

Cinematic citizenship and the illegal city

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ABSTRACT *This paper examines some of the questions that could emerge from the relationship between Law and Cinema. While there has been some scholarship on law and cinema, most of it has largely focused on the formal properties of film, and not moved beyond the question of representation. This paper argues that for a fruitful enquiry to emerge, we would need to have an understanding of the complex relationship between the spatial implication of cinema, practices of groups like fan clubs, the question of changing technologies of cinema and how they relate to issues of citizenship and modernity. Finally, it argues for a more nuanced understanding of the phenomenon of non-legal media circulation or piracy in the contemporary and links this to the question of citizenship and globalization.*

KEYWORDS: Law and culture, piracy, new media, Indian cinema, Bollywood, law and cinema, citizenship, globalization, censorship, fans

Introduction

Even within the burgeoning field of law and culture, law and cinema has been a relatively marginal field of enquiry. Beginning its career as an enquiry into the depiction of law and the legal process in popular culture, the area has thus far been dominated by discussions on American popular culture in general, and Hollywood in particular. Focusing on a limited question of the impact of popular culture on legal imagination, the scholarship in this area has been tied itself down to an extremely narrow domain of film studies, namely textual and narrative analysis.¹ Admittedly the question of how popular cinema shapes popular legal consciousness is, by itself, an important one, but it will be the argument of this paper that it is certainly not the only question nor even the most important one to ask of the relationship between law and cinema.

In fact it would be an anachronistic tragedy if we were restrict ourselves, while defining the area, to the limited cinematic experience of how films are 'read'. The reason I term this an anachronistic tragedy is that the very object of film studies, and the field it now covers, has changed dramatically over the past few years, to the extent that there may not any longer exist any stable definition of cinema. Bhrigupati Singh, for instance, provocatively argues that the object that, until recently, could be referred to as cinema may not quite exist any longer. It has changed completely in its shape, form and mode of dispersal. Taking the case of the Bollywood blockbuster *Kabhi Khushi Kabhi Gham* (*Sometimes Happiness, Sometimes Sadness*, also known as *K3G*, Karan Johar, Hindi, 2002), Singh says that the star of the film, Sharukh Khan

flows uninterrupted and simultaneous into to a Pepsi ad on Star Plus, a rerun of *Baazigar* (*Gambler*, Abbas-Mustan, Hindi, 1993) on Sony TV into an Ericsson ad in *The Times of India*, only to reappear on the upper left corner of the MSN Hotmail India screensaver. Amitabh Bachchan plays an ageing corporate scion and benevolently distributes money and a few

minutes of fame to the Indian middle class on *Kaun Banega Crorepati*, the Hindi version of *Who Wants to be a Millionaire*. K3G the film, itself appears in only a fraction of the cinema halls in any of the big Indian cities on the day of its release, simultaneously screened with a shaky and uncertain print on TV by various cablewallahs, flooding various electronic bazaars soon after as an easily copied VCD. (Singh 2003: 1)

In this paper I will examine one significant strand drawn from in the many ways in which film studies has moved beyond the question of textual analysis, namely, the movement towards a more serious engagement with the place of cinema in a larger experience of the urban. This also reflects the movement of cinema from the screen to the street, both in terms of a *spatial* move as well as a *technological* one, where cinema finds itself circulating in the form of cheap, easily reproduced illegal media commodities. This move also opens up ways for new and varied disciplinary enquiries into the nature of film. As long as the question of film studies has been interested solely in the formal properties of film,² the ability to create multiple entry points into the experience of cinema remained limited, forcing the debate to be framed largely upon the question of representation. By shifting the focus from representation, for instance, to the *experience* of cinema within a larger context of the 20th century urban experience, the object of enquiry has no choice but to contend with overlapping, layered and deeply conflicting histories of the city, in which *legality* – the legal organization of that experience – emerges as a critical component.

The aim of this paper will be to make a critical intervention in the law and cinema debate, to push its terrains beyond the question of content analysis. We shall examine what it might mean to provide an account of the complex relationship between law and cinema as it traverses the interconnected trajectories of *space*, *carriage* and *content*. By looking at histories of the spatial regulation of cinema and linking it to a broader history of cinema and the experience of the public sphere in India, I will argue that cinema has always had an, at best, uncertain relationship with law, and shall try and locate how an edgy illegality incarnated by the cinema may actually have a lot to say about larger questions of citizenship, democracy and understanding the complex world of *participative illegality* in India. I shall explore some of the legal ramifications of such illegality, and then return the question to its cultural representation in the cinema and, thereby, to the circulation of the illegal media commodity. This paper is in the nature of a speculative charting of ways in which we can push the terms of the law and cinema debate into slightly more unstable zones.

Spatial dimensions of cinema

One of the first significant moves in film studies away from the dominance of what was happening on the screen, took place in studies of viewing activity in the particular space of the cinema hall, in social histories underpinning practices of spectatorship and the politics of *exhibition*.³ While this has been in itself a significant shift, it could nevertheless be argued that the shift still often takes place within the narrow confines of what may be primarily termed as cinematic spaces. However, the very idea of a cinematic space is itself rendered meaningless if we take into account the diversity of media spaces that exist (the neighbourhood video library, the cable guy, illegal media markets). As Ravi Vasudevan argues,

Let us consider the cinema as a more matter of fact everyday space: composed of the hall, its internal organization of foyer, auditorium, seating and the projected film, and its public presence, as in its facade, advertisements, marquees, hoardings. And let us see this space in relation to a broader space, in the market, near factories, schools, office blocks, in a mall, in residential areas; and how it is located in the depth of this space or on its margins, near main arterial thoroughfares, linking one space to another through transportation. (Vasudevan 2003)

Thus, while the experience inside the hall may be a distinctive one, it is also continuous with the spaces mentioned.

There can, arguably, be no distinct account of cinema or cinematic spaces, which is not *at the same time* an account of the history of the city, of the experiences of modernity and of the conflicts that define the very occupation of these spaces. Furthermore, this spatial and technological history of cinema cannot be seen only in terms of an attempt to supplement the discipline of film studies: it forces us to re-examine many of its foundational assumptions. Stephen Hughes, speaking on the history of exhibition in Tamil Nadu, says 'It is not that exhibition is just a missing piece in the history of cinema in India that can be added on to provide balance to conventional accounts. Rather, once exhibition is taken as a necessary part of film history, we must rethink how we construct Indian cinema as an object of study' (Hughes 2003).

The movement from an examination of cinematic *spaces* to a larger idea of cinematic *practices* may entail a shift into a larger spatial history, one that foregrounds the importance of space in relation to the larger histories of the state and the public sphere. A history of spectatorship for instance does not merely provide us with a way of engaging with *what* people see, and *how* people see, but also with stories of crowds, of their interaction with each other, with the space in which the film was screened and how this may have bearing on their interaction with the screen. It also involves a history of 'urban regulation and tactical maneuver, the reinvention of technological formats and social selves' (Vasudevan 2003).

My starting point in developing an argument about how spatial practices around cinema influence the relationship between law and cinema is also, curiously, a story about censorship, which would traditionally be seen as a content problem. And as with any other legal story, after the initial excavation one finds what one least expects. Any discussion on censorship is generally seen as a discussion of content, and justifiably so. However, I would like to use the history of the Cinematograph Act in India to demonstrate, through it, the hidden spatial history of censorship.

