Uncanny Networks
Pirate, Urban and New Globalisation

Cities have borne the brunt of the new globalisation both in transformative and imaginative terms. Yet at the very moment that scholarship seems ready to engage with the Indian city, contemporary globalisation has in fact slowly eroded the old modernist compact of ‘the city’. This splintered urbanism has become a significant theatre of elite engagement with claims of globalisation. Using Delhi’s media networks as an example this article suggests that new domains of non-legal practices could pose significant problems for classic strategies of incorporation and management in political society. These non-legal domains open up new spaces of disorder and constant conflict in Indian cities that threaten the current self-perceptions of the globalising elite.

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In his plenary address to a recent conference on south Asian cities, Partha Chatterjee raised the question: are Indian cities becoming bourgeois at last? His own answer was mixed, expressing scepticism over the legendary south Asian vernacular practices that would inevitably ‘corrupt’ the forces of urban globalisation.1

Contemporary globalisation has in many ways drawn attention to Indian cities in ways that could not be foreseen just a decade ago. For many decades the urban’s place in the nationalist imagination remained ambivalent [Prakash: 2002], but the decade of the 1990s has been a series of concentrated shock experiences for Indian cities: temporal compression, spatial transformation, assaults on older industrial areas, and a vast new mediascape that now envelops cities almost like an all pervasive skin. Cities have borne the brunt of the new globalisation both in transformative and imaginative terms, with changes in infrastructure, social arrangements and constant expansion. Yet the new focus on cities in India cannot but reveal a paradox. At the very moment that scholarship seems ready to engage with the Indian city, contemporary globalisation has in fact slowly but surely eroded the old modernist compact of ‘the city’. The technological sublime of the planner imaginary, so central to post-independence India is giving way to a splintered urbanist sprawl in the main metropolitan cities. Planning bodies now base their strategies on smaller projects rather than unitary visions, push for privatised decoupling of infrastructures; transportation design privileges the automobile flyovers and private toll highways to facilitate rapid travel to the suburbs, private builders take over from older, albeit limited concerns with social housing. This splintered urbanism is by no means unique to south Asia; it reflects a larger global process of rapid urban transformation in the contemporary period.2

This urbanism in India has become a significant theatre of elite engagement with claims of globalisation. Consumption, ‘information’ society and the new economy, spatialised imprints of the media industry like multiplexes/malls, and lifestyle and suburbia go hand in hand with the cries of urban decay and pollution, and managing populations that are increasingly restless in the new arrangements. Splintering urbanism may in fact suggest a certain strain within older techniques of governmentality, which as Chatterjee has earlier pointed out was based on the conceptual division between citizens and populations where the latter were empirical categories of people that were the recipient of administered welfare policies, while citizens were part of a homogeneous national. The relations between populations and the state was mediated through the domain of political society which was implicated in a series of complex social arrangements and political mobilisations, which could not be formulated within the classic state-civil society relationship. What about the contemporary globalising city?

Using Delhi’s media networks as an example I want to suggest that new domains of non-legal practices could pose significant problems for classic strategies of incorporation and management in political society. These non-legal domains open up new spaces of disorder and constant conflict in Indian cities that threaten the current self-perceptions of the globalising elite. At the heart of this disorder is a widespread culture of the copy, which is implicated in sophisticated local and transnational networks, and which strikes at the heart of the idea of intellectual property3 the mantra of the current elites.

Perspectives

In recent years a growing sophisticated global literature has engaged with the new urbanism. Two streams pertain to this essay. The first of these is a geography of globalisation which focuses on networks and flows, aided by rapid communication networks, flows of financial capital, transforming urban spaces. Sasskia Sassen (2001) argues that a new geography of centrality and marginality has emerged globally with financial centres concentrated in certain core cities with a large, increasingly disfranchised low-end workforce helping provide services and backup. These services – financial, legal, and operational are subject to a high degree of centralisation in global cities (typically located in downtowns), managed by an expatriate elite that runs a global network of service subcontractors and processing firms. Manuel Castells’ (1996) network society thesis focuses on how a new space of flows draws producers of information goods everywhere into powerful communication networks. Elite urban enclaves service/house these classes, simultaneously marginalising other forms of labour in the city. Positioning in the new space
of flows becomes part of the strategies of new info-elites. The second stream of literature emanates from what can only crudely be described as a critical phenomenology of urbanism, ranging from the re-discovery of the work of Georg Simmel and Walter Benjamin, and the contemporary engagement with the work of Michel de Certeau and Henri Lefebvre. The latter stream is less explanatory than reflective, working through a series of critical interventions in the urban.

