

Crafting City Spaces: New Spatial-Legal Regimes in India

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With globalization challenging the territoriality of the national state, new modes of urban organization with unique legal features are being unleashed across India by the designation of certain spaces as Special Economic Zones, Industrial Townships and Smart Cities, among others. Many of these spaces have been granted exception to multiple laws and regulations and operate as enclaves with private modes of governance. These new urban spaces are mostly located outside the centers of existing cities which is otherwise characterized by informality. Though such new urban regimes also operate through the suspension of laws, this paper argues that the extra-legality of these spatial entities cannot be said to be concomitant to the informality that characterizes much of urban India. These new spaces operate above the logic of master-plans and local planning authorities and are introduced to surmount the barriers faced by global and domestic capital from the social and political realities of the local. This paper aims to bring a situated understanding of these processes by examining the creation and operation of the Electronic City Industrial Township Authority (ELCITA) in peri-urban Bangalore. It argues that special institutional mechanisms like ELCITA are created to bypass social, economic and political process that dominate the Indian urban space and allow big businesses to operate in a space removed from the routine pressures of the regulatory state and recalcitrant society.

Introduction

As globalisation unfolds across new spaces, the character of the state has been transforming through its reconfiguration and rescaling. With the territoriality of the national state being challenged, new institutional forms of governance are taking precedence in India. New modes of urban organization with unique legal features are being unleashed across India by the designation of certain spaces as Special Economic Zones, Special Investment Regions, Infrastructural Corridors, Industrial Corridors, Industrial Townships, Smart Cities, among others. Many of these spaces have been granted exception to many laws and regulations and hence can be seen as enclaves that operate in a space detached from law, with private modes of urban governance and planning (Shatkin 2011).

How can we conceptualise these new state spaces? What is the institutional character of these spaces? Why are such enclaves of exception created? Understanding the unfolding of special zones and enclaves like SEZs, Industrial Townships and Smart Cities is very relevant for making sense of the transformation of state in India post-liberalisation. While there has been some enquiry into specific projects, especially with regard to SEZs, the changes in state-form emerging out of these new institutions have been inadequately conceptualised. This paper aims to explain the new spatial-legal regimes conceptually and examine the creation and operation of one such space in peri-urban Bangalore.

These new urban regimes are mostly located outside the centers of existing cities which is otherwise characterized by informality since a large portion of the population operate outside the planned vision of the city. This sphere has been conceptualized as a “political society” where the daily life of the poor is marked by routine violations of law unlike a conventional “civil society” (Chatterjee 2004). However, illegalities and informalities permeate Indian cities to such an extent that the majority of planned urban spaces are also marked by violations in planning and building laws. The planned Indian city can hence be seen as an actively deregulated space where the planning process is itself characterized by informality and where the application of law is also left open-ended (Roy 2009).

Though new urban regimes like SEZs, Smart Cities and Industrial Townships also operate through the suspension of laws, I argue that the extra-legality of these spaces cannot be said to be concomitant to the informality that characterizes much of urban India. In fact, these new state spaces operate above the logic of master-plans and local planning authorities and are brought through different processes. These new forms of state seek to surmount the barriers faced by global and domestic capital from the social and political realities of the local. They seek to operate in sanitized spaces and circumvent India's existing cities dominated by an active informal economy, a heavily bureaucratized regulatory state and a recalcitrant political society. These trends in governance have been reinforced by a new architecture of urban citizenship that ostensibly seeks to increase citizen participation but remains exclusionary.

This paper aims to bring a situated understanding of these processes by examining the policies and institutions that transform the ideas of citizenship and governance in Bangalore. It specifically examines the creation and operation of the Electronic City Industrial Township Authority (ELCITA) in peri-urban Bangalore to understand the forces effecting governance transformation. Even though ELCITA is not a democratically elected body, it is vested with the powers of a municipality including the power to levy property tax. Along with its Industrial Township Authority status, Electronics City is also being converted into a Smart City through a partnership with Cisco. This paper argues that special institutional mechanisms like ELCITA are created to bypass the social and political realities of Indian urban locales and allow big businesses to operate in spaces removed from the routine pressures of the regulatory state and recalcitrant society.