The Cinematograph Act enacted in 1918 provides for the establishment of a Censor Board, and no film can be released in India without the grant of a Censor Certificate by this Board. The all-encompassing power of the Board ranges from public order to sexual morality and to national interest. In many ways the Board always leaves its imprints on every aspect of what we eventually come to name 'film', hovering around scenes that are missing because they have been cut, interrupted acts of passion, dialogues that become a beep, kisses that are replaced by the conjugal meeting of flowers and birds (Prasad 1998). If Frank Capra made his mark in the history of film trivia by being the name before the title, the Censor Certificate that is screened before you see any film narrates the hidden history of Indian cinema. And yet this space, marked by its over-investment in narrative (after all nudity is allowed only 'if it is central to the story'), has its origins not in any anxiety about the narrative of the film, but in the anxieties around the new space that *cinema* has enabled.

The initial history of the regulation of cinema spaces in India was informed by a discourse of the health and safety threats posed by this new technology, since it used highly inflammable film. Cinema arrived in India via the metropolitan centres of cities like Madras, where it served primarily as entertainment for the British officials and soldiers. But when cinema started catering to the 'native' population, and moved into the other parts of the city, primarily its working-class areas, the anxiety around cinematic space took a new turn, now causing immense concern to the colonial government. The anxiety was of governance and the ability to control a growing nationalist public: 'The daily collecting of crowds in the streets outside the theater at regular intervals before a show, and then after being emotionally galvanized through the collective experience of film watching, exiting together onto the streets again made the police authorities particularly concerned' (Hughes 1999: 49). The colonial authorities carried with them unpleasant memories of Indian crowds, especially

after religious processions and at dramatic performances, as a potentially uncontrollable threat to the political and social order. The very notion of collective gatherings, even at places of public entertainment, carried assumed connotations of riotous mobs and revolutionary masses which could be mobilized against colonial authority' (Hughes 1999: 50).

This was the period that saw the consolidation of the censorship machinery to regulate the new technological medium and the potentially dangerous space that it enabled. This period brought a discourse of health and safety together with that of moral danger, into a single regulatory authority, the new Censor Board. The transition from the language of health and safety, to one of moral hazard is completed in a seamless manner by the midwife of censorship in India, a man named Greenwood. Greenwood, who was the chief electrical engineer of Madras was appointed as the inspector of all theatres to see whether they complied with various safety guidelines, especially to avert fire. Greenwood, being a true Colonial officer, took his call of duty rather seriously, to include within his powers inflammatory materials of all kinds, and he started making suggestions about the regulation of cinema in general beyond the health and safety angle, and in a report advised the government that 'films dealing with inflammatory matters such as Gandhi doctrines, religious feelings of the Mohammedans and the universally condemned scenes of in chastity or immorality were particularly dangerous in the current scenario' (Hughes 1999: 47).

Thus, the birth of an Indian cinematic public emerged within a highly regulated and highly suspicious environment, where the entire enterprise of cinema was constantly under the threat of law, and subject at every point to the gaze of the law. It is of course ironic that studies of spectatorship, the relationship between the gaze and the screen have been largely silent about the first collective gaze upon the completed film, which is that of the *law*: the gaze that determines the very domain of what a film can or cannot be.⁴ If on the one hand cinematic space was coded as an always-already legal space, then cinematic space also created a new space in which existing social relations and conflict, primarily class-caste, be both *enacted* and *transgressed* at the same time. Sivathamby notes for instance 'The Cinema Hall was the first performance centre in which all Tamils sat under the same roof. The basis of the seating is not on the hierarchic position of the patron but essentially on his purchasing power. If he cannot afford paying the higher rate, he has either to keep away from the performance or be with all and sundry' (Sivathamby 1981).

Despite the colonial government's attempts to discipline the space of cinema, cinematic practices displayed a rather stubborn refusal to be subordinated to the panoptic gaze of the state. As the cinematic apparatus travelled from urban centres into smaller towns and villages, the cinema hall merged with older forms of travelling theatres to become tent houses that became mobile cinema halls. The 'place' of cinema that was sought to be regulated was dispersed into a plethora of spaces in which cinema unfolded. The history of cinema in India is marked by a history of extreme regulation and extreme tactility, the evolution of a new public arena of participation which was also marked at the same time by older histories of exclusion, all in all a highly charged space of conflict, anxiety and ambivalence.

Chiranjeevi fans and their public sphere⁵

I will now focus on a distinct set of practices that provides us with an important way of conceptualizing cinema's relationship to the public sphere, namely fan activity. S.V. Srinivas begins his important study of the fan phenomenon by posing a fundamental question: what is the nature of the public sphere constituted by cinema? Given the pervasive publicness of cinema, Srinivas posits that it is curious that classical accounts of the public sphere are not in a position to address cinema. Referring specifically to Habermas' idea of the bourgeoisie public sphere, Srinivas argues that for Habermas the idea of mass culture and the

public sphere are contradictory, which means that the audience of cinema always remain a 'non-public'. He suggests that an account of Indian cinema has to be framed in terms of the experience of a collective rather than the idealized individual spectator, the focus of most western theorists like Laura Mulvey and Christian Metz. And it is the nature of this collective that he attempts to theorize as a collective that attempts to become a public. In particular, Srinivas provides us with an account of the emergence of the Chiranjeevi fan clubs in Andhra Pradesh, linking it to a wider political history of the emergence of various subaltern groups such as dalits and landless labourers, forcing an examination of the question of citizenship (Rajadhyaksha 1999; Vasudevan 2001).

The turn to the question of citizenship as negotiated in and by Indian cinema has been influenced to a large extent by a landmark essay written by Partha Chatterjee, which argues that postcolonial society in India may be characterized as consisting of a domain of civil society and a domain of political society.⁶ Civil society – which is generally used as the catch-all phrase to indicate the domain outside of the state – is, in the Indian context, a very small arena of people whose social location can be easily identified with a fair degree of clarity, and these are generally the elites who have access to the formal liberal structure (best exemplified in terms of the constitution and the legal process). Theoretically, the formal liberal structure construes all of society as belonging to the domain of civil society, and every person is a citizen with equal rights. (Chatterjee calls this move one of 'enumeration', where everyone is counted as a citizen.) He however argues that the domain of civil society as marked by the characteristics of modern associational life 'originating in western societies that are based on equality, autonomy, freedom of entry and exit, contract, deliberate procedures of decision-making, recognized rights and duties of members are restricted to a very small section of citizens' (Chatterjee 1997, 2001). Most inhabitants of India are only tenuously, and even then ambiguously and contextually, rights bearing citizens in the sense imagined by the constitution (Chatterjee 2001). Most citizens are therefore unable to occupy the space of the normative citizen subject or, collectively, the space of civil society.

To conceptualize the vast majority of society that lies beyond the domain of civil society, Chatterjee proposes the notion of political society. Political society for him is the domain of the population, not citizens, and includes parties, movements, non-political formations and the institutional form of this political society will always remain uncertain. However it is not as though this class is beyond or outside the reach of the state or even excluded from the domain of politics. As a population within the territorial jurisdiction of the state, they have to be both looked after and controlled by various government agencies. The postcolonial developmental state seeks to relate to different sections of population through the governmental function of welfare, and democracy becomes the major form of mobilization through which political society channels and orders popular demands upon the developmental state.