In his remarkable reflection on the contemporary, Zygmunt Bauman poses the idea of a liquid modernity as intimating the new epoch. This was in contrast to the earlier modern, which, could be dubbed, for lack of a better name, the era of hardware, or heavy modernity – the bulk-obsessed modernity ‘the larger is better’ kind of modernity. (This was) the epoch of weighty and ever more cumbersome machines, of the ever longer factory walls wider factory flows and ingesting ever more factory crews…To conquer space was the supreme goal – to grasp as much of it which one could hold, and to hold it to it, marking it all over with tangible tokens of possession and “No Trespassing” boards (2000:113).

The constant obsessions of heavy modernity were the control of space, instrumental rationality and routinised time. In contrast says Bauman, light modernity of the software era proclaims (for those with power) the freedom from place and direct engagement, “Fluid” modernity is the epoch of disengagement, elusiveness, facile escape and hopeless chase. In ‘liquid’ modernity, it is the most elusive, those free to move without notice, who rule...The disembodied labour of the software era no longer ties down capital: it allows capital to be extraterritorial, volatile and fickle...(Capital’s) lightness have turned into the paramount source of uncertainty for all the rest. This has become the present-day basis of domination and principal factor of social divisions (Ibid:120-21).

Fluid modernity operates through high-speed networks, which are not linear as in the older forms, but discontinuous. The temporal forms have been well documented by Harvey (1989): acceleration, and spatial compression, and a perennial speeding up from which produces constant disorientation. Compression is linked to informationalisation of knowledge; things and ideas die quickly after they are produced. Says Scott Lash, Fast moving consumer goods are also informational in their quick obsolescence, their global flows, their regulation through intellectual property, their largely immaterial nature in which the work of design and branding assumes centrality, while the actual production is outsourced....Power in the manufacturing age was attached to property as the mechanical means of production. In the information age it is attached to intellectual property. It is intellectual property, especially in the form of patent, copyright and trademark, that put a new order in the out-of-control swirls of bits and bytes of information so that they can be valorised to create profit (2002:3).

Global network society also produces a range of spatial entities, generic environments: software parks, outsourcing hubs and data parks. These are akin to Mark Auge’s ‘non places’, which have a uniform brand environment worldwide, buttressed by privatised infrastructural, security and cultural networks: multiplexes and carefully controlled shopping areas. Public but non-civil as Bauman refers to them, these hyper-modern spaces are now part of a global urban sprawl from Bangalore’s software city to Gurgaon’s call centre zones in India, the most dramatic regional example is China’s Pearl River Delta zone.

I have chosen Bauman’s essay as a starting point since it combines a series of provocations, both insightful and speculative, but which highlight some of the currents in the contemporary global urban environment. In India, they feed directly into more technocratic re-fashioning of elite discourses on globalisation. The emergence of zones of generic urbanism in India has of course come in the background of a general infrastructural crisis and the widespread perception of urban breakdown. As older systems of urban regulation (state-supported welfare, transport, health and education) erode, new practices among middle and upper class elites emerge to ‘engineer certainty’: security agencies in middle-class colonies and flats, CCTV and domestic worker ID cards, and demands to register with local police stations. All of this would have been unthinkable but a decade or two ago, but such is true of so many of the urban forms that have emerged after the new globalisation.

This urge to order, the curse of the planning city and the dream of the new generic suburban design, is something that has evaded the culture of street media practices in contemporary India. While broadcasting has remained the near monopoly of the media industry, non-legal distribution and production networks have prised open the music and VCD markets to new publics. This form has emerged in the interstices of contemporary urban growth, disorder and fragmentation. Equally, street media culture has spatialised the new urban form in distinct ways. New visibilities, networks-within-networks and conflicts over intellectual property have changed the old world of the planner city. I want to examine this in the following section by looking at the experience of Delhi.

