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**Externalities, Urbanism and  
Pirate Modernities: India**

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## ***Externalities, Urbanism and Pirate Modernities: India***

### ABSTRACT

The expansions of the Indian economy after the globalisation reforms of 1991 have seen the rapid growth of cities and towns. This process bypassed many of the formal models of 1950s urban planning, which based urban settlement on zoning and formal title. Para-legal, and 'pirate' urbanism has been distinctive of most Indian cities which exist largely through complex forms of tenure rather than titled private property, porosity rather than visibility. This 'pirate modernity,' has shown itself to be dynamic, and further aided by low cost technological communication networks. New liberal arguments in India have suggested that informationalisation be transformed from tenure to title, cash to banking, invisibility to visibility. The main strategy for this has been informational infrastructures and biometric enumeration of the population. This situation sets up an interesting research problematic for the boundary object such as externalities, and the larger comparative trajectory of rising powers in Asia.

### BIOGRAPHY

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The 1991-2010 period has seen India emerge as a key reference point in global discussions on rising powers. At the same time, within India, a larger debate has begun to unfold asking a classic postcolonial question: what kind of modernity is appropriate for a global economy in Asia? (Das, 2002, Nilekani, 2009, Khilnani, 1998 ). This debate began in the years after 2000, but has reached fever pitch in recent years as tensions associated with growth have spilled into issues like land acquisition, and the rights of populations without clear notified titles to private property. At a larger level, the debates addressed key issues in the debate on externalities and accumulation models. The choice: whether to continue an economy where large populations, markets, and credit exist without clear, legally notified titles to property and personal identity (Benjamin, 2007, Sundaram 2010). The latter, a key feature of Western market liberalism, is seen by sections of India's elites and neoliberal state managers as fundamental to the country's successful transition to a modern market economy and endless growth.

Informal arrangements of capital, money and markets, as well as huge undocumented populations, are seen by neoliberal thinkers as indicative of a paralysing past. New technologies of visibility, buttressed by information infrastructures are being held out as necessary to move from the ambiguity of informal arrangements of work and production. This move would end in different intellectual property arrangements, and shift populations from tenure to title, informal to formal, cash to formal banking. Mobilised into this have been debates on urban environment and waste, urbanism and the future of cities after the crisis of the old planning regime. If weak property systems propelled the creative expansions after 1990, a new enumerated regime would propel India to a new technologically modernised era where relationships between the economic, social and the political would be rendered explicit.

This debate, positioned as fundamental to the emergence of India as a modern global power raises important research questions as it illuminates a larger question faced by rising powers in Asia – does the future trajectory of modern government follow the historic Western liberal and neoliberal models of power and property, or, does it acknowledge an actually-existing constellation where the boundaries of visible property and formal economies coexist with those of the informal and un-propertyed?

India's rapidly expanding cities have become crucial sites where this debate is being played out.

### **The Urban Constellation**

In the period after independence in 1947, Indian cities witnessed the rapid rollout of modernist Master Plans and urban design initiatives. Beginning with the Delhi Master Plan assembled by US experts supported by the Ford Foundation, Master Plans for Bombay, Calcutta, Ahmedabad, Bhubaneswar came in quick succession (Correa, 1965). Modernist planning was designed to roll back perceived colonial legacies of slums and congestion, and create a rational organisation of urban space based on principles of zoning. A typical example was the Delhi Master Plan, designed by a team led by US regionalist planner Albert Mayer. The plan saw the city as a productive organism; easy movement was integral to this imaginary. This involved a careful distinction between forms of labour and subjectivity that were seen as appropriate to modern urban life in India; those who did not fit this model like artisanal communities could be open for displacement in the event of a failed assimilation into urbanism (Sharan, 2006). The Plan assembled all un-titled land as state property, and set up a rational hierarchy of work, production and residence defined by law. The Masterplan's important innovation was to set in motion an implicit idea of the city as a machine, which was regulated by a technocratic apparatus. This idea of the machine city worked with a schema of decentralization with local neighbourhoods, zoning, district centres, factory areas – all regulated by law. The Plan replaced the ceremonial hierarchies of colonial urbanism with an emphasis on the sovereign power of the postcolonial urban regime, operating through the legal apparatus of the Plan.

