal economy. Many of the rural poor turned to urban street vending, buying goods at wholesale prices outside the city and taking up spaces in urban areas for part of the day to sell their goods. The Sarojini Nagar market, my primary fieldsite, is located in Central Delhi, near an elite government residential neighbourhood. While the permanent shops are housed by Punjabi refugees post the partition of India and Pakistan, street vendors are migrants from many states in North India: Bihar, Uttar Pradesh, Bengal, Rajasthan, Madhya Pradesh, Nepal and more.

Even though they were being absorbed into a centuries old trade, it was not possible for street vendors to acquire legitimate titles and resources in the city. City authorities provide slums and street markets with water, sanitation, electricity, police security, creating “paralegal arrangements” for migrant workers “without jeopardizing the overall structure of legality and property” (Chatterjee 2004). While a few vendors have permanent licenses (“*Tehbazari*”), most

street vendors either have a stay order by the Court that provides them temporary relief or have tickets from the Municipal Corporation to prove that they indeed have vending shops in the market. Irrespective, street vendors need to pay weekly bribes to local officials to keep their vending space, face multiple daily inspections by both the police and municipality, prepare temporary structures that they can pick up and run away with their shops during inspections, get into violent confrontations with one another about vending space, have their shops and goods regularly confiscated, and are under the continuous looming threat of permanent eviction. Purely in terms of legality, however, more often than not hawking is considered an illegal activity and hawkers are treated as criminals (Bhowmik 2010). The combination of a state which creates paralegal arrangements for street vendors but continues to treat them as illegal or illegitimate created ripe conditions for exploitation in the form of bribe-seeking, eviction and harassment.

After years of struggle by trade unions, activists and civil society, the Street Vendors Act 2014 was passed in the Parliament of India guaranteeing the legal right to vend. Under the Act, a survey needs to be conducted to allot proper vending spaces to street vendors. “This Act has sent vendors to the gallows to be hung,” a member of the National Hawkers Federation told me. But even after a decade, the state of street vendors has not changed. Harassment by the municipality and police in the form of bribe-taking, eviction, confiscation of goods continue to be great challenges faced by street vendors. Officers from the New Delhi Municipal Council (NDMC), colloquially termed the “Committee,” inspect the market three to four times a day to make sure “illegal” street vendors are not taking up space. By the time the Committee arrives in the market, a tremor and a frenzy can be felt through the streets. Many street vendors frantically begin to tear down their shops, collect their goods, bring in any shop extensions, put away tables or other infrastructure and run. They run most often towards the backside of the market where they are

out of sight of the municipal officers. The inspection by municipal officers is like witnessing a domino effect: one by one street vendors without permanent documentation start frantically packing up their shop and running out of sight. It is not uncommon for municipal officers to catch vendors with precarious legal status and evict their goods, fine them or demand a large bribe. When their goods get confiscated, street vendors have to pay a large fine to retrieve them, and often, they do not get the goods back. When street vendors lose their goods, their credit cycles with wholesalers in turn are seriously disrupted. Apart from inspections and eviction, street vendors covertly pay a weekly bribe, known as the “hafta,” to the police and municipal officers to allow them to continue their trade. The law is as only meaningful as it is enforceable—formal legal rights in the form of the Street Vendors Act 2014 did not give them moral standing and authority.

Challans or tickets that street vendors receive from the municipal corporations upon eviction of goods end up being crucial proof of livelihood for street vendors. In 2011, the High Court of Delhi granted stay orders to street vendors, allowing them to sell temporarily. The main evidence accepted by the Court that an individual was indeed a street vendor was in possession of a ticket of eviction. If a vendor had successive tickets from the New Delhi Municipal Corporation for evicted goods, that counted as proof of livelihood. In effect, the ticket signifying illegal activity and penalty became the means of granting them legitimacy. Street vendors reported to me that sometime after 2011 the municipality might give vendors tickets and charge them fines, but not write the name of the street vendor on the ticket. As one vendor told me:

Until 2011 the New Delhi Municipal Corporation was giving tickets with the names of street vendors on them. Now, they have stopped writing the vendors’ name, they just write ‘unauthorized’ in the name section. The bureaucrats do not want any poor vendor to

claim their rights or use the ticket as proof of work, address or identity. They do not want us to progress, because then their pockets will not get filled with bribes.