Delhi’s Media Urbanism

“The concept city is decaying, “wrote Michel de Certeau in 1984. This could also be the story of Delhi’s urban landscape for the past 20 years. Urban Planning was operationalised around a series of Masterplans put in motion by the Delhi Development Authority (DDA) from 1957. The DDA sought to organise space through classic modernist urban design principles: enumeration, classification, zoning and slum management. The fact that Delhi was the national capital gave a certain inflationary charge to the rhetorics of urban control and management, something that has continued even after the decline of the planning model. Since the post-emergency period this model has been in secular decline, due to a combination of factors: mass migration and urban expansion, the breakdown of old systems of classification and information so crucial to planning models of governmentality. The city rapidly expanded through the 1980s and 1990s, both in areas of housing and commerce – an expansion that was mediated through a series of non-legal informal arrangements for a range of actors: the urban poor, small business and local markets, and affluent house owners wanting to expand private space beyond legal norms, and of course private builders and contractors. This complex system of informal non-legal urban arrangements was no means unique to Delhi, but took on a significant edge given the emergence of neo-liberal and globalising networks in the region. Small-scale industry, old commodity markets and historic trading communities have been Delhi strengths and have largely benefited from the decline of the older control mechanisms. Over the last two decades they have formed new dynamic networks, which have a footprint outside Delhi, often stretching into neighbouring states and northern India. This expanding commodity culture used old and new spatial forms: mobile weekly markets, small shops, and also enabled the entry of networks of hawkers and street traders from other social groups. There has been in other words a production of urban density, a domain that enters new zones of conflict/collaboration in the

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Music emerged, remixed and circulated in the market. This was effectively broken the stronghold of the large music companies, culture in the first phase of globalisation, largely non-legal, music culture. As the historian Peter Manuel has shown, cassette but the cassette revolution of the 1980s transformed popular and unceasing neighbourhood demand for grey ware. The cusp of legality and non-legal. Everyday a guerrilla war bazaars, which supply these networks, have emerged existing in the media networks. Two regions NOIDA in UP and Gurgaon in Haryana have been prime candidates for the new generic urbanism: an integrated combination of growing global call centres, shopping malls and multiplexes, private toll road development to service automobile users. This classic secessionary development9 is the most ‘global’ spatial form yet in contemporary Delhi.

Media discourses have tended to privilege the lifestyle zones of southern Delhi as representing the future of the city’s route while lamenting the crisis of governance, environmental crisis, and general urban ruin. The old stories of social conflict have been increasingly replaced by a significant argument about property. It is difficult to find a newspaper today that does not on any given day carry police and industry handouts about raids on ‘pirate’ industries. Along with the figure of the Islamic terrorist, the figure of the pirate is threatening to the emerging regimes of property and control in the media. As we shall see this has become one of the major sites of everyday conflict around property claims in the contemporary.

As in many Indian cities the new globalisation transformed media networks in Delhi. At the level of the everyday, the old prohibition and regulation on the social life of commodities have proved ineffective, urban residents are now assaulted with a deluge of cultural products, cassettes, CD’s, MP3’s, VCD’s, cable television, grey market computers, cheap Chinese audio and video players, thousands of cheap print flyers, and signage everywhere. What is remarkable here is that the preponderance of these products comes from the grey or informal sector, outside the effective regulation of the state or large capital. India today has the world’s second largest music market, a large film industry with global dreams, a majority grey computer market, hundreds of thousands of tiny phone and word processing shops and cybercafes. And as if from the ruins of urban planning new media bazaars, which supply these networks, have emerged existing in the cusp of legality and non-legality. Everyday a guerrilla war is raging, between new intellectual property raiders, the police and unceasing neighbourhood demand for grey ware.

India never saw a print revolution as in early modern Europe, but the cassette revolution of the 1980s transformed popular music culture. As the historian Peter Manuel has shown, cassette culture in the first phase of globalisation, largely non-legal, effectively broke the stronghold of the large music companies, by introducing new artists and expanding the market for low cost cassettes, sold in neighbourhood shops. Long forgotten ‘folk’ music emerged, remixed and circulated in the market. This was followed by the cable television and computer expansion of the 1990s.