This paper is organized into five parts. The first part of the paper examines how capital unfolds across new spaces and how this is resisted by the existing social systems. It provides the necessary context for understanding how new urban regimes emerge in India. The second part discusses how new spatial-legal institutions like SEZs, Industrial Townships and Smart Cities are being created in India to bypass the politics of the local. It examines how the institutional architecture of these spaces allows it remain outside the regular legal regime. The

third part discusses how we can conceptually understand the emergence of new state spaces like SEZs, Industrial Townships and Smart Cities and whether they can be seen as another instance of urban informality. The fourth part uses the case of ELCITA in Bangalore to understand how governance transformation is brought about and examines the institutional character of the space. The conclusion sums up the key highlights and arguments of this paper.

Global Capital and Local Politics

As global capital spreads to new spaces, existing economic and political divisions that were based on the sovereign state's national boundaries have become much weaker. David Harvey (2001) argued that capitalism operates by an inherent logic that aims to eliminate spatial barriers to the flow of capital or as Marx had put, the "annihilation of space through time". As Rosa Luxemburg (1967) says, for the "untrammelled accumulation" of capital, it needs to engage with non-capitalist strata and social organizations and obtain ascendancy over these territories and social organizations. As majority of the natural resources and labour power is in pre-capitalist production, capital needs to access these territories and transform its social systems. Such a transformation has been conceptualised by David Harvey as "accumulation by dispossession" whereby neoliberal policies causes the concentration of wealth in the hands of a few by dispossessing the larger section of the public from their assets and rights.

This process, Harvey argues, is currently being played out as new territories are forcefully opened to facilitate accumulation due to declining growth rates and absence of avenues to absorb overproduction in capitalist economies. This process accentuated since the 1970s as a result of capitalism's crisis of over-accumulation whereby the surplus arising out of capital reaches a point where reinvestment no longer produces returns and hence requires the moving of capital to new territories (Harvey 2003). Hence capitalism, which is "addicted to geographical expansion", devises a "spatial fix" which is achieved by restructuring investments geographically (Harvey 2001). Accumulation by dispossession is itself Harvey's reworking of the

Marx's exposition of "primitive accumulation" to argue that accumulation is a continuing process and not a one-time event. Primitive accumulation, according to Marx, is a process that led to the emergence of industrial capitalism when the primary producers like peasants and workers were separated from the means of production (Marx 1867).

The attempt of global economic forces to capture new territories in the developing world is however met with various forms of resistance from the existing social systems of these spaces. What is being witnessed across countries in the global south, as described by James Holston (2009), is the emergence of an "insurgent citizenship" challenging the upshots of the global urbanisation process. Holston uses the example of Brazil to argue how insurgent citizenship confront the entrenched and differentiated forms of citizenships with alternative formulations of citizenship which makes claims over property, urban infrastructure, social justice and demands to legalise the illegal. As urban residents make a claim to having a "right to the city" and "right to a right" they become active citizens who mobilize their demands through various means to challenge the practices of citizen inequality.

In India, the conditions of informal economy, non-modern social systems and insurgent political processes act as hindrance towards the unfolding of the process of urban transformation. Rajesh Bhattacharya and Kalyan Sanyal (2011) argue that unlike the traditional urban regeneration approach in the west which overhauls the physical, social, economic and environmental character of the city, India follows a "bypass" approach to urbanisation by focusing on new towns in the peripheries of older metropolises. Bhattacharya and Sanyal use the concept of "political society" of Partha Chatterjee (2004; 2008) to argue that informal workforce in existing cities creates an urban governmentality that limits the ability of planners to engage in western-type gentrification. They hence seek to bypass the "street politics" of existing cities and moves to new towns in the periphery where they seek to enforce laws of public space and private property more strictly.

A major sphere of the Indian economy, especially land, operate by a logic not fully in sync with purely capitalist systems because a lot of land lies with small landholding

peasants who do not always treat land as a pure financial asset (Levien 2011). Hence the state performs the function of a “land broker” by acquiring land from farmers using the Land Acquisition Act and transferring it to private players. This works on a Lockean rationale where the state expropriates land from “low-value users” and hands it to classes that can ‘improve it’. The resistance to land acquisition increases due to the huge difference in the prices paid to farmers for the land and the value of the land once it is handed to large private companies. Hence, the unfolding of capital is severely contested on the ground and is not sustainable without special legal instruments provided by the state.