The crisis of 1950s urban planning models has dominated Indian urban debates of the last three decades. The very forces the Plan sought to contain, now actively resurfaced, these included

economic proliferation, urban sprawl, non-legal manufacture and commerce, migrant flows into the city. In an early essay, the urbanist Jai Sen spoke of the 'unintended city' created by planning: semi-urban, informal forms of life that modernist design could not understand and articulate (Sen, 1975). The recent expansion of cities has made classic urban planning models of the 1950s inoperative or rapidly bypassed by other forms. Endless informal proliferation marks most cities in the postcolonial world, and India is no exception. Home workshops, markets, small factories, small and large settlements of the working poor now spread all over the formally planned metropolis. Non-legal proliferation has emerged as a defining component of the new urban form in India. This scenario is not unique to India, but reverberates across the postcolonial world, where post-war planning regimes have been thrown into disarray or collapsed (Davis, 2006). Following the economic crisis of the 1970s and the 1980s, postcolonial urban infrastructures were subject to heretical uses, with multiplication of sites of non-legal production and innovative re-combinations. Simone (2006) speaks of a 'pirate urbanism' in Africa where the collapsing infrastructures were incrementally built up by urban populations long abandoned by urban planning. Globalization radicalises the possibilities of this 'pirate urbanism', by allowing the growth of low cost informal networks spread across regions, and weakening national-state sovereignty (Ibid. p. 357). Asef Bayat (1997) called the informal expansions of power in cities a "quiet encroachment of the ordinary," which include migrants, squatters, small bazaars, new networks of trade and production. Likewise, tenure rather than formal title governs most forms of informal settlement in India; cash rather than legal banking along with informal credit drives production cycles. Solomon Benjamin's work on post-1977 East Delhi has mapped the development of a vast non-legal small industrial zone, built by complex para-legal strategies by local populations, obtaining unauthorized electricity connections, cultivating political favours, and tapping informal finance (1991). The area studied by Benjamin, Viswas Nagar, became one of Northern India's largest producers of electronic components in the 1980s. Existing outside the legal industrial area (to avoid excessive surveillance and taxes), Viswas Nagar industries also operated outside any intellectual property regime, and within an implicit 'open' source or porous knowledge model. Here innovations had a typical six month cycle before they were absorbed by other local competitors (Benjamin, *ibid*). Similar cycles were observed by Sharad Chari in his study of the industrial town of Tirupur, where rural peasant proprietors transformed themselves into 'worker-capitalists', using informal networks and a more porous knowledge transfer model (Chari, 2004). Vishwas Nagar and Tirupur typify many globalising boom towns and urban areas that draw from a mix of formal-informal, cash flows outside the formal banking systems, and diverse para-legal local ecosystems.

### **Political Society to Pirate Modernity**

In his *Politics of the Governed*, the political theorist Partha Chatterjee poses a contradiction between (liberal) modernity, committed to legal rights and civil society, as contrasted to the domain of populations and paralegal politics (Chatterjee, 2004). Chatterjee suggests that if modernity was the realm of legal subjects, who could share in liberal citizenship, political democracy was the diffusion of governmental technologies of welfare and administration for subaltern populations who could not enter legal subjectivity. What resulted was a conceptual division between citizens and populations, where the latter were empirical categories of people who received administered welfare policies, while citizens were part of a homogenous national. The relationship was mediated through what Chatterjee calls 'political society', as it was constituted through informal social arrangements and local political mobilizations. Political society could not be constituted within the classic state-civil society- citizenship relationship. Political society occupied a field which lacked the clarity of moral language and legal concepts that were supposed to define the relations between state and civil society. This meant recognizing that the legal fiction of equal citizenship did not always apply, that the laws of property and contract were bypassed to address needs of populations. Following Foucault, Chatterjee sees population groups, as addressed by governmental power as discrete elements of "the heterogeneous social" (Ibid, 26). On the other hand, political groups took it upon themselves to "mould the empirical discreteness of a population group into the moral solidarity of a community" (Ibid). Mapped onto postcolonial urban development in India, Chatterjee's argument

offers an important analysis of the vast informal and paralegal developments that bypassed planning in India's cities in the 1970s and the early 1980s. It was representative politics mobilizing the 'governed', rather than the liberal model of the Master Plan which produced a more accessible city for the urban poor. By mobilizing politically against the governmentalized state and its institutions, urban populations incrementally expanded claims on the city. While not dissimilar from movements in other parts of the postcolonial world (Razzaz, 1994), the Indian case stood out for its deployment of democratic politics to look for solutions beyond liberalism.