Delhi was a significant site of this transformation as it was the home of T-series, the first major beneficiary of this phase. Gulshan Kumar, the first proprietor of T-series used an opening in the copyright laws to push version recording, an innovative use of less known artists to sing items sung by well known singers. In doing so T-series inaugurated a media form that has developed dynamically all the way to the recent remix culture, and also became the ‘nodal’ form for the development of new music companies. The key to this is the mix of the legal and the non-legal:

- Using a provision in the fair use clause of the Indian Copyright Act which allows for version recording, T Series issued thousands of cover versions of GCI’s classic film songs, particularly those which HMV itself found to be unfeasible to release. T Series also changed the rules of distribution by moving into neighbouring, shops, grocery shops, paan wallahs, and teashops to literally convert the cassette into a bazaar product.
- T Series was also involved in straightforward copyright infringement in the form of pirate releases of popular hits relying on the loose enforcement of copyright laws.
- Illegally obtaining film scores even before the release of the film to ensure that their recordings were the first to hit the market [Liang 2003].

The T-series phenomenon, led to the development of new media markets in the 1980s and the 1990s: Palika Bazaar in central Delhi for video, Nehru Place for software and hardware, and Lajpat Rai market in the old city for music as well as hardware for the cable industry. Transnational links with south and east Asia were established for hardware supplies. Through the 1980s a range of small players in the media markets, developing new networks of distribution and production. Production was concentrated increasingly in the Trans-Yamuna areas and parts of UP and Haryana, while distribution was managed from the media markets linked to neighbourhood entrepreneurs. The early years were a period of the media boom where entrepreneurs imported blank media and hardware from east Asia, built satellite dishes and hardware ancillaries, and developed local cable distribution. Music companies emerged catering to a range of tastes all over north India.

What is remarkable is that except for T-series, which is now a mainstream player (committed to intellectual property law!), the bulk of these new enterprises remained small. This was piracy culture in its early phase, which innovated through networks, but still crucially linked to the main media markets.

In an earlier essay I termed this phenomenon a pirate or recycled modernity (1998), which is dispersed and unconcerned with modernity’s classic search for originality, fashioning itself in fluid movements in India’s cities and towns. And it is a phenomenon that is neither oppositional nor critical in the classical sense, with no charters against the electronic elites or hypermodern spaces. Pirate modernity is part of a culture of insubordination and disorder that marks our time, and is a source of major concern to global and local elites. There are a number of features that mark this phenomenon that may be pointed out:

First, pirate electronic culture is part of an immanent technological space. In other words it presumes that classic distinctions between technology and culture, between humans and non-humans have ceased to hold in the contemporary city. The inherent problems of positing a strict human non-human distinction has been pointed out by Bruno Latour (1993), old style humanist discourses between subject-object, nature-culture, etc,
are rendered fuzzy in the contemporary. In fact media experiences in the 1990s in India can be read as the failed collision between technology and tradition: every aspect of social life in cities has been ‘thingified’: phones old and new, audio and video systems, electricity legal and illegal, music, and a growing mobile network.12 Things’ and humans interact and are enmeshed in Indian cities in every possible way, rendering classical distinctions problematic. There cannot be an urban contemporary without the ‘technological’, something been made possible by as much by pirate culture as also the media industry. It is precisely the ‘dirty’, discontinuous and mobile possibilities that make this sphere interesting.

Second, pirate electronic networks are part of a ‘bleeding’ culture,13 constantly marking and spreading in urban life. Ambient sound and images are now part of all street/neighbourhood life; a crowded pirate aesthetic pervades video culture and local advertising. This is part of the culture of dispersal, which marks its resilience and a nightmare to classify. In a world where information bleeding is part of the contemporary (SMS, television text scrolling, newspaper inserts, lampost stickers, internet pop ups, event branding), pirate culture uses the ruses of the city, but immanently, not transcendentally. In doing so it affects the main industry – in music, version recording/remix is a large and growing market.14 The pirate video aesthetic, with its informationised, over commodified frame, is a compulsory part of any film experience on the local cable network.15

Third, pirate culture is a just-in-time culture. The copy arrives on your cable network, the weekend the film is released, and the music versions of popular numbers follow almost immediately. Networks in Delhi use a combination of regional and transnational sources (Dubai, Pakistan, east Asia,) to ensure the culture of the instant.16

Finally and crucially, pirate culture is a culture of the copy.17 It is part of a world where experience as we know it is increasingly commodified, and informationised. For the globalising middle-class in India this is happening through the more familiar modes of incorporation: credit cards and credit rating agencies, frequent flyers, vacations, niche marketing, ATM cards and monthly billing cycles, corporate consumer campaigns, brand environments, all generating vast amounts of information. This is the more conventional, almost generic world of the new globalisation. The networks of pirate culture on the other hand, usually target the urban populations outside this world, but nevertheless increasingly drawn to the commodified forms of urban experience. Local markets, neighbourhood music/video stores, greyware computer and audio-video assemblers, independent cable operators are usually part of the pirate network of distribution, which also ‘bleeds’ into other parts of the city. The commodities of the copy are multi-use, recombined/recycled and in constant circulation – moving in and out of new spaces and networks.18 In Delhi the media copy exists in a symbiotic relationship with all other commodities and industries: clothes, cosmetics, medicine, household goods, and also car and machine parts. As is evident, copy culture sits pirate modernity right into a global social conflict on definitions of property.