Using an example of illegal settlements in Calcutta, Chatterjee argues that this body consists of a group whose very livelihood and habitation involves a violation of the law, and yet the state cannot ignore them: the state negotiates with squatter associations, not really as a body of citizens but as a convenient instrument of administration of welfare to a marginal and underprivileged population group. And yet, these groups constantly assert citizenship rights and make a claim for a political status and public participation beyond the patronising language of welfare. We shall return to this theme of the relationship between citizenship and illegality, but for the moment it is time to connect back to our cinematic publics.

Drawing from Chatterjee, Srinivas argues that there is a crucial distinction between the all-encompassing category of the audience and that of a public. The audience as a category of analysis is similar to Chatterjee's idea of the enumerated citizen, the idea of an audience masks the conflictual nature of competing publics. On the one hand there is the elite public

of cinema and, for Srinivas, this elite public is a public of citizens; on the other, there is the non-elite audience belonging to diverse groups but distinguished by their different reading practices of a film. At this juncture emerges the figure of the excessive fan. Srinivas says that:

What cannot be ignored is that the cinema's elite public is a public of *citizens*. Although there are internal differences within this public, which is not exclusively male, upper-caste or middle-class, its members enter the public domain as citizens. On the other hand, fans – whom I have identified as constituents of the mass-audience and non-elite public – are non-citizens. While their activity needs to be seen in the light of ongoing struggles for citizenship and rights, I argue that it is a manifestation of these struggles in spaces, which are not in any obvious manner 'political'. It is important to note that fans' associations drastically expanded the scope of the discourse of rights, by inserting this discourse which was hitherto the prerogative of 'citizens' into a public sphere that was constituted by predominantly poor, often lower caste, young men. As a consequence, the star – nominated by fans as the presiding deity, in a manner of speaking, of this public sphere acquired enormous political significance. Not because the star had the ability to order this public sphere at will but, as we shall see in the next chapter, because *fans* assumed a political role by becoming claimants for rights.

The questions the above proposition raises are when, under what conditions, how, and in what forms, does the articulation of rights manifest itself in fan activity? How do we understand this historical moment when cinema was itself coming to terms with the struggles for citizenship by political society and offering new frames of intelligibility to its audiences? The responses of publics to cinema and each other are responses to a historical moment, which is often produced as a crisis. (Srinivas 1997: 14)

The publicness of fan associations

There are approximately 3000 fan associations in Andhra Pradesh devoted to film star Chiranjeevi. While fan associations have always existed in South India, fan associations became an important unit of political mobilization when the biggest star of Telugu cinema N. T. Rama Rao won the elections and became the Chief Minister of the state within six months of deciding to stand for elections. His primary support came in the form of his fan associations who did most of the groundwork of establishing a mass base for his political party. Politics and cinema in Andhra Pradesh has primarily been dominated by members of the *kamma* caste. Chiranjeevi became the first non-*kamma* star to make it big in cinema, and hence became the basis of mobilization for the non-*kamma* publics. Most of the members of the Chiranjeevi fan associations are unemployed youth, students, and workers from the unorganized sector, including mechanics, shop assistants, hotel workers and errand boys. These fans are marked by their excessive behaviour, hyperbole, obsession with the star, his films and his life, a propensity to crime and, in short, bearing all the characteristics that mark them as being significantly different from the ideal citizen of civil society.

Srinivas argues that the most significant aspect of the fans lies in the publicness of their activities. On most evenings fans meet in public places like teashops, street corner pan shops, and often in the vicinity of a cinema hall. Public places become the office of fan associations, which often bear strange addresses such as All India Chiranjeevi Friends Unit, Urvashi Theater, Gandhinagar, or Akhilandhra Chiranjeevi Yuvata, opposite Sandhya 70 MM, Hyderabad. The fan associations are particularly active during special occasions, such as the star's birthday, the release of a new film, the celebration of 50 days of a film etc, and they decorate the streets with gigantic cutouts of the star, distribute flyers, posters, sweets and generally celebrate on the streets leading up to the theatre.

During the film, they also engage in certain protocols of collective activity, cheering and throwing money at the first appearance of the star, dancing to his songs and willing to pick

a fight with anyone who does not have anything nice to say about the star. Srinivas argues that what really matters is not so much the spectacle on screen but what happens off-screen where the viewer/fan is also a performer. This off-screen spectacle (like a number of other fan activities, which need not be spectacular) is addressed to the absent star, as much as it is to the fans themselves and to the others present in the audience.⁷ It is a celebration of the presence of the fans (at the theatre) who by their presence make the film happen and the star appear (and not the other way around).

While the mode of address to the star is that of devotion/admiration and commitment, the language that the fans use is a language of rights. Fans therefore collectively demand that the filmic narrative progress in a certain manner and may even react violently if the star does not adhere to the expectation of the fans.⁸ Elsewhere Ashish Rajadhyaksha has characterized the relationship between expectation and performance as a *narrative contract* (a conceptual category introduced by Sudpita Kaviraj to characterize Indian nationalism) between the star and the spectator (Rajadhyaksha 1999: 267–296).

We now need to connect these excessive, performative acts of fans to the older history of cinematic space. The history of cinematic space, as noted earlier, is also a history of unequal access. If the legal regulation that arose with the Cinematograph Act defined the spatial arrangement of cinema in terms of the different seats, entries etc, this translated into a spatial segregation of the cinema hall to mirror existing hierarchies. The history of early postcolonial cinematic space is also marked by sharp social conflict and anxiety. For Srinivas, it is this public space marked by its histories of exclusions that fans seek to occupy. For him there is no way of reading the conflict around this space without contextualizing the dispute within the larger struggle over public places in India. A significant history of the Dalit movement has been around securing rights of equal access to a number of public spaces such as temples, village wells, streets etc. His account of fan activities makes a critical contribution in expanding the liberal account of citizenship, democracy, rights and the very idea of the political, including within it practices that do not fall within the classical account of political representation and participation.

The illegal citizen

Taking a cue from Srinivas' account of the background of most of the members of the fan associations, we can now return to the debate on citizenship to introduce the idea of the illegal citizen. The creation of the citizen subject category in India demanded a move away from the over-signified body of the individual marked by religion, gender, caste etc, into an unmarked subject position, 'the citizen', a category based on equality and access and guaranteed rights within the constitutional framework.

In the Indian context, the history of the citizen is clearly tied to the project of the nation,

the largest imagined space which claimed the nomenclature of the new, or at least with the Utopian projection of the ideal community, freed from colonial domination, and free to create a world untainted by inequalities of caste-class, community or gender. It was a community, however, only of those who were eligible to be citizens, and the question of how citizenship was conferred is in many ways the same question as how the nation was imagined. Nationalism was a marker of the readiness to enter the 'modern' age, and the modern person produced as 'Indian' was the free, agentive, romantic subject of liberal humanism.

The markers of traditional identities, affiliations and allegiances did not fit within the project of Nehruvian modernity, and becoming a modern citizen was about disavowing older selves in favour of the liberal secular self (Niranjana 1993: 1).

The logic of incorporation into the subject position of citizenship was then always marked by a willingness to disincorporate the subject's positivity or excess, precisely

because the subject positivity did not have any bearing on his/her participation in the public sphere. However, clearly not everyone could participate equally in the logic of disincorporation, and Tejswini Nirankana argues that the exnominated modern citizen, while allegedly a neutral category, is invariably marked invisibly as middle class, upper caste, Hindu and male. The process of disincorporation required the deployment of discursive and institutional strategies that have distributed the privilege of disincorporation in a highly uneven and unequal way.