In this manner, local bureaucrats do whatever they can to *not see* and therefore *not recognize* the street vendor. The attempts to be seen and entered into the records of the state are continuously quashed.

The search for legitimacy and proof is a lifelong quest for street vendors. In turn, street vendors do whatever they can to be seen and recognized by the state's authorizing instruments: surveys, identifications, documents and certificates. Street vendors rush to collect any new ID being released by the state. "One should always keep all kinds of ID, Voter ID, PAN Card, Aadhaar card, at any time one might need to use any of them... If you don't have an ID, you will get discarded. I used to have 8 voter IDs, but Aadhaar cannot be duplicated. And a ration card will not work at multiple places but Aadhaar can be used everywhere," remarked Mohammad Rabban, a muslim tailor from the Arjun Nagar market in Gurgaon¹⁰. When the Aadhaar biometric identification was introduced, despite its novelty of nation-wide collection of biometric and iris scans, street vendors enthusiastically enrolled. "Aadhaar is good, it is my identification (*pehchan*). Where one is from, where one's house is etc. You can get ration with Aadhaar. My wife has one and I have one," a garlic and ginger seller in the Vasant Vihar night market explained to me¹¹. After the overnight COVID lockdown announced by the Prime Minister, and the disaster of migrant workers walking back hundreds of kilometers to their villages, the "eShram card" was introduced to create a digital database for migrant workers in the country. No substantial benefits were being given but many street vendors told me they signed up because it

¹⁰ Interview on 11 January 2023

¹¹ Interview on 18 January 2023

“could be counted as proof of legitimacy” or “may be deemed an important proof in the future”. Another instance is the survey to be conducted under the Street Vendors Act 2014, which increasingly has greater possibility of surveillance. Street vendors are now asked for Aadhaar cards, and recently two IT companies were brought on board to conduct digital surveys and distribute “Smart IDs”. The state sees the street vendors when they want to extract bribes and furnish services for urban dwellers, but turns a blind eye when it is a matter of enforcing their legal entitlements. Being seen through the right instruments of the state is a prerequisite to being recognized: given rights or entitlements that they need to be legitimate in the eyes of the state.

During the COVID lockdown the central government announced a PM SVANidhi loan scheme, “to facilitate collateral free working capital loans” and to promote digital transactions. The loan scheme started with providing Rs. 10,000 to street vendors; then those who paid back the first loan in time with interest were offered Rs. 20,000 and finally Rs. 50,000. The interest was at 24% with a 7% additional interest subsidy and cashback offer to street vendors who used digital payment apps. While the intention of the scheme was to restart street vendors’ credit cycles, my ethnography revealed that many street vendors found the loan to be burdensome. “If I get Rs. 10,000 and have to pay back nearly Rs. 11,000 then what is the point? It’s not like the government is giving me money as a grant. If I make any errors paying back the installments, then the government and banks will get after me. I didn’t want to get into this mess,” explained an older street vendor Neeraj.

However, despite this common sentiment, many vendors still took on the loan for the sake of the certificate issued by the Ministry of Housing and Urban Affairs with Prime Minister Modi’s photograph on it that they received along with the loan. “The certificate can act as a kind of proof... that I am here/I exist. It could be useful in the future,” Neeraj said exhibiting a spatial

sense of being—I am in place, therefore I am. Instead of the loan acting as much-needed pandemic relief, sending back monthly installments digitally in time turned out to be additional stress they had to undertake to get the certificate. A few weeks after this conversation, a video went viral in the market: it showed a street vendor in Delhi who had the PM SVANidhi loan scheme certificate being beaten and evicted by a municipal officer. “Even a street vendor who has this certificate, with a photo of the Prime Minister on it, is being treated this way,” Mohanji from the Sarojini Nagar market remarked. The promise of visibility and recognition through certificates and documents are routinely shattered, but street vendors continue to invest in them for the remote chance that their illegitimate existence will be made legitimate with the one right piece of documentation.