**Brief History of the Copy**

Historians of print and the pre-print period have shown us complex forms of the reproduction of texts and cultural objects that existed both in the world of Christendom and the Dar-ul-Islam. In the west, medieval monks and notaries toiled away copying books, legal documents and contracts. In particular the medieval notary, played a crucial role in the emerging socio-legal relations of the emerging absolutist state. Says one historian, “Stenography transforms the spoken word into the written. Copying transforms the One into the Many. Notarising transforms the private into the public, the transient into the timely, then into the timeless...The notary was a symbol of fixity in a world of flux, yet the making of copies is essentially transformative – if not as the result of generations of inadvertent errors, then as a result of masses of copies whose very copiousness affects the meaning and ambit of action” [Schwartz: 214-15].

The historian Elizabeth Eisenstein suggests that with the coming of the print revolution, a ‘typographical fixity’ was imposed on the word. The sheer volume of the print revolution was incredible; between 1450-1500 more books had been printed than those copied in the entire history of Islam and Christianity. However, it seems to me that Eisenstein’s assertion seems too categorical, for the first 100 years, errors were rife in printed books, Papal edicts against “faulty bibles” had no effect on the volume of production. Print in fact opened up the floodgates of diversity by the 17th century: historical work on the cultural uses of print in the French revolution shows the proliferation of pornographic, anti-clerical and revolutionary texts. There were deliberate forgeries, and the insertion of parodic statements in official texts.

Forgeries, reinterpretations and parodies were common to popular print culture. However the issues raised by the art forger after the emergence of the modern painting went straight to the heart of authenticity, individuality, uniqueness and historicity as the representational architecture of the bourgeois art work. Discussions of forgeries and copies of art works existed since the Renaissance, but what is interesting for our purposes is the practice of forgery as a cultural act.

The Hungarian scholar Sandor Radnoti in his book on the art fake has this to say on the practice of art forgery,

> The forger attacks originality from the point of view of historical authenticity, insofar as his work gives the impression that it contains the story that conveys the same historical evidence as the original. However the clock of history is ticking away for the forger’s work as well, it too embarks on a life of its own, and it is only a question of quality, good luck, and time that having survived in historical memory sufficiently long, it becomes authentic, a genuine forgery...(1999:43)

Forgery says Radnoti is a functional art form, which “interchanges the interchangeable, substitutes the unsubtractable.” The crisis of authenticity of the cultural object has been present right from the outset of modernity; it intensified rapidly after forms of mechanical reproduction. This is of course the argument of Benjamin’s important and controversial artwork essay, where copies and mechanical reproduction subvert the authenticity of cultural products. This says Benjamin, subverts the “here and now” of the artwork, “its unique existence in the actual place it happens to be”. For Benjamin the aura is the marker of bourgeois art, “the spiritualisation of commodity fetishism”, something that is destroyed by new techniques of copying. Critics have pounced on the technological innocence of the artwork essay, and the reappearance of aura in the new culture industries, but the value of the artwork essay lies in synoptic power and a bold imaginative insight into the culture of the copy in modernity.

The major transformation of the culture of the copy takes place in the 19th century. From the times of the Renaissance where copying of cultural products was common and legitimate, the 19th century sees the emergence of proprietary regimes of
mechanical reproduction, when the culture of the non-legal copy enters a secular period of criminalisation and delegitimation.

The Commodity

Benjamin’s artwork essay had the merit of posing the key issue: a new form of commodification enables the means of mechanical reproduction in contemporary capitalism. Circulation now emerges not as a ‘lack’ to the world of production, but a sphere that enables a range of practices of consumption, reproduction and performance. But for most part of the 20th century the radical tradition inveighed against the world of circulation. The generalisation of the commodity form is paralleled by the decline of subjectivity and loss, reification, the transformation of the living into the dead.