Thus, the majority of people in India are only precarious citizens who often do not have the ability to claim rights in the same manner as the elite in India can. Instead, the manner in which they access institutions of democracy and 'welfare' is often through complex negotiations and networks, often marked by their illegal status. In their work on rowdy sheeters, Dhareshwar and Srivatsan suggest for instance that some bodies, like the 'rowdy or the lumpen will not be disincorporated, so tied are the shame of their positivity to their bodies' (Dhareshwar and Srivatsan 1996: 214). Thus, the project of disincorporation almost immediately creates a discursive other, the illegal citizen who refuses or just cannot shed their social excesses (Dhareshwar and Srivatsan 1996).

Thus, while citizenship and modernity are normatively constructed as highly desirable, and the grand project wills everyone into a state of modernity, there arises from the start a clear lack or inability for the bulk of the population to occupy this space. So what happens when people fall off these official maps and plans? How do they find their way back into official memory and create for themselves avenues of participation. I would suggest there lies a great deal of work to be done on engaging with how people create vibrant spaces outside of official plans through which they participate, and more often than not these spaces are marked by their high degree of illegality.

As noted earlier, this category of the illegal citizen includes such a vast number of people that the state has no choice but to negotiate with it, sometimes with brutality and at other times by giving into their claims. The story of democracy in India is in part precisely the story of these negotiations. The collective experience of the category of the illegal citizen is perhaps best demonstrated in urban studies where the idea of the illegal city is a familiar one now. One reads for instance that an average of 40%, and in some cases 70%, of the population of major cities live in illegal conditions. Furthermore, 70 to 95% of all new housing is built illegally (Durand-Lasserve and Royston 2002; Alternative Law Forum 2003). The primary reason for this state of illegality arises from the nature of land tenure forms in cities, where the twin tropes of ownership and title are clearly unable to account for the myriad ways through which people assert a claim on land and to the city more generally. The people who live in this perpetual state of illegality also engage in other networks of illegality, such as stealing electricity, water, bribing their way through the Kafkaesque bureaucratic structures to access civic amenities that the legal city take for granted.

In a city like Bangalore, for instance, the Bangalore Development Authority, the urban planning authority, provides for approximately 15–20% of the city's housing requirements, while another 12–15% is met by private developers. The rest of the city emerges outside of planned development and is hence outside the law. Most urban citizens have no choice but to build, buy or rent illegal dwellings since they cannot afford the cheapest legal accommodation or there is not enough supply to meet the demands of a growing city, marked by high migration as a result of the new information technology dreams that also spurs the imagination of the city's official residents (Alternative Law Forum 2003).

A liberal understanding of land tenure forms is limited because its understanding of interest in land relies too heavily on how ownership and legitimate claims are narrated through title deeds and other legal documents. Any attempt to understand the complexities of the ways in which people make a claim to land in the city would have to take into account the multiple and complex forms that it takes in terms of networks of relationships that

constitute a land tenure claim (the hawkler who has a designated place even though he is not entitled to the place in any formal manner, the squatter who pays a rent to the local policeman, the illegal slum that borrows and steals electricity and water from the rest of the productive city, the unauthorized revenue layout that gets regularized or legalized near election time on the basis of their strength as a vote bank).

Solomon Benjamin, in the course of his detailed engagement with informal economies in India, has consistently argued for a greater understanding of what he calls democracy/politics by stealth (Benjamin 1991). Since access to the institutions of democracy are unequally distributed, most of the urban poor make their way into these stubborn structures through the lower rung bureaucracy, often using bribery as a route through which they access basic services. The middle class response is of course the simplistic one, that bribery is the root of all evil in India. Walter Benjamin has characterized the porous nature of the city by saying that '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' (quoted from Sundaram 2004).

Another metaphor closely related to the idea of porosity is that of seepage. The Raqs Media Collective, for instance, looking at what they name the five figures of contemporary transgression, namely the *hacker*, the *migrant*, the *pirate*, the *alien* and the *squatter*, argue that these are the people who fall off official maps, official plans and official histories but yet they travel with the histories of the networks such that they are able at any point to deploy, within an instant, ubiquitous insider knowledge of today's networked world. They then introduce the powerful metaphor of *seepage* and how it may help us to think through these acts of transgressions.

How does this network act, and how does it make itself known in our consciousness? We like to think about this in terms of Seepage. By seepage, we mean the action of many currents of fluid material leaching on to a stable structure, entering and spreading through it by way of pores. Until, it becomes a part of the structure, both in terms of its surface, and at the same time continues to act on its core, to gradually disaggregate its solidity. To crumble it over time with moisture. In a wider sense, seepage can be conceived as those acts that ooze through the pores of the outer surfaces of structures into available pores within the structure, and result in a weakening of the structure itself. By itself seepage is not an alternative form; it even needs the structure to become what it is – but it creates new conditions in which structures become fragile and are rendered difficult to sustain. It enables the play of an alternative imagination, and so we begin seeing faces and patterns on the wall that change as the seepage ebbs and flows. In a networked world, there are many acts of seepage, some of which we have already described. They destabilize the structure, without making any claims. So the encroacher redefines the city, even as she needs the city to survive. The trespasser alters the border by crossing it, rendering it meaningless and yet making it present everywhere – even in the heart of the capital city – so that every citizen becomes a suspect alien and the compact of citizenship that sustains the state is quietly eroded. The pirate renders impossible the difference between the authorized and the unauthorized copy, spreading information and culture, and devaluing intellectual property at the same time. Seepage complicates the norm by inducing invisible structural changes that accumulate over time. (Raqs Media Collective 2004)

It is into this ambivalent state of the legal/illegal that I reinsert Srinivas's account of fan activities, a number of them involved in peripheral economic activities, struggling to occupy the subject position of being a citizen. Chatterjee's definition of the relationship between political society and the state seems a little lopsided, attempting as he does to resolve the tension via the route of welfare and democracy. While clearly an important component, it fails to provide an account of the richly complex ways in which this 'political society' creates their own avenues of participation. The dependence on the language of

development and poverty alleviation does not do any justice to the creative instincts of survival.

Instead it enables the coming into play of a language of piety that can be used to pay lip service to the plight of the urban poor, while retaining the structures of exclusion. In a landmark case, *Olga Tellis v. Union of India* (*Olga Tellis v. Union of India AIR 1986 SC 180*) the Supreme Court was called upon to decide whether pavement dwellers had a right to stay on pavements, and whether forcible evictions amounted to a violation of their fundamental right to life and personal liberty. The decision of the Supreme Court begins with a typical account of the urban poor structured to induce a mixed reaction of shock and sympathy. It states

These writ petitions portray the plight of lakhs of persons who live on pavements and in slums in the city of Bombay. They constitute nearly half the population of the city. The first group of petitions relates to pavement dwellers while the second group relates to both pavement and basti or slum dwellers. Those who have made pavements their homes exist in the midst of filth and squalor, which has to be seen to be believed. Rabid dogs in search of stinking meat and cats in search of hungry rats keep them company. They cook and sleep where they case, for no conveniences are available to them. Their daughters, come of age, bathe under the nosy gaze of passers-by, unmindful of the feminine sense of bashfulness. The cooking and washing over, women pick lice from each other's hair. The boys beg. Men folk, without occupation, snatch chains with the connivance of the defenders of law and order; when caught, if at all, they say: 'Who doesn't commit crimes in this city?' (*Olga Tellis v. Union of India AIR 1986 SC 180*)

It goes on to add that

Numerous hazards of health and safety arise if action is not taken to remove such encroachments. Since no civic amenities can be provided on the pavements, the pavement dwellers use pavements or adjoining streets for easing themselves. Apart from this, some of the pavement dwellers indulge in anti-social acts like chain-snatching illicit distillation of liquor and prostitution. The lack of proper environment leads to increased criminal tendencies, resulting in more crime in the cities. It is, therefore, in public interest that public places like pavements and paths are not encroached upon. (*Olga Tellis v. Union of India AIR 1986 SC 180*)

This decision illustrates the encounter between the law abiding citizen of civil society and his subterranean other, the illegal citizen: it is an encounter that is marked simultaneously by a repulsive voyeuristic fascination and horror, the narrative barely able to disguise its contempt for the 'animal like' existence of the pavement dwellers. It speaks in a language where pavement dwellers adversely affect the public interest, clearly defining the pavement dwellers residing somewhere beyond the idea of the 'public'. It is of course a different matter that most of the services and labour for the city emerges from the very filth and squalor of pavements and slums. In another decision of the Supreme Court, the chief justice of India stated that 'giving land to squatters was like giving money back to pickpockets'.