India’s urban space is also dominated by informal settlements and unplanned and often unauthorized developments. Here global capital is confronted by a form of urban localism which is embedded in peculiarities of local municipal politics where poor groups make claims to the state through various strategies. Through “vote bank” politics, Solomon Benjamin (2008) argues, poor groups are able to make claims for access to basic infrastructure and services in return of access to voter lists. As the locally elected councillors are embedded in the society, their agency is made use of by these groups to pressurise the administration to channel public investments (Benjamin 2007). As Arjun Appadurai (2001) explains, poorer groups also act strategically by building broader alliances with the help of NGOs to reconstitute citizenship in a manner that mediates globalising forces in a way that benefits the poor and results in a “deep democracy”. Hence, the political agency exercised by people on the ground in various forms prevents global capital from gaining complete domination in India.

The Emergence of New Urban Regimes

With global economic forces altering the territoriality of the national state, new institutions of governance are now taking precedence in India. Globalization, it has been argued, does not alter the boundaries of national territory but transforms the exclusive territoriality and institutional encasements of the national state (Sassen 2000). Henri Lefebvre (1974) had explained how states provided the geographical

scaffolding for the circulation of capital on multiple scales. However, with capital being restructured and reterritorialized, state spaces are reorganized to create new geographical scaffoldings necessary for the current mode of capitalist growth (Brenner 1998). The state, Roger Keil (1998) argues, does not wither away but is reincarnated in a plethora of forms on different socio-spatial scales. As Brenner (1999) argues, globalisation does not occur merely through the geographical extension of capitalism, but is premised on the construction of large-scale territorial infrastructures and state institutions that enable the expansion of capital accumulation.

The creation of new territorial infrastructures is hence part of the reterritorialization of states taking place with globalization. As Sassen argues (2000), national states are also deeply involved in the implementation of the global economic system by producing the legal encasements necessary for the functioning of global economic transactions. This paper conceptualises new spatial-legal institutions like Special Economic Zones (SEZs), Industrial Townships and Smart Cities as examples of such legal and institutional encasements. These new institutional regimes operate at a level separate from the national, regional and local state but are created with the help of state institutions.

Special Economic Zones are the most prevalent institutions in India which operate in such a manner. To attract Foreign Direct Investment (FDI) and promote export of goods and services, SEZs have been created as forms of extra-territorial enclaves with exemptions from the regular tax laws, customs and excise duties and relaxations in labour laws. Since one of the main objectives of SEZ is the “generation of additional economic activity”,ⁱ it can be argued that SEZs is a mechanism of state-led process of spatial reorganisation in which the state acquires land for “public purpose” and transfers it to a private developer. India’s Export and Import Policy of 2000-01 allowed SEZs to be setup by public, private or joint ventures and this was provided a more robust legal structure by SEZ Act in 2005.ⁱⁱ

Though India has experimented with the concept of Export Processing Zones (EPZs) since the 1960s, only with the SEZ Act of 2005 did it adopt a comprehensive legal

regime for it outside the regular state. While EPZs were public sector based operations whose transactions required official attestation by the state, India's China inspired SEZs operate on the basis of self-certification on tax-exempt transactions (Jenkins 2011). But unlike the Chinese SEZs, India's SEZs represent a privatised model of industrial development whereby private companies develop, maintain and govern economic zones on a for-profit basis (Levien 2011).

The SEZ Act provides that goods and services imported from and exported to SEZs be exempt from the payment of taxes, duties or cess under 21 different enactments specified in a schedule to the Act.ⁱⁱⁱ SEZs has hence been characterized as an instrument of "radical deregulation" which is a "tax give away to the rich" (Jenkins 2011). The SEZ Act is also seen as a regime of labour governance that has been consciously structured to promote the non-implementation of labour laws by making the Development Commissioner rather than the Labour Commissioner responsible for the implementation of labour laws (Singh 2009).