In his important book John Frow uses Guy Debord’s Society of the Spectacle to open up the discussion on the troubled relationship between the radical avant-garde and the commodity (1997:4). Debord’s essay makes the point of citing Feuerbach’s preface to the Essence of Christianity, where the present age is one ‘which prefers the sign to the thing signified, copy to the original, representation to reality, the appearance to the essence’. For Debord the modern world presents itself as an accumulation of spectacles. “All that was once lived directly,” says Debord, has become mere accumulation of spectacles. Detached from life, images become autonomous, producing a reality that is but pseudo-real. The spectacle is the most general form of the commodity conforming to that historical moment when the commodity form completes its colonisation of life. Time and space now become abstract and lifeless, the former unity of the world is lost.

Debord’s essay attained a cult status during its time and was widely read. What is interesting about the essay is an overwhelming sense of loss that pervades the essay. This essay has a structure: “which opposes representation as such to the immediacy and unity of life, which sets the latter pole within a lost past”. For Debord the spectacle is “the reigning social organisation of a paralysed history, of a paralysed memory, of an abandonment of any kind of history founded in historical time”. Thesis #158 (Cited in Frow: 7)

It may be argued that Debord’s brilliant but flawed polemic is an easy target. I actually want to use Debord to draw attention to an old tradition in 20th century radical thought, the generalised denunciation of the commodity form as a phenomenon that negates history and memory.

The heritage Debord draws upon is a certain version of Marxism, combined with a heady cocktail of critical theory and 1960s counter culture. Marx himself saw the commodity as having a life before capitalism; capitalism differs in that it promotes generalised commodity production, the extension of the principle of exchange and social relationships around it to all spheres of social life. The history of capitalism therefore is the progressive extension of the commodity sphere. Immanuel Wallerstein calls it the endless drive to accumulation; there is accelerative logic to this, the transformation of labour, land and materials into value, to beget more value.

What about the commodification of cultural products? The philosopher Frow argues that this takes place at a number of different semiotic levels:

– In the case of printed texts we could distinguish between an initial commodification of the material object (the book) virtually coeval with the printing press;
– A second stage of commodification of the information contained within the material object (and conceptualised in legal doctrine as ‘the work’), of which the major historical expression is the development in the 18th century of copyright law and the modern system of authorship;
– a third, contemporary moment, developed in relation to electronically stored information, which in addition to the copyright information itself, commodifies access to that information” (Ibid: 139).

Frow argues that these are stages, “in the sense that this sequence while not uniform is normally progressive, and refers to the gradual application of property rights over immaterial entities. It is both the restricting of the commodity form as expanding its controlled use” (Ibid).

The contemporary struggle in media networks is therefore not about commodification as such, it is about imposing new property regimes. Scott Lash and Jeremy Rifkin (2001) have argued that as contemporary capitalism emancipates itself from spatial restraints, the struggle is not over the factory but over brands and domains. As production of global commodities is contracted out globally, the technologies of reproduction become generalised and accessible, brand protection and network control is increasingly central. It is questionable if we can generalise this for all of contemporary capitalism but in the case of the media worlds it is even more dramatic. Copy costs are low, and distribution mobile.

The extensions of property rights over immaterial objects are key to the informationalisation of the world economy, and a significant part of the TRIPS agreements. The emerging global regime of intellectual property legal practice works though pressuring national regimes for changes in local copyright law, a global network of enforcement, and a constant and till date unsuccessful attempt to generate secure proprietary digital formats for media.19 The key players in this are the US media (film and music) and software industries, but the effort is to build alliances with local media industries. This has been reasonably successful in India with alliances with NASSCOM, the Indian Music Association and Bollywood anti-piracy associations. Says Liang, summing up the whole scenario, “The information era props up a master plan, similar to that of modernist planning. The institutional imagination of the era relies on the WTO as chief architect and planner, copyright lawyers as the executive managers of this new plan and the only people who retain their jobs from the old city are the executors of the old plan, the police force and the demolition squad” (2003).

The push to crack down on copy culture has led to a number of significant changes in the Copyright Act of 1957, which has increased the penalties. Minimum provisions now provide for a six-month minimum jail term for commercial piracy along with a minimum fine of Rs 50,000, with a maximum limit of two lakhs. The period of imprisonment is doubled with a second offence, as is the minimum fine. Illegal ‘use’ of a proprietary computer programme carries a minimum jail term of seven days, and a fine of Rs 50,000. Says the International Intellectual Property Alliance’s India report, “With the exception of the level of fines, which should be increased, these are among the toughest criminal provisions in the world. Unfortunately, they have never been implemented” (2003:14).