From the angry young man to the Tapori

I will now attempt to return to cinematic practices, but shifting the register this time, to move onto a more speculative plane to look at how cinema has negotiated with this history of public space, urban experience, modernity and the world of porous legality. The tension between the legality, marked by its dystopic sense of the urban poor and illegality, the primary means of surviving the city, has informed much of cinematic imagination. It has for instance been argued that cinema constitutes a slum eye view of politics (Nandy 1998) and the obsession with the figure of the violent outsider to the law, which has marked much of Indian cinema, maps onto the collective fantasies of a large section of the urban poor. In terms of film theory, this has translated into a lot of work that has attempted to understand

the transition that took place in the 1970s in India, which saw the emergence of one of India's most important cultural icons, Amitabh Bachchan, and the myth of the 'angry young man' (Kazmi 1998).

Most of Bachchan's films in the 1970s to the 1980s saw him play the violent outsider of the law, delivering the directive principles of state policy and guarding fundamental rights in an alternative legal universe. Bachchan emerged as one who could give justice to his class. He protects them from the law (there are a number of scenes in his films where he arrives just in time to stop the slums from being demolished), thereby also performing 'the task of dispensing instant justice which the official legal system fails to do' (Kazmi 1998: 139).

The Bachchan phenomenon is also closely analysed with respect to the collapse of the social cohesion guaranteed by the postcolonial state, and the erosion of the compact of citizenship. After the Emergency in India (1975–77), there emerged a drastic change in film narratives, and the social cohesion that was sustained till then in the form of the feudal romance in cinema, erupted to create the Bachchan phenomenon. The new expectations arising out of the political upheavals also changed the nature of the traditional forms of narrative and opened spaces for new forms of narrative and characterization. The disruption of the citizen subject brought forth various categories of social conflict which had, till then, been contained by various strategies of social cohesion. Just as the popular romance contained the contradictions of an emerging capitalist entity, the films of the 1970s allowed an outburst of the contradictions to be represented in the cinema of the time.

This reading of Bachchan as the lumpen body that refuses to be disincorporated is largely an accurate one, and the best example of this is *Deewar* (Yash Chopra, Hindi, 1975), which dramatizes the relation between a contractual law-abiding society, with its subterranean, criminal obverse. While the Bachchan phenomenon and its outright rejection of the law speaks to a crisis of the state and legitimacy, it somehow fails to capture or provide a glimpse into the tactile creative world of illegality that most people engage in to work their way around the law. The metaphor of Bachchan as the angry young man works well within an almost avant gardist critique of the state, and undoubtedly every once in a while you have the emergence of certain Robin Hood like personalities in Indian social life, who capture the imagination of the people and media (Haji Mastan, Veerapan, Vardarajan Mudalair). These (predominantly) gangsters or outlaws invoke an image of absolute crisis, and the response can only be in the extreme body of Bachchan. But even then, the narrativization of these collective fantasies can only be placed within the pathologised body of the star (so Amitabh Bachchan's resistance to the law, rather than being seen as a specific class response, for instance, is reduced to the bad childhood that he had, his parents were killed, he was tattooed etc).

This is a story that is pretty familiar in Indian film studies, and in a lot ways also the most obvious entry point into a discussion of law and legality in Indian popular cinema. I will however attempt to move away from this dominant narrative and focus instead on another strand altogether to illustrate the idea of the porous legality and everyday space. My attempt is to try and move the focus of looking at the dramatic negotiations of law and the legal to look at the quotidian experience of law and legality as negotiated in cinema.

The primary reason for this, is that the account of legality that I have been trying to outline thus far is not necessarily based on a thought out, self-conscious opposition to the law, the system etc which Bachchan's angry young man persona seems to represent. Instead, I am more interested in the practices that resist being captured by the totalizing narrative of legality, but do not necessarily pose any alternative Utopias, they exist at the level of livelihood, tactical strategies and embody a certain irreverent playfulness in their negotiation of categories such as citizenship, modernity and the political.

There is undoubtedly a struggle, often a very difficult one, to occupy the space of the normative citizen or at least to access the benefits accruing to the citizen subject, but this is

not necessarily a space of despair as most studies of urban poverty or legal decision paint them out to be. This is also a space of creativity and dignity, in which people on the margins find innovative ways of dealing with the state of their exclusion. An important shift in film studies that tries to engage with this space, the common place of law, the street and the urban experience is Ranjani Mazumdar's work on the figure of the *tapori* in Bollywood. Arguing that cinema constitutes the hidden archive of the Indian modern, Ranjani attempts to distinguish the cinematic experience of modernity in India from the experience that scholars like Benjamin and Simmel have provided. If the Benjaminesque experience of the city was marked by a trope of spectral figures like the *flâneur*, and the cinematic experience of the city was in the form of terror (film noir), anxiety (science fiction), in India, the city and particularly the street becomes a simultaneous site of community and crime, dance and violence, madness and freedom, death and renewal. The street, which could be the footpath in Bombay cinema, is a part of the village community, part of a cosmopolitan city street, a symbolic organizer of a set of contradictory impulses that generate an intense performance (Mazumdar 2001: 4972–4880).

Various characteristics of some of the urbanites that we have encountered thus far, the fan, the trickster, the slum dweller, merge in the figure of the *tapori*. The *tapori* for Majumdar is a particular Mumbai figure, a male persona who is a part-time street hood and part-time social conscience of the neighbourhood. A stylized figure representing the streets of Mumbai, the

tapori has primarily been a cinematic invention. He stands at the intersection of morality and evil, between the legal and the illegal, between the world of work and those without work. His strength lies in his ability to organize the various tensions produced by the urban experience in India. Sometimes dabbling in petty crime, the *tapori*'s personality is invested with an integrity from which he emerges as the protector of a certain moral code. (Mazumdar 2001: 4872)

While not directly about the illegal world of the *tapori*, Majumdar provides us with an important entry point in thinking about the space of everyday legality, where there is an over-determination of life by the law and yet there exist a number of stubborn practices that constantly enable seepages that refuse to be plugged by the legal system. This is also a performative space where the ordinary language of the political discourse such as citizenship, public sphere and rights are rendered inadequate. For Majumdar, 'Performance and performative gestures are crucial to the *tapori*'s agency. This performance deploys sharp street humour and an everyday street language, in addition to a deep skepticism towards power and wealth. In performing and depicting marginal figures whose narrative predicaments seem to mirror their psychological states of marginality, we see a verbal and social alienation expressed in the acting/performance of the *tapori*. He uses style and gesture to both shock and play with the signs of everyday culture circulating in the city' (Mazumdar 2001: 4975).