According to Preeti Sampat (2008) the unfolding of SEZs shows that the state acts as an agent of corporate-led economic growth by acquiring land and transferring it to private "developers" for developing SEZs. Sampat argues that it is speculative real estate bubbles created by the neoliberal model of urbanism that drives the development of SEZs. This is because only 50 per cent of the SEZ land need to be used for any productive purpose and the rest can be used for real estate projects which perform the task of reinvesting corporate profit for further capital growth. Neil Smith (2002) has also demonstrated the centrality of real estate development in urban economic expansion and gentrification process. Swapna Banerjee-Guha (2008), like Sampat, views the establishment of SEZs as a "classic unfolding of the process of 'accumulation by dispossession'" designed to overcome the problem of over-accumulation faced by capital.

Along with SEZs, Industrial Townships are the key legal instruments by which corporate enterprises can exist in enclaves outside the regular legal framework of the state. Industrial Townships emerge out of the history of industrial towns which have existed for a long time, the classic case being the more than 100 year old

Tatanagar, Jamshedpur. However the governance of some of these industrial sites have come under major criticism (Sood 2015; Singh 2006). Areas falling under an Industrial Township is the only area that has been given an exception to constitutional requirement of local self-government mandated after the passing of the 73rd and 74th Amendments to the Constitution.

Article 243Q mandates the creation of elected municipal governments in all urban areas but provides an exception to the areas declared as “Industrial Townships”. It empowers the state government, to declare by public notification certain areas to be an industrial township if the industrial establishment of that area provides or is capable of providing municipal services in the specific area. Interestingly, the proviso was a last minute introduction into the 74th Constitutional Amendment Act and was not present in the previous versions of the bill but was introduced when it was being taken up for clause-by-clause consideration (Sivaramakrishnan 2015).

The SEZ Policy that the centre communicated to the various state governments states that: “The State Government will declare SEZ as an Industrial Township and if necessary, relevant Acts would be amended so that SEZ can function as a governing and autonomous body as provided under Article 243(Q) of the Constitution.”^{iv} States such as Andhra Pradesh, Gujarat, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Orissa, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal have notified SEZs as 'industrial townships' under Article 243Q of the Constitution which exempts them from the requirement to create elected local governments in the form of municipalities (Dey 2012). Hence, both SEZs and Industrial Townships are associated instruments that are used by the state to ensure that certain geographic enclaves function outside the regular legal regime of the state (Sood 2015).

Smart cities also represent a new regime of capital-centric urbanisation which emphasizes the role of technology in governance and in the process, also seeks to bypass the politics of the local (Townsend 2013). In India, the recent launch of the 100 Smart Cities initiative by the present Narendra Modi-led NDA government at the federal level seeks to create high-tech centres of investment for private capital

through a top-down process. Smart cities are sought to be created in India as nodes of larger Industrial Corridors like the Delhi-Mumbai Industrial Corridor, the Chennai-Bangalore Industrial Corridor and the Bangalore-Mumbai Economic Corridor. In the first phase of the smart city initiative, 7 entirely new cities are being created in Delhi-Mumbai Industrial Corridor spread across six states. The vision of the city for the government is that of it being “symbols of efficiency, speed and scale” and smart cities initiative is introduced to achieve the same (Idiculla 2014).

The concept note on Smart Cities prepared by the Urban Development Ministry states that the 4 pillars of a smart city are “Institutional Infrastructure (including Governance), Physical Infrastructure, Social Infrastructure and Economic Infrastructure.” The note further states that “Smart Cities are those that are able to attract investments and experts & professionals. Good quality infrastructure, simple and transparent online business and public services processes that make it easy to practice one’s profession or to establish an enterprise and run it efficiently without any bureaucratic hassles are essential features of a citizen centric and investor-friendly smart city.”^v Hence the need for creating investor-friendly cities that have simple business processes to avoid bureaucratic hassles is key to the smart city agenda (Idiculla 2015).