What does this imply in terms of understanding why street vendors want to be seen by the state, and why they do not have a negative view towards state surveillance? The liberal notion models being seen by the state as the state being able to lay a claim on citizen—of taxation, compliance, discipline, legality and so on. In the case of street vendors, being seen by the right entities of the state allows street vendors to make a claim on the state. If they are seen and recognized, they can ask the state to free them of harassment, networks of bribery, to allot them proper vending spaces, rights such as the right to vend, security, protection and so on. In the liberal notion, the state as a whole is an extractive entity, and the efforts are towards limiting the powers of the state to surveil. In the case of street vendors the municipal officers and the police act as an extractive state when they are not formally seen and recognized. The aspiration is that being seen through the tools of digital governance will give them the recognition that enables a relationship with the state where they have rights and entitlements. Next, I turn to evaluating the moral politics of transparency in the contemporary Indian context.

2. Transparency, Inspection and the State as a Force of Moral Good

Digital payments were popularized after a major political and economic experiment by Prime Minister Modi in 2016: demonetization. In a remarkable exercise of the state's sovereign exceptionalism (Schmitt 1922), Prime Minister Modi announced an almost overnight "demonetization" of some of the nation's most common currency, declaring that Rs. 500 and Rs. 1000 currency notes would cease to be legal tender in India. In his speech to the nation announcing demonetization, Modi explained how India's economy is growing rapidly but "the specter of corruption and black money" (black money refers to the cash economy, signifying corruption) has "weakened the effort to remove poverty." While the freezing of economic activity and the sudden drop in purchasing power seriously affected trade in the market, most street vendors told me they were in favour of demonetization and the introduction of digital payments. Why was this the case?

"There was discomfort for a few days but demonetization affected the corrupt and terrorists. In this country, corruption is filled to the brim. With demonetization the black money/illicit activity (*do number ka kaam*) had to come down," reported an old-time street vendor, Sharmaji, from the Sarojini Nagar market¹². Street vendors, like most citizens, use a specific vocabulary to denote licit and illicit economic activity: *Ek number ka kaam* (transliteration: Number 1 work) and white money represent licit activity. The alternative is *Do number ka kaam* (transliteration: Number 2 work), black money and cash circulation which represents illicit activity. *Chaar Sau Bissi* (referring to the number 420) is also used to refer to money exchange in illicit activities. When I asked street vendors why they think the government is pushing for digital payments they would often respond saying, "It is so that the proliferation of

¹² Interview on March 1, 2023

black money and illicit activities is reduced... I think it is a good thing.” A street vendor in Gurgaon remarked that “With the Aadhaar card linkage (to digital payments), black money is seen very clearly,” illustrating the connections street vendors draw between sight, visibility and cracking down on corruption¹³. Cash-based bribery and extortion are everyday experiences of street vendors, as one of them explained “If all transactions become digital then this issue of having to pay a weekly bribe to the municipality will come to an end. That’s why I like digitization....” Being seen is the first step to tracing down the corrupt—an anti-elite populist move. The transparency brought about by digital payment is seen as a virtue against the background of black money circulation, bribes, tax evasion and other such illicit activity. Street vendors believe that a black economy exists that the imagined digital state can root out.

“The same way that guardians ought to know what is happening in the lives of their children, so they do not get into bad company or wrong habits, the government ought to know what is happening with its citizens,” a street vendor fervently remarked to me. When I asked what she feels about the government having all the “details” of citizens through digital IDs and payments, Saroj didi said “Ultimately it is the government that gave our empty stomach food during COVID, right? It is beyond your and my capacity to be able to provide such things.... We have to do things according to the government.” The same street vendor who sells street food and has a dutiful son complained, “The state needs to see and to know to govern well.... but despite all the information the state doesn’t do anything. There is such grave unemployment, inflation is skyrocketing... My gas cylinder price is off the roof. After having all this information the state should do some good work... The state can do everything if it wants to, but all it wants to do is play vote-bank politics and win votes.” Note that the vendor does not take issue with the

¹³ Interview on January 16, 2023 at Conscient Mall

state possessing information about its citizens, but that it does not put the data to good use for governance purposes. “You see, privacy is important but if you have to run the country... If everything is private for everyone... you see, people here are not so honest. It is important to open up big companies. For the economic state of the country, it is important to shake things up. The government only ends up targeting the small, honest person. Politicians will maintain their own privacy (in the Swiss bank) but will open up other’s information.” At stake is an articulation of “the state” in the abstract as a social-welfarist force of moral good that ought to know its polity and its criminals, but despite all the data and information can fail to do its job. Unlike the police officer or municipal officer who embody the extractive state that can target street vendors specifically, digital visibility to the abstraction of “the state” is deemed to be necessary for good governance.