If the grand project of the welfare state had been to speak to the urban poor in the language of piety, and the project of law has been to speak to the *tapori* in the language of power, it is the ability of the *tapori* to reject piety and *speak back to power* which disrupts the traditional accounts of the developmentalist state. This ability to speak back causes a great deal of anxiety to the law which cannot comprehend the chutzpah of the *tapori*, as evidenced by Justice Chandrachud's statement in the opening paragraph of *Olga Tellis v. Union of India*, where he states with a certain incredulity 'and when caught, if at all, they say, who doesn't commit crime in this city?' (*Olga Tellis v. Union of India* AIR 1986 SC 180). This is the response of the admonishing *parens patriae* who has just realized that the errant child does not feel too much guilt or remorse and in fact has the nerve to answer back, rendering the symbolic fiction that sustains the law of the father, vacuous.

Cinematic space is perhaps the only space that has understood the world of the *tapori* in terms of labour, dignity and survival. For instance, taking the experience of homelessness and living on the streets, Mazumdar says that

Homelessness evokes a certain morality and power. Homelessness has the ability to capture a contemporary imagination by situating the city as the site of ruin from within which a range of discourses can emerge. Homelessness has always had a powerful appeal in India's literary and cinematic traditions for it magnifies the experience of loss, deprivation and anger. The 'footpath' in the city is the imagined space of homelessness where millions without a home sleep. It is the imaginary reference point of many narratives where the experience of childhood on the streets provides the moral justification for the protagonist's actions (*Awara*, 1951, *Deewar*, 1975, *Muqqaddar Ka Sikandar*, 1978). In the 'angry man' films of the 1970s, homelessness connected to memory became the vehicle for the articulation of anger and revenge. (Mazumdar 2001: 4875)

A similar tale is narrated in the Olga Tellis decision where, narrating the background of the petitioners, the court states that

The three petitioners in the group of Writ Petitions 4610-4612 of 1981 are a journalist and two pavement dwellers. One of these two pavement dwellers, P. Angamuthu, migrated from Salem, Tamil Nadu, to Bombay in the year 1961 in search of employment. He was a landless labourer in his home town but he was rendered jobless because of drought. He found a job in a Chemical company at Dahisar, Bombay, on a daily wage of Rs. 23 per day. A slum-lord extorted a sum of Rs. 2500 from him in exchange of a shelter of plastic sheets and canvas on a pavement on the Western Express Highway, Bombay. He lives in it with his wife and three daughters who are 16, 13 and 5 years of age. The second of the two pavement dwellers came to Bombay in 1969 from Sangamner, District Ahmednagar, Maharashtra. He was a cobbler earning 7 to 8 rupees a day, but his so-called house in the village fell down. He got employment in Bombay as a badli kamgar for Rs. 350 per month. He was lucky in being able to obtain a 'dwelling house' on a pavement at Tulsiwadi by paying Rs. 300 to a goonda of the locality. The bamboos and the plastic sheets cost him Rs. 700. (*Olga Tellis v. Union of India* AIR 1986 SC 180)

What is amazing however is the ability of the court to narrate this story of loss and displacement with a straight face, since the final decision given by the Supreme Court was an extremely violent one, adding a layer of legal displacement, wherein they held that the municipal authorities had the right to evict the pavement dwellers from the streets, but that they should do so after monsoon, as it would otherwise cause the pavement dweller 'a lot of hardship'.⁹

The street in the world of the *tapori* becomes the area of conflict between the *tapori* and authority of law, but unlike the Bachchan figure who has to take on the role of the vigilante to transcend the experience of the street and the memory of homelessness, the *tapori* engages with the law on the street and gets the better of the law through trickery or a logic of cunning. This is an image of homelessness and of the street of an alternative imagination, 'one that is marked by a spirited performance of accommodation and resistance' (Mazumdar 2001: 4875). I will quote Majumdar's account of a scene in *Rangeela* (Ram Gopal Varma, Hindi, 1995) at some length here, describing the encounter between the *tapori* and the law.

Munna is first introduced in *Rangeela* as a black marketeer of film tickets at a sold out show. The sequence begins with a low angle shot of a film poster starring a well known actor. Munna enters the frame wearing a hat, smoking a cigarette in an exaggeratedly relaxed style. He pause in front of the poster for a second and then moves away as the shot changes to reveal the crowd of people waiting outside the movie theatre. Munna's first entry in the film using a film hoarding as a backdrop again draws attention to the specifically cinematic iconicity of the *tapori*. In the next shot we see Munna softly muttering 'Dus Ka Tees' (Rs 30

for a Rs 10 ticket) as he swaggers through the crowd. Munna is trying to sell tickets. Munna also has a friend (Pakhiya) who does the same thing...

Munna saunters through the crowd with a marked swagger, cigarette in hand and a confident persona. His ticket sale to a man is laced with one liners, cocky comments and underlying humour. Next Munna turns to face a policeman. Munna tries to retreat, but the policeman calls him back. The policeman questions Munna about his illegal ticket sales but Munna denies everything. The cop starts searching Munna who removes the tickets from his rolled shirt sleeve and tucks it into the fold of the cop's cap. Throughout the search Munna performs loudly for the public. The dialogue is significant here:

Hey brothers look! The perpetrators of the Mumbai riots were never convicted. The share bazaar scam saw the embezzlement of millions of rupees. But did they arrest anybody? And me, a simple man who comes to see a film, is harassed! It's your rule anyway...what will happen to this country yaar!¹⁰ (Laughs)

This encounter reveals the centrality of performance in the sequence. Munna's loud loafer-like clothes are contrasted with the police constable's uniform. The appeal to the public is made through references to well-known incidents like the Mumbai riots of 1992–93 and the share market conspiracy of 1991–92. By contrasting Munna's petty crime with the larger world of intrigue, violence and corruption invoked in the dialogue with the public, a certain character development is made. Munna's style, performance and posture are presented as a critical strategy, while at the same time introducing his charm to the audience. (Mazumdar 2001: 4877)

This performative space of the *tapori* marked by a certain fragile bravado is what enables this figure to maintain a sense of dignity in what would otherwise be a highly unequal exchange. This account of performance and resistance teases out a world of everyday legality, marked not by any extreme acts of resistance or appropriation but extracting an edgy, almost nervous humour of the brutal. It is an edgy world because the line between bravado and violence is a thin one; but, in terms of cultural representation, perhaps the closest world to that of the excessive fan, and the survival instincts of the urban poor. If the logic of disincorporation refuses to acknowledge the excessive gestures of the *tapori*, the excesses of the *tapori* also refused to be contained within the regime of codes, laws and propriety.

Tactile cities, pirate moderns and porous legality

Given the nature of this porosity, I would finally like to return to the question of how we maintain a similar porosity when we speak of the relationship between law and cinema, and look at it not merely in terms of ways of watching films, but to take seriously the idea of the spatial histories that cinema falls into, the legal histories of these spaces, and their relationship to the larger experience of the city. Finally I would like to tie the content/spatial account into the contemporary transitions that are taking place, with cheap forms of reproduction, to wonder how the question of carriage, or the technological form through which cinema is delivered, is also a part of this larger story of porosity, and it is a question that a project like law and cinema will have to take seriously.