Chatterjee's analysis has been questioned by some sociologists in recent years (Baviskar and Sundar, 2008; John and Deshpande 2008), mostly on grounds of promoting a more accommodating version of governmentality solely linked to welfare. More notably, Chatterjee's notion of 'political society' is entirely silent on new media technologies and urban infrastructures that have grown in Indian cities. After liberalization and globalization in the 1990s the lines between classic urban and media experiences have rapidly blurred. Media and technological infrastructures have grown with, and complement the informal city; these include graymarket goods, software, cellular networks, computers, media gadgets. Along with this powerful media industries have also grown, transforming all aspects of the urban sensorium. New media infrastructures have transformed the older landscape under which arguments for 'political society' could be articulated. In the first place subaltern populations have deployed technological networks like the cellular phone to bypass traditional hierarchies of power, and connect horizontally; informal media infrastructures supplement official ones and take on a life of their own. Larkin (2008) describes a similar situation in Nigeria, where informal media economies take on a role as infrastructure – as older state-centred ones have crumbled. For Sundaram (2010), 'pirate modernity' is a situation of a post-media urbanism in postcolonial India. Pirate modernity connects media piracy, grey market commodities and informal urban infrastructures. Existing technological networks like electricity and media networks are siphoned off by subaltern populations, who redeploy them for new mobilities. Pirate modernity typically bypasses formal and intellectual property networks, providing a crucial gateway for subaltern populations to access new infrastructures. While disrupting official urban networks, pirate modernity is implicated in informal local markets and cash exchange. Liang(2005) calls the situation of pirate modernity one of 'porous' legalities, while Larkin(ibid.) suggests piracy is a creative 'corruption' of existing technological infrastructures. Pirate modernity clearly poses a problem to existing ideas of the information commons and the liberal public domain. In their critique of the current property regime, public domain theorists have articulated the information commons, the right to share and re-interpret cultural material, and a domain of creative authorship through collaborative P2P networks (Boyle, 1997, Benkler, 2007, Lessig, 2004). In this reading, a creative (information) commons offers the best alternative to market driven correlations of value and price (see Benkler's critique of Coase, 2002). Remarkably, there is a significant silence about media piracy in the public domain/commons debate. For in contrast, pirate modernity neither fits the notion of creative authorship, nor the normative arguments of the public domain. As a strategy of deliberate porosity and ambiguity, pirate modernity evades issues of the liberal commons, while offering new routes to subaltern populations in emerging powers to access the legal city. If the liberal commons promotes normative visibility, pirate modernity has preferred techniques of in-visibility. (Sundaram, 2010, Liang, 2005)

### **Civic Neo-Liberalism, Visibility and Information Infrastructures in the City**

If pirate modernity has been seen as globalisation's illicit form, the new media landscape in India has also seen the growth of new liberal ideas among globalising middle-class elites (Baviskar, 2002). Cast in the language of the civic and a middle-class rights discourse, neo-liberalism took the city as an explicit site of discourse. Drawing its support from middle-class campaigners, transparency activists, civic campaigners, and environmental activists, neo liberalism positioned itself against the informal arrangements of pirate modernity and suggested that older institutions of governmentality (or 'political society') were ill equipped to deal with the (new) present. Among the early moves of

middle class liberals was an environmental campaign that petitioned sympathetic courts, portraying cities on the brink of ecological collapse (Sharan, 2006). Indian courts have actively helped middle class campaigners articulate this new civic space, through judgements that effectively open routes that bypass traditional urban politics and control systems. The court appointed special committees of technocratic experts to advise it on urban issues like pollution and congestion. Following this, new liberal knowledges on the city emerged from a new domain of experts *not* accountable to the elected city government. This marked a big shift from the planner era when experts reported to the city and national government. This move legitimated new forms of civic expertise, and legitimated new technologies of visibility in cities like GIS maps, transportation grids, CCTV networks, demands for which first emerged out of case law in courts.