The entry requirements for Foreign Direct Investment (FDI) in real estate have also been substantially reduced to allow global economic players to have a larger role in the development of smart cities. Hence, the smart city initiative can be said to be an attempt to attract international investment by creating new urban centers that circumvents the regulatory hurdles it otherwise faces (Idiculla 2014). Using the case of Dholera Smart City in Gujarat, Ayona Datta argues that Smart Cities are part of a shift towards an ‘entrepreneurial urbanization’ which prioritizes urbanization as a business model rather than as a model of social justice. The utopian imagining of the city, based on the rhetoric of “speed”, seeks to build new cities by avoiding ‘bottlenecks’ caused by politics through “fast policy” (Datta 2015).

Spatial-legal institutions like SEZs, Industrial Townships, Industrial Corridors and Smart Cities are various instruments that seek to bypass the politics of the local.

Industrial Townships like ELCITA have certain SEZs within them and is also set to become a smart city. Many such smart cities are set to emerge in the Industrial Corridors like the Delhi-Mumbai Industrial Corridor and the Chennai-Bengaluru Industrial Corridor. These new institutional arrangements may also be formed by Public Private Partnerships (PPPs) between the state government and a private player. For example, Mahindra World City is an SEZ in Chennai formed by a PPP between Mahindra Group and the Government of Tamil Nadu while SmartCity Kochi is an exclusive IT SEZ formed by a PPP between Dubai Internet City and Government of Kerala. A key feature of SEZs and industrial corridors, also a conditionality commonly imposed by International Financial Institutions, is the “single window” clearance system which provides for expedited approval of various permits needed from the government for setting up any project. While the legal form might differ, what all these new institutional arrangements do is reduce the state’s regulatory control over these areas in an attempt to attract international investment.

Conceptualizing New Spatial Legal Regimes

A common mode of explaining urban transformation and new state institutions like SEZs is to characterise it as an instance of “neoliberalism” or “neoliberal urbanism” (Banerjee-Guha 2009; Benjamin 2010; Hackworth 2007). However, neoliberalism itself is a contested idea which is not very useful to invoke other than for rhetorical and pejorative purposes. It is an idea essentially associated with a laissez-faire society where the state performs a limited role and free markets determine the way the economy is organised. The term has specific references to policies followed by Ronald Reagan in USA, Margaret Thatcher in UK and Augusto Pinochet in Chile in the early 1980s which included the reduction of government spending in social sector and tax cuts. But in the context of India, despite the economic reforms of the early 1990s (or the early reforms in the 1980s), it would be hard to argue that the state has withdrawn in a similar manner or even taken the avatar of performing a purely “good governance” role, especially in questions related with land (Sud 2006). The

state is instead found to be clearly in alliance with influential private players in certain sectors and occupies a central role in the new economy.

Hence it is important to look at alternate ways of conceptualising the post-liberalised state in India. One useful framework to understand such transformations is what Neil Brenner and Nik Theodore (2002) called “actually existing neoliberalism”. This approach examines the contextually embedded manner in which neoliberal restructuring takes place instead of using the deterministic framework of “neoliberal ideology” that assumes the operation of market forces in the same manner wherever it is unleashed. It is important to focus on the contextual nature of the operation of globalisation especially in a country like India where multiple economic, social and political rationalities compete for ascendancy. In case of India, it is clear that the unfolding of economic reforms has not prevented the state from entrenching socio-economic rights going against the trend followed in many other countries where IMF-inspired structural reforms were carried out.

Another framework that helps us understand state transformation, especially in the context of spaces like SEZs, is Aihwa Ong’s (2006) framing of “neoliberalism as exception”. It views neoliberalism as a technology of governing which is extraordinarily malleable, manifesting itself in different ways in different regimes. Through ethnographic case studies in East and Southeast Asian countries, Ong explains how states, in order to compete in the global economy, make exceptions to their usual practices of governing and employs a variety of neoliberal strategies to reengineer political spaces. Ong uses Foucault (1991) to examine how neoliberalism is not actually diminishing state power but is encouraging a varied form of governmentality through which states manipulate populations. Ong uses the idea of exception from Carl Schmitt (1922) and Giorgio Agamben (2005) to explain how new forms of state treat citizenship and sovereignty not as normative rights which are defined territorially but as privileges which are distributed unevenly (Karl 2007).