Apart from further changes in the Copyright Act to make it TRIPS compliant, there have been changes in the Cable Television Regulation Act of 1995 that prohibit cable operators from broadcasting a programme without copyright authorisation. The act shifts the enforcement to the local district magistrate and commissioners
of police, who have been designated ‘authorised officers’ and who can seize the equipment by the local cable operator.

The enforcement regime in India works at a number of levels. The first is the creation of public discourse: press stories detailing the crimes of piracy to a willing press corps, second building networks with policy makers and MP’s conducting seminars and workshops on the dangers of copyright violation. Given the current propensity of our political class for making the media/software industry a central part of the country’s global brand, the lobbying has had a remarkable degree of success. Third are workshops for the police, and building close networks with the intellectual property cells of the Economic Offences Wing. Fourth, legal strategies, generating pre-release injunctions from courts, Antón Pillar orders, and collaborative raids with the police on the copy network. The overall effort to enforce intellectual property provisions in India is so wide-ranging that it surpasses older US efforts to push the modernisation discourses in the 1950s. The coalition includes elite legal firms specialising in Intellectual Property Law, corporate lobby groups, and local representatives for the US media/software alliances. The Indian media industry is an increasingly crucial player in this equation, with mixed results. In film, for example, loss-making productions have been released in the pirate market in an effort to recover costs.

Ongoing research into copy culture in the urban morphology of Delhi throws up an interesting picture of emerging conflicts on circulation of media after the TRIPS regime. It is increasingly clear that the National Capital Region is one of the main centres of copy culture in the country.

Delhi is now the centre of a complex coordinate of media markets, small software and hardware factories, and local shops that interact with customers. Production sites in Haryana and Rajasthan supply just-in-time media to the copy network, in turn linked to factories and routes in Pakistan and Malaysia. Media markets play an important role in distributing to local shops: Nehru Place for computer software and hardware, Palika Bazaar for film media and Lajpat Rai market for low cost hardware and music. Markets typically combine legal and copy nodes, frustrating efforts by the enforcement regime to spatially ‘fix’ copy culture. Nehru Place is thus one of Asia’s biggest computer markets, Lajpat Rai is a distribution centre for music companies along with grey audio hardware, while Palika Bazaar sells clothes and craft along with media.

The urban spreading of the media, and forms of digital compression like MP3 for music and VCD for film has made the copy network more dynamic, with nodes gaining mobility day by day. Until a few months ago in Delhi many neighbourhood stores would keep local CD-R machines where they would make collections of MP3’s for customers. Copy media (MP3s, VCDs) arrive though non-legal distributors regularly who liaise with media markets and production sites, using the mobile telephone network. In recent months the quality of pirate media has gone better and better, suggesting larger players in the field. The old grubby quality of covers for copy media has given way to professional looking design.

Flexibility and network performance marks some of the emerging local companies in music. Ongoing research into Nupur [Prasad: 2003], a small music company in Delhi shows a world where the company (which works out of a tiny office) operates almost like the new multinational enterprises described in Jeremy Rifkin’s book: almost everything from production, studio work, to design, etc operates though a system of contract. Studios and factories that produce the company’s music may well also produce a rival’s. Further Nupur is an enforcer of intellectual property claims in Punjab where its business is strong and relaxed in other parts.

The intellectual property enforcement regime in Delhi developed a complex, semi-autonomous architecture to engage with copy networks at the local level. The central place in this architecture is held by the raid. The raid is a coordinated act by legal firms, investigation agencies, and the local police. As the site where the enforcement regime and the local meet the raid is informed by performative violence, staged before the neighbourhood market. Local copy equipment is either destroyed or seized, software confiscated and an FIR lodged. There were approximately 1,500 raids last year, of which a significant number took place in the National Capital Region. Neighbourhood shops, factories, and markets were raided, often leading to significant clashes between the raiding party and local shopkeepers. At the heart of the raid regime is the figure of the ‘investigator’, who gathers local intelligence on copying, and acts on behalf of a range of clients. These may range from IP legal forms representing large firms, Bollywood film distributors, or music companies. Investigators inhabit a murky world of violence, small rewards, and a cynical contempt for their clients. There is universal belief that enforcement will not work, which is remarkable, given their profession. In some cases the investigators may even come from the part of the world they see seek to attack: the pirate modern.