We have already seen the older illegal city in this paper, and the creative energies that this city may contain. The illegal city also serves as testimony to the failure of any absolutist project of planning in a country like India with very sharp inequalities. Writing about the modernist project of planning, James Holstrom writes that 'modernist planning does not admit or develop productively the paradoxes of its imagined futures. Instead it attempts to be a plan without contradictions or conflict. It assumes a rational domination of the future in which its total and totalizing plan dissolves any conflict between the imagined and existing society in the enforced coherence of its order. This assumption is false and arrogant as it

fails to include as its constituent element, the conflict, ambiguity and indeterminacy characteristic of actual social life' (Holstom 1999).

Over the past ten years we have seen significant transformations of the image of India, with cities like Bangalore and Hyderabad claiming their share of global attention as the IT hubs of the world, the heart of the BPO industry, and triumphant global elite claiming that India had finally arrived, via the BJP government's 'feel good' *India Shining* advertising campaign. So, on the one hand you have the creation of the global city working in virtual time with the US in terms of the provision of IT-enabled services, and on other hand you have the barely hidden city of over 700 slums coexisting in a bizarre temporal disjuncture. If dams were the most important symbols of post-colonial India's entry into the modern, the IT industry has emerged as the most important symbol of India's entry into the global or into the new modernity marked by the pre-eminent position given to knowledge-based services.

As cities such as Mumbai, Hyderabad, Delhi, Bangalore, Kolkata and Chennai rapidly move into this new network of the global economy, large sections of their middle classes begin to live in a present that is far removed from a majority of the people who live and work these cities. There is in many ways a disjuncture of temporal experience within the national space. Big cities and metropolises are being reconfigured, dislocated from their national location and inserted into the grid of the global economy. Every major city in the contemporary seems to have a not very hidden schizophrenic desire. For every city there is a mythical other that it will one day transform into, and in many ways is destined towards. Bangalore aspires to be Singapore, Mumbai violently desires Shanghai and Delhi slouches towards London. In each of these cities the master planners and the corporate elite are hard at work transforming the architecture, the built up form and the design of the city to overcome their messy temporal nowness.

The relationship of these cities to their national location, which once made them hospitable sites for the poorer sections who came there in search of livelihoods, has now been completely transformed (Nigam 2004). Interestingly, every one of the various global fantasies share peculiarly uniform spatial strategies, which revolve critically around the reworking of traditional media and cinematic spaces as well. The emergence of the shopping mall cum multiplex as the site that transforms a city requires special attention, the attention to the nowhere-ness of the place, the exclusivity that it commands registers a massive shift from the idea of the cinematic space that has animated much of the work around cinematic publics, fans etc.

This urbanism in India has become a significant theatre of elite engagement with claims of globalization. Consumption, 'information' society and the new economy, spatialized 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 (Sundaram 2004).

Co-existing parallel with these spectacular global visions, are also networks of local economies, always lacking the infrastructural provisions and state backing unlike the IT companies, but equally mobile. This city weaves in its core the 'unorganized' and 'unplanned' growth of the city, both economically and spatially. It is here that the urban poor, comprising a quarter of the city, reside and carry out trade in conditions that make a decent living standard unattainable. While the older illegal city has been in existence for a while, in the past ten years there has been another layer that has been integrated into the experience and narration of this illegal city. The proliferation of non-legal media practices ranging from pirated VCDs, DVD, MP3s to grey market mobile phones informs the practices and imagination of the illegal city.

Solly Benjamin's fascinating study of the transformation of Viswasnagar in East Delhi from its status as an unauthorized colony and slum into one of Asia's largest industrial

clusters is both an account of the everyday space of technological innovation as well as one of the everyday space of democratic negotiations and citizenship claims. The story of Viswasnagar is allegorical of much of the informal history of urbanization and industrialization in postcolonial India. Capitalizing on the nascent electronics industry and computer industry Viswasnagar became the largest hub for the production of copper wires and cables in India. This was accompanied by complex negotiations and manoeuvring for a legal status through regularization of land title, establishment of proper water and electricity facilities etc. They managed to do this through logic of cunning and survival, accessing the lower level porous bureaucracies and using their bargaining power as a vote bank to count as a political body (Benjamin 1991).

By the 1990s, places like Viswasnagar and other industrial clusters had transformed themselves to tap into the changing mediascapes of the city providing the hardware for the booming cable industry and the digital audio video market. The same holds true of media markets like Nehru Place and Palika Bazaar, which began as planned first-generation malls, and were converted into illicit media spaces through the 1980s and 1990s.

Contrast for example the official master-plan's vision of Nehru Place as a melting-pot mall, and its transformation into a concrete sub jungle, often described as the wilderness where the proper laws of intangible property do not exist.

The new complex will not merely be a centre of economic activity, where business and trade will be carried out or where a few office goers and shoppers will meet. It will really be a focal point of cultural synthesis and crucible of intellectual ferment from which will radiate new ideas and new thoughts. On piazzas, Tamilians and Kashmiris, Punjabis and Gujratis, Biharis and Bengalis, will rub shoulders with one another, exchange glances, and make friends; in its coffee houses and restaurants, poets and writers will gather from all parts of India, bubbling with passion and poetry, and engaging in animated discussions; and on its theatres and community halls will appear musicians and artists from all States and regions, presenting different facets of our life and society. The new centre will truly be a confluence of our diversities, a cross-roads of our country, harbinger of cultural synthesis and national integration for which Pt. Nehru worked all his life. (quoted from Chandola)

Clearly drawing from an imagination of transplanting the arcades into India with a national twist, it serves as an interesting predecessor to the imagination of the shopping malls and multiplexes where the same teeming crowds can rub shoulders with the new-found confidence that they are part of the new project of global integration. But this imagination of the seamless integration faces its moment of interruption in the form of the new domains of non-legal practices, which threaten the self-perceptions of the globalizing elite.

And at the heart if the anxiety of the globalizing elite is the disorder that emerges for a particular culture of the copy, namely piracy, that threatens the neat broadband flows of information, labour, culture and capital.

Ravi Sundaram has been theorizing the phenomenon of piracy and illegal media cultures in the new media city (Sundaram 2004). According to Sundaram, this world of non-legal media in a number of south Asian cities, marked as it is by an ad hoc innovativeness, and its various strategies of survival, is the world of recycled modernity. It exists in the quotidian spaces of the everyday and cannot be understood within the terms of the earlier publics (the nationalist public and the elite public sphere). Fuelled by aspirations of upward mobility, it is an account of the claims to modernity made by a class of people, otherwise unaccounted for by the metanarrative of the nationalist project of modernity. These cultures of recycling do not however exhibit any of the characteristic valour or romance of counter publics. Beginning with the audiocassette revolution that we examined and moving rapidly into the worlds of computers and digital entertainment, this world has been based on a dispersed logic of production and consumption, and marked by is preponderant illegality. This re-articulated entry point into the modern is also contemporaneous with the emergence

of the global moment and this arrival of the global via media, new forms of labour such as call centres, the software industry in India etc replace the earlier configuration of national/modern with the global modern. While understanding the issue of entry points that one makes into the modern it now becomes critically important for us to recognize the shifts in registers of imagination that the global brings upon the national/modern configuration.

Thus, 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, CDs, MP3s, VCDs, 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'. At the heart of this extension of the visible has been the production of media commodities outside the legal property regimes of globalization. Copy culture and non-legal distribution networks have been central to the spread of the media, in such a way that distinctions between the technological and cultural seem blurred in daily life. A significant section of the urban population derives its 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 (Sundaram 2004).