If one observes the changes in the state-form after liberalisation, the unfolding of special enclaves like SEZs, Industrial Townships and Smart Cities strikes as a key

aspect of state transformation. These new institutional regimes operate as private enclaves at a level separate from the national, regional and local state but are created with the help of state institutions. Hence, the very instrument of law is used here to circumvent the operation of multiple laws, rules and regulations and create an enclave of exception. These new regimes prioritize a few cities and regions catering to niche sectors like Information Technology (IT) and seek to make them “engines of growth” for the national economy. These new institutions provide the “geographic scaffolding” (Lefvebvre 1974) and “legal encasements” (Sassen 2000) necessary for the smooth operation of the global economic system.

Such new institutional architectures can be said to emerge out of the negotiations that economic globalisation enters into with the existing social systems of the new spaces it seeks to capture (Sassen 200). In such a process, the spatial form of territorial states is being ‘glocalised’. Roland Robertson (1997) describes glocalization as the simultaneity or co-presence of both universalizing and particularizing tendencies in globalization while Erik Swyngedouw (1997) described it as the “the combined process of globalization and local-territorial reconfiguration”. The glocalization of the state redefines inherited political geographies in a way that reduces the role of institutional and regulatory arrangements organized along national lines. Hence, with the reterritorialization of the state through glocalization, new state institutions like SEZs, Industrial Townships and Smart Cities are emerging so that it can bypass the resistance from the local.

New state institutional arrangements like JNNURM, SEZs, Industrial Townships and Smart Cities can also be seen in the context of how Indian political economy operates through an incomplete version of economic reforms. Unlike other prominent narratives around India’s economic transformation, Rodrik and Subramanian (2005) and Kohli (2006) have argued that India’s liberalization policies have not been market-friendly, but only business-friendly. The distinction between these two terms might appear to be trivial but has clear implications. Business-friendly regimes promote narrow state-business alliances whereby private growth is pursued in the name of the public good and lack public accountability. Whereas

market-friendly regimes allow genuine free markets competition that aims to achieve efficient allocation of resources and higher production and growth and the state plays a regulatory role (Sud 2014). The manner in which state acquires land for certain private parties, the concessions given to a limited number of businesses and the fact that such regimes are geographically limited to certain spaces suggest that these institutions and policies are business-friendly rather than market-friendly.

How do these new spaces relate with the rest of urban India which is characterised by informality? India's cities are said to be characterised by informal settlements, unplanned areas and unauthorized developments. Partha Chatterjee (2004) has conceptualized this sphere in urban India as a "political society" where the poor live on the margins of legality and strategically negotiate with the state through various means. Their daily life is marked by routine violations of multiple laws and regulations unlike a conventional "civil society". But illegalities and informalities are not restricted to squatters and slum-dwellers but permeate the Indian urban space to such an extent that much of the city can be classified as unauthorized due to violations in planning and building laws (Ghertner 2008; Benjamin 2005) Members of the "civil society" also use various paralegal and illegal means and strategies in engaging with the state (Baviskar and Sundar 2008).

In fact, the India urban space operates in such a manner that the very process of urban planning can be said to be characterized by informality where the law itself is left open-ended for multiple interpretations and interests. Hence, Ananya Roy (2009) argues that planning in India cannot be seen as a process bounded by law but rather as an informalised entity that operates through deregulation. Under such a planning regime, the claims over land is not based on a prescribed set of regulations but works in a more arbitrary manner. It often accommodates and fosters insurgent claims to land since the planning process is marked by the contestation between published plans and territorial claims made on them (Roy 2009; Benjamin 2008). Hence, the planned Indian city can be seen as an actively deregulated space where the planning process is itself characterized by informality and illegality (Roy 2009; Bhan 2013).