The raid is more of an intimidatory and theatrical act at the local level than leading to any measure of legal success in the struggle to control copy culture. In actions outside Delhi, the raid sometimes collapses into a comical event. Consider this report in the Indian Express:

The film industry’s attempts to stop video piracy have suffered an embarrassing setback after a raid on a suspected pirate ended with members of the raiding party being arrested by local police and charged with trespass and extortion. It may take more than the intervention of Rajya Sabha MP Shabana Azmi – who took up the issue today – to help it wipe the egg off its face. The story begins with a raid on a house in Jangpura on Sunday morning, where 400 pirated VCDs were recovered. The disclosure pointed to a manufacturing unit in Kundli, Haryana, owned by Mahinder Batla. Owner of a company Lara Music, Batla’s two DVD and VCD manufacturing units are worth nearly Rs 10 crore and was set-up three years ago. When a raiding party comprising private investigators of the Motion Pictures Association and the Delhi police reached there, they searched the premises for nearly three hours before the local police arrived on the scene. They accused the team of ‘planting the pirated tapes’ and arrested seven people on grounds of trespass and extortion. Six people were released the next morning; one of the investigators, Vikram Singh, is still under arrest [Jain: 2001].

The Copy and the City

Talking about the second half of the 19th century in Europe, Jean-Louis Comolli said that life was in the grips of what he called the frenzy of the visible. This obtained from the constant flow of images and print forms in their millions and the transformation of everyday life. The new globalisation in India’s cities in the 1990s recalls this ‘frenzy’ except in more intensive, cross-media forms. At the heart of this extension of the visible has been the production of media commodities outside the legal property regimes of globalisation. Copy culture and non-legal distribution networks have been central to the spread of the media,
in a way that distinctions between the technological and cultural seem blurred in daily life. A significant section of the urban population derive their media from these networks. Using the tactics of the fragmentary city, the pirate networks have frustrated every effort of the proprietary enforcement regime to control them. And this is evidence of no south Asian local genius: the pirate modern works through and depends on regional-trans-national networks.

In his essay on Naples, Walter Benjamin points to the performative openness of the city, "Porosity is the inexhaustible law of the life of this city, reappearing everywhere...building and action inter-penetrate in the courtyards, arcades and stairways...to become a theatre of new, unforeseen constellations. The stamp of the definitive is avoided".26

How do contemporary elites in south Asia's cities deal with the problem of porosity and produce the "stamp of the definitive"? Older governmental techniques like technologies of visibility and knowledges about populations clearly continue and expand in Indian cities. Along with national elite obsessions like ID cards, computerised crime records, secessionary enclaves and housing societies are setting up CCTV systems, electronic security, and control of 'outsiders'. Software companies lobby for national ID cards, which have already been implemented in the border states. Given the absence of any privacy law in India, electronic conversation, both aural and textual is open for state interception. But in the porosity of the contemporary city the realms of copy culture thrive. This is the sphere almost akin to what Lefebvre calls the 'residual', what is 'left over'. I say almost since Lefebvre would have been deeply uncomfortable with the graphic commodity spheres of the pirate economy, so would an entire generation of radical urbanists who saw critical/redemptive strategies located in the spheres outside the commodity.27 This was the old dream of the transcendence of the everyday though the everyday. The everyday becomes a space/theatre for strategies of defamiliarisation, redemption, and detournement. But as Blanchot points out, "the everyday escapes. This is its definition" (1987:5).

Earlier patterns of political society in India allowed non-legal populations and networks to assume visibility and enter networks of welfare and administration. Copy culture and the people who thrive in its networks cannot do so easily; it would violate the fundamental concepts of property in the current global/national regime. However pirate culture has no strategies of political mediation, it works though immersion and dispersal rather than representation and voice. It is resistant to both control as well as radical-critical strategies28 of intervention, inhabiting networks of disorder that are endemic to contemporary urbanism. This may be its greatest strength and resilience.

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Notes
1 City One Conference on the South Asian Urban Experience, Sarai, CSDS, Delhi January 2003.

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CENTRE FOR SOCIAL STUDIES
SURAT

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References


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