If cinema marked the arrival of a new modern experience with its ability to create a dazzled experience of the contemporary, the world of information and media brought about globalization, which also conjures up a similar experience of wonder and awe. And if the cinema hall, that space of modernity and conflict, enabled the play of an alternative imagination in construing the experience of the public sphere for fans, not otherwise invited to the official public spheres, then you have a similar space that has opened up in the past decade, a space that links the spatial world of the fan with the street of the *tapori* to the world of the illegal DVD film. It is now almost impossible to draw a line between the experience of media and the experience of the city. Media networks are enmeshed critically within the urban experience and it is not surprising therefore that the contemporary changes in the imagination of the city are both a cause of, and the consequence of, shifts in the way that cities imagine themselves as nodes within the general information and media network.

The ongoing research, *Publics and Practices in the history of the present (PPHP)* at Sarai, has done some very significant remarkable work in linking these two cities, the older illegal city that emerges against the wishes of the master plan, and this new mediatized city of pirate practices, and the remarkable linkages that binds the older transgressor of modernity with the new transgressor of globalization. In a lot of ways, 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. In 2004, the Chief Minister of Tamil Nadu extended the Goondas Act to cover the activities of video pirates. This was a move that was hailed by the film industry, who also urged all other states to follow suit. This move forces us to conceptually bring together our two cities, the illegal slum city with the illegal media city.

The Madipur Village lies adjacent to the Madipur Colony. Of course, it doesn't look like a village at all. There are tall buildings, tarred, broad roads, and several factories. Perhaps it can be said that the existence of factories is the sole logic for the construction of buildings.

The factories produce hosiery, shirts, trousers etc. Factory workers live in this village. Some have taken houses on rent, and others live in the factories. Sundays are off, and so the day for relaxing, roaming around. But Saturday nights have a different importance altogether. That's the time for watching films.

The cassette shops here rent out some cassettes, but mostly CDs. Every shopkeeper/owner possesses five to six video CD players. And business is best on Saturday evenings. A set-up comprising a VCD player, a colour television and four movies is rent out at rates between Rs. 120 and 150.

There was a police raid here a few days ago. All the shopkeepers were apprehended and asked to pay up Rs. 5000. At first, the shop keepers refused. But there was little they could do. The police simply stated that not only do you not have licenses to run video parlours, but moreover you rent out pirated VCDs. If you don't pay up, we'll confiscate all your material.

What could the shop keepers do? They all handed over the five thousand rupees without another moment's hesitation.

Among the shopkeepers is Mohd. Faizal. He said, 'At least this will get the policemen to leave us in peace'. According to him, the maximum earning is from the Blue Film VCDs, because those are usually carried home along with one or two other VCDs. And Blue Film CDs also get sold. That's why, he says, we don't want to close shop.

'Four to five rentals every night mean an earning of Rs. 600. And all the material returns to the shop by morning. Why would we want to close a business such as this?'

This much is clear that the police are aware of the weak links in this business, and use them to advantage to earn money. But the shopkeepers also know that if they have to continue their business, they will have to bear with these small injuries. (Prasad 2004)

How do we begin to understand these new social constellations and conflict zones? What are the challenges they pose to scholarship on law and culture generally, and law cinema particularly? How do they relate to the conceptual category of cinematic citizenship that we have used to describe earlier cinematic practices to account for the cine-political? Can categories like Chatterjee's political society account for these non-legal networks in the manner that it can for illegal activities that makes claims to amenities and political recognition?

Just as one cannot understand land tenure through the prism of liberal legality alone, any attempt to understand the complex networks of economic and social relations that underlie the phenomenon of piracy will have to engage with the conflict over control over the means of technological and cultural production in the contemporary moment of globalization. The ways in which the illegal media city emerges and coexists alongside the vibrant, innovative and productive debris of the older city, the schizoid relationship between legality and illegality in postcolonial cities suggest that the crisis may not lie in these relations, and we may need to turn the gaze of the law from the usual suspects of legality to legality itself and the relations that underlie its existence. Derrida has said very poignantly that 'the admiring fascination of the rebel can be understood not merely as the fascination for someone who commits a particular crime but that someone, in defying the law bares the violence of the legal system or the juridical order' (Derrida 1992).

Author's note

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This paper engages with ongoing conversations with friends at Sarai, New Delhi and CSCS, Bangalore and all usual disclaimers apply.

Notes

1. See generally, Bergman and Asimov (1996), Denvir (1996), as theoretical attempts at defining the field, and Carolyn Patty Blum, *Images of Lawyering and Political Activism in the name of the father*, 30 USFL. Rev. 1065, Richard Sherwin *Cape Fear: Law's inversion of cathartic Justice*, 30 USFL. Rev. 1023, as examples of the use of the 'Representation of law in cinema' approach.
2. Note that I use the term formal properties not to restrict myself to formalism within film studies. Even the movements that have moved away from formalism in film studies address a question that would still be one intrinsically related to cinema, whereas a discipline like anthropology or philosophy could have a very different kind of question, for which it arrives to film as an answer.
3. Christine Geraghty (2000) for instance argues that 'Studying cinema is not just a question of studying films, nor indeed the institutions, which produce the films and the economic structures, which sustain them. Studying how we watch films – in multiplexes, on video, in theme parks, on television – is an important part of understanding what films mean within a culture and how they fit into the broader range of entertainment activities which might be on offer to audiences. Studies of cinema architecture, of patterns of film distribution and screening, of audience responses can help us build a picture which is richer than the cinema studies model which tends to centre on the isolated spectator gazing at the screen'.
4. Ramesh Sippy for instance had to change the ending of *Sholay* (1974), one of India's biggest blockbusters because the censor board did not like the idea of showing an ex-police officer taking the law in his own hands, especially since it was during the emergency in the 1970s, and it was imperative that the public respected the rule of law. Sippy, after a brief struggle, subsequently changed the ending to show the police arrive 'just in time' to restore the rule of law, thereby changing the very narrative resolution of the film.
5. I am relying on S. V. Srinivas's unpublished dissertation on the fan phenomenon in Andhra Pradesh. He has also published various segments of this dissertation but my primary source is the dissertation itself.
6. Chatterjee clarifies that he uses the term civil society in the older Hegel–Marx sense of signifying bourgeoisie society
7. Ashish Rajadhyaksha says for instance 'a large number of people converged upon a single screen, to collectively gaze upon the projected image.... In place of a series of mass produced frames that went out to a number of individual buyers/viewers, many people came to collectively view a single frame, and rendered it mobile' (Rajadhyaksha 1999: 267–296).
8. Chiranjeevi has, for instance, had to deal with letters from fans threatening to commit suicide after they did not like a particular film, as well as death threats from fans who did not like a particular role that he played.
9. Ironically, the decision has been subsequently narrated in hagiographic accounts as an instance of how the Supreme Court has consistently increased the ambit of Art. 21 (the right to life and personal liberty) reading into it the right to live on pavements
10. The original text reads: *arey yeh dekho bhaiyo, Bombay mein danga phased karane wale ko chor dete hain, share bazaar mein karoro ka dafla huva, kisi ko pakda kya, nahiu pakda, par apun, seeda saada aadmi picture dellne ko aaya, apoon ko pakarta hain, pakdo, tumhara raj hai, kuch mila kya, nahin na, phokot to public ke saamne apna izzat ka phulta banaya na.*

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