Though much of Indian urban space is characterized by such an informalised planning and legal regime, this paper argues that new urban governance forms challenge the preeminence of urban informality. Though new urban governance forms also works through the suspension of laws, the extra-legality of these spatial entities, I argue, cannot be said to be concomitant to the informality that characterizes much of urban India. Ananya Roy (2009) had conceptualized all forms of circumvention of laws and plans in urban India as symptomatic of the state working through the idiom of informality through active deregulation and unmapping. However, I argue that the institutional character and motivations of new state spaces like SEZs, Industrial Townships and Smart Cities are distinct and cannot be seen as another instance of urban informality. These new spaces are by law and institutional design exempted from the regular legal regime and hence does not operate through the daily contraventions of the law or the routine “regularizations” and “legalizations” of such contraventions.

New City Spaces in Bangalore

Bangalore, over the last couple of decades, has witnessed unprecedented demographic and economic growth. In the mid to late 1990s, Bangalore triggered an IT boom, earning it the moniker “Silicon Valley of India”, which was in many ways due to some of the “enabling policies” followed by the State of Karnataka like granting SEZ status for IT-based business operations. Bangalore’s economic changes have been accompanied by political and institutional transformations that have altered the way the city is governed. Since the late 1990s, Bangalore has witnessed the emergence of new elite forms of representation through civil society-government interfaces like Bangalore Agenda Task Force (BATF) followed by the Agenda for Bangalore’s Infrastructural Development (ABIDe) and Bangalore Political Action Committee (BPAC) (Goldman 2011; Sami 2014).

In peri-urban Bangalore, a new urban governance regime seeking to counter local politics has emerged with the creation of the Electronics City Industrial Township Authority (ELCITA). The Electronics City Industrial Township Authority (ELCITA)

was created in March 2013 for governing the Electronics City area, an industrial hub with many IT firms in peri-urban Bangalore. ELCITA was created by an executive order of the government after the Industrial Association of Electronics City lobbied for the creation of such a body. This has extinguished the jurisdiction of all local bodies and planning authorities in the area including that of three Panchayats (Village Local Bodies) that used to collect property tax from the area (Ramani 2013). The power to levy property tax along with other functions like planning, water supply and solid waste management now rests with the new industrial township authority.

The creation of ELCITA by the government order, cannot be seen as a one-time event since the Electronics City went through multiple evolutions ever since it was set up. The first phase of Electronics City was created in 1978 by the state-controlled Karnataka State Electronics Development Corporation Limited (KEONICS) with the Karnataka Industrial Area Development Board (KIADB) performing the task of land acquisition.^{vi} To promote the interests of the industries in the Electronics City the Electronics City Industries' Association (ELCIA) was formed by the industries working in this IT Park in 1992. In 1997 the Government of Karnataka handed over the maintenance of basic facilities of Electronics City (like roads, drains, street lights and waste management) to ELCIA. This was followed by the expansion of the Electronics City in 2003 to two new phases under the aegis of KIADB. The State Government created the "E-City Industrial Township Authority" by a notification which made it responsible for the 3 phases of Electronics City constituting a total of over 903 acres.^{vii}

The notification to create ELCITA was possible only due to an amendment to the Karnataka Municipalities Act, 1964 passed in 2003 which allowed the government to set up Industrial Townships. The 2003 amendment provides for the constitution of Industrial Township Authority and its composition, functions and duties. It also conferred on the Industrial Township Authority, the powers of the Municipal Council specified in the Karnataka Municipalities Act including the power to levy and collect property tax. Karnataka could pass such an amendment because Article

243Q of the Constitution provides that an elected municipal government need not be created in areas that have been notified as an industrial township.

The creation of ELCITA was not an event without political contestation. Bangalore's Municipal Corporation (BBMP) and all the three village panchayats in the area- Dodda Thoguru, Konappana Agrahara and Veerasandra- had passed resolutions against the formation of ELCITA. In August 2012 the elected council of the BBMP, with an aim to get more revenue, passed a resolution to include Electronic City and the villages surrounding it under its jurisdiction.^{viii} BBMP estimated that 3 billion rupees can be raised as property tax from around 187 major electronics and IT companies that operate in the area. However, BBMP's resolution was not approved by the State Government in the light of strong resistance by ELCIA.^{ix} Soon after becoming an Industrial Township Authority, the process to convert Electronics City into a "Smart City" is already underway through a partnership between ELCITA and Cisco. ELCITA has hence become a site of contestation between various groups- the industry association, the local village councils and the central city council- especially over material claims like land revenue.