While transparent digital payment systems are lauded by street vendors as a societal intervention, they too come under the radar of the state. I found an acute awareness of how all their payment and governance records are visible to the state, “Everything is linked to the Aadhaar card (they use the English word “link”)... The government is aware of everything,” Sharmaji explained to me in a conversation at the Sarojini Nagar market¹⁴. When I asked street vendors if they are comfortable with the government’s ability to “see” their various transactions I got an interesting set of responses. “If we do something wrong, only then will I feel fear.... I do not have any problem, I don’t make a large income and have no tax issues,” a flower seller in the Arjun Nagar market in Gurgaon proudly told me. “What is the problem with all my details being with PayTm (the payment app)? It’s my money. It is not like I am doing some kind of illicit activity that I need to be afraid of the state... Only the corrupt are pained (*Jo bhrasth hai, ussi ko*

¹⁴ Interview on April 10, 2023

kasth hai). Any honest man can be checked. They will never find anything in a poor man's house, we have nothing to fear" two brothers who run a clothing vending stall in the middle of the Sarojini Nagar market explained¹⁵. Some would interpret my question from the taxation angle, like Ramesh during an evening chai with a group of vendors at the outskirts of the market. He said "My digital payments are all below the taxation limits, I only earn about nine or ten thousand rupees, so there is no trouble for me." Others would put it quite plainly, like the tailor at the Arjun Nagar market in Gurgaon "the government should have all the details, it is people who are bad that are afraid of data."

The notion that "I have nothing to hide" is a striking response to the prospect of being seen by the state. Analytically, it begs a theoretical displacement from the problem of *surveillance* to the terrain of *inspection*. The threat of being seen by the state for the street vendor is in being caught violating a law or rule, and the state in-turn catching the violation and shutting down their livelihood. The state is inspecting the street vendor by turning its gaze towards them—scrutinizing or examining them with tangible consequences for violations. Physical inspection is, as I have described above, something street vendors are subject to everyday by the police and municipality with high stakes threats of eviction and extortion. The digital gaze of the state is understood in that same light, but in the domain of checking for illicit money transfers, tax evasion, and so on. It places citizens in a relationship of interrogation by the state. That is, the state has the right to know the actions and activities undertaken by citizens. It sets up a relationship where citizens are unwilling to be transparent, they must either be criminals, terrorists, thieves, or other malicious members of society. The threat of inspection is very different to the paranoia of surveillance, of being watched and gathered information about all the

¹⁵ Interview on Jan 12, 2023

time. Temporally, surveillance is a slow burn, long term collection of data to thereby exercise control over citizens. Inspection, on the other hand, is a scrutiny or evaluation with the purpose of making a judgement or taking action. Inspection implies a kind of relationship between the citizen and the state where the citizen has to continuously prove themselves as innocent and law-abiding-- hence the defenses by the migrant street vendors saying that they are poor and honest workers¹⁶.

But this is not to imply that street vendors are always comfortable giving up personal information to state and non-state actors. In fact, on many occasions street vendors go to far lengths to protect their digital information. Saroj is a street vendor who sits at the periphery of the Sarojini Nagar market's Gate Number 1. Her husband fell into a serious mental disorder a few years ago, so her and her sons set up small shops with hair bands, clutches, junk jewelry, fake plants that they make in their slum across different parts of the market to earn a living. Saroj has been in the market for about a decade. But sometime in 2023, another female street vending selling momos (street dumplings) set up shop next to her, with the assistance of a local market leader. Saroj was very frustrated by this momo shop, both because it crept into her space and she was annoyed that her customers would be bothered by the smell of the food. Saroj and the momo vendor would often get into arguments, and hurl abuses at each other.