In its synthetic address of economic, political, and social realms, Indian civic liberalism draws from its neoliberal counterparts in the West. Indian new liberalism's typical trait lies in arguing for new technological infrastructures that would illuminate all these realms. Technological infrastructures range from biometric cards for slum dwellers which are linked to governmental welfare schemes, enumeration of urban land by linking it to digitized property titling schemes, CCTV platforms to survey streets and neighbourhoods, massive transportation databases that are linked to GPS enabled road machines, and large GIS mapping initiatives sponsored by the Department of Science and Technology.

In June 2009, the Indian Prime Minister invited Nandan Nilekani, software industrialist and author of the book *Imagining India*(2009) to head the newly created Unique Identification Authority of India (UID) and offered him a cabinet rank. Nilekani's book argued for a typical mix of civic liberal ideas where individual freedom in free markets would prosper with social infrastructure built by the state. Citizenship in Nilekani's new order was to be based on a transparency regime that guaranteed rights through unhindered access to universal identification. India's government departments are isolated technologically, argued Nilekani, choked with paperwork, and lack a common technological grid. Service delivery is crippled and inefficiency abounds.

The backdrop to the setting up of the UID authority was an expansion in social welfare schemes from 2005. The schemes included the National Rural Employment Guarantee Scheme (NREGA) which guaranteed a minimum of 100 days employment to the rural poor in most districts across the country. NREGA was widely seen as the measure that brought the Congress back to power. With the return of the Congress coalition to power NREGA was made to include urban areas, along with existing social programs like the National Literacy Mission, and the Rural Health Mission. In this environment, informationalization and IT-enabled information infrastructures appeared as the key to stabilizing welfare delivery. In recent years welfare schemes have been linked to new biometric identification schemes in various Indian cities. By 2006, biometric identification technologies became popular in welfare schemes in Hyderabad, Pune and then Delhi. An ambitious biometric identification drive called Mission Convergence seeks to document uncouneted urban populations among Delhi's urban poor to bypass political networks of welfare disbursal. Along with the recent UID scheme to be deployed at the national level, these technological interventions have little parallel in any postcolonial society, dwarfing many such schemes worldwide in their ambition. Transparency schemes are linked to urban land titling schemes to modernize a property market, and financial inclusion schemes that seek to wean large sections of the population away from informal cash economies.

### **Environment, waste, transparency and urban modernity:**

Cities and economies have often worked on the assumption that it is possible to know, define and control the external environment around them. The Master Plan, and its associated features such as zoning, is a clear instance of such belief. Beginning sometime in the 1930s, the planning tradition acquired a strong presence in India in the 1960s (Sundaram, 2010), setting out to rationally allocate spaces to enable efficient production, adequate safety, minimal pollution and aesthetic living.

Industrial zones were to be completely segregated from residential spaces and noxious units were to be relocated outside city limits. However, in time, this model has collapsed, as formal and informal production and commercial units, operating through a range of legal/semi-legal/illegal means have proliferated to occupy spaces that were not designated for them, producing value as much as they pose risks to health and safety of workers and residents. Some have argued this proliferation of informal units and the collapse of the 'rational city' to be an inevitable consequence of the 'western' nature of the planning exercise that was ill-suited to Indian conditions (Sen, 1975, Menon, 1997). Others see in this failure an implementation issue; the softness of the third-world governments being unable to achieve their own stated preferences (Verma, 2002). However, something more fundamental than either of these may be at stake. Earlier concerns that were visible and degradable, according to the Government of India, are now increasingly giving way to new types of pollution with very small quantities of synthetic chemicals that damage the environment. Interestingly too, these new forms of pollution pose new questions to modes of knowing and inference marked by uncertainties and insufficient knowledge (Environment Ministry, India, 1992). These are a 'new generation' environmental problems, more discursively open than their predecessors had been, implying that the development of their storylines deserve far greater attention than would be the case in already well understood externalities (Haajer, 1995). There is, through these new risks, the production of a new anxiety that is about an imminent poisoned future, an anxiety that both builds upon and displaces the anxiety of haphazard growth and urban chaos. An example is the wastewater that is disposed beyond city limits comes back to haunt it in the form of toxic substances that attach themselves to the food and vegetables cultivated with the use of this water; the air that is seemingly rendered clean by the dispersal of industries elsewhere, finds a new source of anxiety in vehicular pollution. And where it had been once possible to mark out specific populations at risk, for instance those exposed to fumes from industrial establishments, increasingly it is as if we are all at risk, as defined by new forms of calculability. (Beck, 1992 )