The ELCITA Council Members includes 5 representatives of companies in Electronic City, 2 invited members (both associated with ELCIA), 3 members from the various department in the government of Karnataka (one each from the department of industries, town planning and urban development) and 1 member from Doddathogur Gram Panchayat. The township is a form of local government and the notified area will be excluded from the jurisdiction of urban local bodies and planning authorities.^x The authority will have full administrative powers vested in a municipal body like the collection of property tax, planning for economic and social development, regulation of buildings, water supply, solid waste management, etc. The membership of the council is provided as per the requirements of Section 364(B) of the Karnataka Municipalities Act.

To get the Industrial Township status, ELCIA had to follow up with every level of the government in a very persistent manner.^{xi} According to ELCIA officials, while it was not very difficult to convince the higher levels of the bureaucratic order about the

need for setting up an industrial township, it was much more difficult to get the middle-level bureaucracy to act. Since this level of the bureaucracy deals with many files every day, it was difficult to convince them to give priority to ELCIA's applications when the bureaucrat does not have anything to gain from it.^{xii} ELCIA officials also admit that the only reason why such a major decision could be taken is because a few people in the higher levels of the government believed in it. Along with the strong "initiative" from the industry, the fact that members of the top-most levels of the bureaucracy of the state backed the project helped in ELCIA getting its demands met. Interestingly, in its lobbying, ELCIA asserts that it did not approach any politician and relied solely on the upper bureaucracy.^{xiii}

Conclusion

New spatial-legal regimes are created by the rescaling of states under the influence of capital's need for enclaves in the developing world that operate at a level separate from the state and society. Unlike the capital led urbanization in the global north, here global capital is encountered by an Indian social that does not quite march according to the tunes of capitalist modernity. Traditional forms of land holding in rural areas and a large informal economy in urban areas act as barriers to the unfolding of global capital. Globalisation is hence essentially mediated by the local and hence has to evolve and transmute itself into new forms. This process may be called as "glocalisation" whereby global capital transforms itself to new avatars to fit the conditions of the local. New institutions of governance like SEZs, Industrial Townships and Smart Cities are being created by such a process with the aim to overcome the politics of the local.

The Electronics City Industrial Township Authority (ELCITA) occupies an interesting space in Bangalore's and Karnataka's administrative system. As the first and only industrial township of Karnataka, it is a unique experiment that potentially represents a new institutional architecture that may be replicated across the country. Though ELCITA is new in its form, the motivations and rationalities behind its creation are not particularly unique- that of allowing certain corporate firms to

operate in a space removed from the routine pressures of the bureaucratic state and the immediate society it is located in. Electronics City can now work in a space of autonomy without having to pay any property tax to the Panchayats it is located in or fear any interference from the BBMP or any other local body.

Though spatial- legal entities like ELCITA seeks to bypass the regular legal regime, its institutional character is different from spaces in “political society” which is marked by daily circumventions of the law and regularizations of those circumventions. These spaces operate above the logic of master-plans and hence is not an instance of “planned illegality” or informality where the planning regime itself works through deregulation (Roy 2009; Bhan 2013). Hence, unlike Ananya Roy’s (2009) characterization, I argue that these entities are in fact designed to overcome the informality of the regular urban space and create an enclave of exception. However, it is difficult to characterize these spaces as Agamben’s (2005) “state of exception” where individual civil rights are suspended since fundamental rights and criminal laws are not suspended in these enclaves. Since the exceptional nature of these spaces are more in terms of economic incentives and special governance systems, it needs to be seen as particular modes through which the state reinvents itself in the context of economic globalization.

As global market forces are met with the social and political realities of existing localities, it needs to come up with innovations. These innovations take the form of new governance institutions like SEZs, Industrial Townships, Infrastructural Corridors and Smart Cities. In this process, the state is fundamentally being transformed by its rescaling and reconfiguration. These new institutional arrangements are required because global market forces cannot often successfully transform the geographies of local economy in the manner it envisioned. New state spaces hence occupy “enclaves of exception” as they operate at a level detached from the official state and the social and political churnings that otherwise dominate the local sphere.

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