One morning, the matter got particularly heated and they got into a violent fight. They ended up tearing each other's clothes, and their families also got involved in the violence. The police soon came to break up the fight, and arrested Saroj's 21 year old son. He stayed overnight

¹⁶ Relatedly, after the passing of the discriminatory Citizenship Amendment Act (CAA) that gives citizenship to religious minorities from neighbouring excluding Muslims, Muslim communities rushed to get their identity documents in order, fearing inspection.

in Tihar jail in New Delhi, and the next day Saroj and her brother-in-law went to bail him out. The police released him after extracting a bribe from Saroj but kept his smartphone. The next day when Saroj's son asked for his smartphone, they said they would release the phone after seeing his Aadhaar identification. Saroj and her son were very wary about this. "No way, there's no way I am letting my son give the police his Aadhaar," Saroj told me. Her son explained to me "They asked for my Aadhaar card as proof to return my phone. I refused to give it to them.... They might entangle me in some other crime that I haven't done if they have my Aadhaar details like this." Eventually they begged and bribed the police to release the phone. Note that by law, the police cannot a..... Though this anecdote of the street vendor hiding and protecting their own digital identity from the state, it is the possibility of inspection that opens up by giving the police their digital record that worries them. The corrupt police have, in their view, the potential to permanently damage the criminal record through the digital system and they go to great lengths to curtail that.

The view of the state's digital oversight is also in sharp contrast to street vendor's view of private actors offering digital services. A worrying trend that street vendors report with digital payments is the rising rate of digital fraud and cyber-crime¹⁷. "Our half-knowledge about using digital payments makes us especially susceptible to cyber-crimes," a woman street vendor who makes tea explained to me. Digital loans in India have taken a dark turn. As a result of digitization, many predatory loan apps emerged in the market who charge exorbitant interest rates. "I stopped taking loans from the digital payment app after the first time. It was a horrendous experience for me," explained Mansoor, a clothing street vendor in the Sarojini Nagar market. "When I missed a couple of payments, the digital loans company started going

¹⁷ <https://www.deccanherald.com/opinion/the-deadly-noose-of-loan-apps-3215954>

through my phone itself. They went through my phone directory and started calling my relatives, some of whom lived in the village, and telling them I have not paid my loans and hurling abuses at me. They would call me incessantly, but I would get phone calls from my relatives that they are being harassed. I did not sign up for any of this when I took on the loan,” he reported. These lenders do not need credit scores or collateral, but work on charging high interest rates within short periods of time. Numerous incidents of loan recovery apps using shame to force people into despair began to emerge around 2020, some even leading to suicide. “These private actors need to be shut down,” Narad Muni Mandal told me in a discussion with other street vendors at the back of the market. “Till now I have not received any fraud... Cyber crime is when people call you pretending to be government officers... But do not panic. Call the helpline number that the government publicizes,” a hawker who roams around the market to sell his goods tried to assure me.

3. The Myth of the Autonomous Individual and the Lockean possessive subject

The Lockean idea that one possesses themselves, not only in terms of labour or data but the ownership of one’s past and present, is problematized by street vendors. Street markets in Delhi, like the Sarojini Nagar market, are now littered with digital payment QR codes like GooglePay and PhonePay, to help make transactions. These QR codes are set up anywhere there is small surface area: on a board at the stall itself, a hanging piece of plastic off the roof of the shop with a taut string, pasted on a nearby tree, on the stool on which the vendor sits, on the old tin money box no longer used, one would not be surprised to soon find it tattooed on the trader’s bodies themselves. Customers simply scan these QR codes that direct them to a portal to pay to that street vendor’s bank account. These digital payment apps operate on the Unified Payments Interface (UPI), which is linked to a street vendor’s bank account and Aadhaar biometric ID. The

imagined use of this financial innovation has been to enable “the secure storing and sharing of data, ensuring that ownership and control over the data reside with users. (Stanford Social Innovation Review¹⁸).” Nandan Nilekani, billionaire software leader and architect of India’s digital infrastructure, has talked about the potential of digitization to “allow(s) individuals to use their own data for their benefit. The idea is that if I’m a consumer, I can use my digital trail to get access to credit or personal finance. If I’m a small business, I can use it to get working capital. This will help democratize and transform finance in India.¹⁹” In turn, street vendors are being encouraged to use their digital transactional history to access loans and other financial services from digital apps.