All the features that cause discomfort to the neo liberal economy – invisibility, uncertainty, miscibility – are evident in the new environmental landscape. And similarly as in other domains of life politics, the field of environment searches for new expert knowledge and better regulatory structures to cope with the uncertainties. In the Indian context, this search has taken a specific form, through its reliance on constitutional law and the delineation of the right to clean environment as a Fundamental Right of all citizens (Rajamani, 2007; Sanghamitra, 2008). The executive's non-performance is seemingly mirrored in the court's new found role as the custodian of a safe and sustainable environment, fashioned through innovative legal mechanisms such as the public interest litigation (PIL) that permit any interested citizen to take resort to the courts on behalf of a group of people argued to be at risk (Sathe, 2002 ). The explanations for this differ. Some see the shift towards neo-liberal politics and 'good governance' as providing the context for the court's activism. Others contend that the emerging tradition of rights is internal to the court itself, and when distinctively Indian, on the ground that tort law is relatively weak (Mehta, 2005). Both ways, there is little denying the significant impact that courts, and the setting up of legal/media events, currently have on shaping environmental and sustainability discourses in the post plan city.

There is yet another emerging context of global warming and climate change that has begun to shape the urban/environmental context. Heat islands, flash floods and disruption of coastal life join the anxiety of climate refugees and exhausted energy resources to provide new imaginings for possible urban futures. Alongside, new market opportunities through 'clean development mechanism' projects and implicit technology/ financial transfers begin to attract the urban elite. 'Externalities' and 'waste', once considered 'outside' and 'peripheral' themselves become the source of new wealth! Indeed, the very idea of an outside to which the urban disperses its unwanted persons is opened to a radical rethink, for how does one territorialize CO<sub>2</sub> emissions? Climate has come to acquire significance of late in an already contested, highly embattled urban context where air, water, noise, health and livelihoods have been jostling intensely over the last two centuries. The particular narratives of climate change that are framed now, and the interventions to combat/ mitigate its impacts cannot but be related to the choices that we make in relation to these other domains/ sites

of conflict. This is not simply a question of 'balance', how much environmental loss may be justified by how much economic growth (Ramesh, 2010), but of a finding another vantage point, for e.g. the principle of precaution, from which things hitherto held apart - production and consumption, energy and waste - can all be brought into a singular focus. This is not about green engineering and new technologies alone, but about emergent forms of capital globally and the social imaginaries through which this is to be realized/ negotiated.

## **Conclusions**

New technologies of visibility in India attempt to roll back informal and ambiguous relationships of tenure and exchange, and replace them with enumerated populations, formal structures of banking, and clear, title-based property ownership . Through the informationalisation of major welfare moves by the government, new liberalism hopes to draw existing populations into formal structures of money and identification. It remains to be seen where these moves go, studies of past efforts at land digitization in the state of Karnataka have shown high rates of failure (Benjamin 2009).

A cluster of research questions can be asked about the Indian story. Do techniques of transparency through information infrastructures in India simply update an older European trajectory intimated by Foucault in his College de France lectures? Or, do they point to an intermediate zone, where visibility in some domains (money) co-exists with a porous traffic between the private and the public?

Can the experiences of innovative informal/pirate modernities in Asia point to a new arrangement of beyond purely property -based economies? Or can we update older models of the liberal normative information commons with a new conceptual architecture that accounts for sections of the population standing outside property or the classic commons? These would include looser, but unpropertied forms of knowledge exchange as seen in informal production in India. In short, what kind of questions does India and China's emergence pose for a social theory of modernity beyond property?



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