Instead of Nilekani’s ideal of “individuals using their own data for their own benefit,” I find that in practice street vendors engage in complex relations of kinship and reciprocity when it comes to the physical and data aspects of digital transactions. Enacted by the metonyms of the smartphone, the dumbphone, the QR code, the bank account and Aadhaar card, personhood is embedded in a cultural economy of kinship and caste-based reciprocity. In one set of cases, the street vendor will have his own Aadhaar card, bank account and QR code operational, but the smartphone and digital payment app will be operated by their child, typically the son. “My children take care of my phone and PayTm... I am making them study, you see,” explained Raees, a fruit seller from the Safdarjung street market, with pride that his children are literate and can help him. Ramu, a street vendor who sells the street snack *golgappe* in the Sarojini Nagar market, has connected his son’s bank account to the QR code in his shop. “My son is studying, he got a bank account opened in a state bank, he has just cleared his “inter” examination (Grade

¹⁸ <https://ssir.org/articles/entry/digital-public-infrastructure-developing-world>

¹⁹

<https://www.mckinsey.com/featured-insights/future-of-asia/why-infosys-nandan-nilekani-is-urging-leaders-to-use-tech-for-good>

12 exam), I have got him admitted into the Kota coaching centers (in the state of Uttar Pradesh) to prepare for the IIT examination. He runs the PayTm account all the way from Kota. He does not make any useless expenses, he is hardworking... My earnings can go to him from here, if he wants to buy something to eat he can.” After a customer sends the money, he calls his son in Kota from Delhi to confirm that he has received the money on his smartphone. But not all parents have dutiful sons. “I got my PayTm removed. My sons would withdraw whatever money I would earn without asking me and blow it up,” a Rajasthani woman who sells jewelry in the Sarojini Nagar market complained to me. Nevertheless, “*Mere bete ke number pe maar do*” (Send off the payment to my son’s phone number) is a common refrain heard in the market. Other kin are often enrolled into their payment universe too. Binno, a street vendor at the Masjid Moth night market, told me that the QR she was using was connected to her younger brother’s bank account and Aadhaar card.

I also observed that smartphones, while registered and primarily ‘belonging’ to one member of the household, are accessed and used by many. For instance, I observed that Saroj’s phone is often used by her sons—who would unflinchingly go through photos, payment history, WhatsApp messages, call logs and use each of those features themselves. While street vendors face the state and are seen by the state-private digital infrastructure of payment apps and biometric IDs as individuals, they behave in the world as social subjects entangled in different domains of reciprocity. Neighbouring street vendors fill in for each other with digital payments, for instance, “I don’t have PayTm, but I take it from the neighbouring vendor to my side.... My work is able to continue without a phone. I take cash from him,” a bedsheet seller told me at the Masjid Moth night market. Similarly at the Safdarjung street market, a street vendor told me “I take my neighbour’s PayTm QR code, and in the evening we clear the accounts between us.”

One of the vegetable sellers at the same market told me that the QR code he had on his shop was actually connected to his friend's Aadhaar card and phone number, who has now moved to Saudi Arabia. He uses his friend's Aadhaar details to withdraw the money whenever it is needed.

Indian ethnosociology, particularly the work of McKim Marriott and Ronald Iden on caste, developed the idea "that single persons are not ultimately individual units; instead, persons are "dividuals," or unique composites of diverse subtle and gross substances derived ultimately from one source; and they are also divisible into separate particles that may be shared or exchanged with others (Marriott and Iden 1977: 232)." Marriott's work investigates the constitution of personhood through the channeling and transformation of ever-flowing and changing substances, in the realm of food, bodily substances, money, alms, and actions that have their own coded substances. Exchanges "may reproduce in others something of the nature of the persons in whom they have originated (Marriott 1976: 111)." The term "dividual" gained greater popularity in anthropology through the work of Marilyn Strathern on Melanesian persons who, she writes, contain "a generalized sociality within. Indeed, persons are frequently constructed as the plural and composite site of the relationships that produce them. The singular person can be imagined as a social microcosm (1988, 13)." A composite set of relationships and exchanges constitute and, can even, transform that permeable sense of personhood.

Even though street vendors are acutely aware that Aadhaar is an individual biometric identification that is linked with banking and governance related activities, there is a flow of physical infrastructure such as QR codes, cash, smartphones and digital infrastructure such as the Aadhaar ID, bank accounts and data. The task at hand becomes the management of flow— like restricting the use of digital payment apps by her wasteful sons for the Rajasthani woman or the street food seller who trusts his son is using digital payments responsibly— rather than freezing at

the boundary of an autonomous individual. The possibility of exchange and maintenance of kinship networks takes on a much larger spatial possibility—like the vendor who uses his friend’s Aadhaar ID and phone number even though he is in Saudi Arabia or the father’s receipt of digital payments that go straight to Kota in UP to his son. The exchange of Aadhaar biometric ID, or cellphones and QR codes, are sites by which value is moved between people without monetary transactions.

This is particularly striking in the modern technological context of digitization where biometric identification and bank accounts are legally tied to individual citizens, unlike the food and gifts that Marriott studies, but are still used by the kinship network at large. There is a lack of a perceived conjuncture between oneself and their data. The Lockean possessive subject typically refers to the view that individuals are self-owning proprietors of their own person, capacities, deeds and labour. Street vendors are acutely aware of their data being “linked,” especially between their Aadhaar cards and bank accounts. Nevertheless, they do not associate their sense of personhood and control with their own data. In effect, the digital payment records of many street vendors are not merely their own but are informed by many neighbouring or familial relations. Unlike the tracking of credit card transactions to award credit scores, the digital records of street vendors cannot possibly track their creditworthiness since the data on one’s account is an amalgamation and flow of the data and transactions of family and neighbouring vendors. The digital records, even when in the name of a citizen, does not correspond with an autonomous self.

Discussion and Conclusion

Issues of surveillance and privacy have been the object study for social theory for many decades. Thinkers like Michel Foucault, Jacques Lacan, James Scott and Shoshana Zuboff have interrogated sight and seeing, the panopticon, the gaze and surveillance, but in very different contexts from post-colonial South Asia with its cultural conceptions of sight and incredibly large informal economy. Being visible or seen digitally does not only translate to being surveilled, it could also mean being recognized or being inspected. While pro-privacy notions espoused by the Indian Supreme Court, Data Protection Acts, activists and civil society take on individual universal values like autonomy, rights and dignity, the street vendors in a world of socially embedded selves engaged in forms of recognition and kinship subjectivity that require a different sociology. This paper aims to illuminate some of that sociology to illuminate the politics of *recognition, inspection* and *kinship* at stake in being seen. It is these multiple co-existing political histories, of the Supreme Court and the street vendors, that makes the study of contexts like South Asia so analytically rich. Street vendors do the work to engage with the state as a mythic individual, and it is on this myth that the legal discourse on privacy rests. But personhood in India is not embodied by an autonomous individual. In the pragmatics of everyday life, street vendors create closures and openness with the material and data infrastructure based on principles of kinship, caste and reciprocity. It is crucial, therefore, to question the culture of personhood as it relates to privacy, and the new forms of sociality and personhood that results from the cultivation of digital identities. There are, therefore, dual imaginaries of personhood embedded within the same digital infrastructure of Aadhaar biometric identification and real-time mobile payments: of subjects as individual citizens and subjects in communal, kinship relations. It is not just the case that these dual imaginaries co-exist but are necessary to enable any semblance of the working of digital governance.

An important cautionary note is that de-centering the debate on digital oversight from the perspective of street vendors from privacy and surveillance to recognition and inspection does not de-emphasize the crucial democratic threats emanating from privacy invasion and state surveillance are not important. The Indian state has mobilized Aadhaar data to conduct targeted welfare-based election campaigning, proposed to link Aadhaar with voter identification, allowed private actors to capture large swathes of citizen's data, been subject to intense lobbying by tech companies in the development of the Data Protection Act, and irresponsibly witnessed multiple Aadhaar personal data leaks. These are all, of course, risks of opening up lives to the state. Instead, it is an attempt to understand the political, historical and cultural dimensions of personhood and the relationship of the multiple layers of the state with precarious marginalized communities. The ontology of privacy and surveillance may not capture the complexities at stake when personhood is not embedded in autonomous individuals but in "dividuals", where being seen by the right actors of the state can transform one's recognition and legal entitlements to the city and where paranoias are of inspection and eviction, rather than long term surveillance.

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