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Infrastructures of Consent: Interrogating Citizen Participation Mandates in Indian Urban Governance

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Summary

How does the state 'perform' people's participation and public consultation exercises in a context where it is increasingly forced to rely on private capital to build infrastructure? How do these new forms of participation and consultation articulate with existing institutions of people's representation? Are the new mandates for citizen participation and public consultation that are written into the reform agenda driving a further wedge into the already fractured citizenship that characterizes the Indian urban polity? These are the questions posed by this paper.

While 'participatory development' itself has come under critique since the late 1990s for its demonstrated effects of disenfranchising marginalised groups, manufacturing consensus for plans already made, and/or closing off alternative pathways for transformation, this paper argues that contemporary practices of public consultation and citizen participation have moved out of the ambit of such critiques. No longer do they contain more than tokenistic gestures toward broad inclusion or people's empowerment. Instead, the imperatives of 'fast-tracking' India's cities into a post-Third World regime of 'global cities', have given new shape and meaning to contemporary practices of participation and consultation. The paper explores notions of participation as located in 'second generation' or institutional reforms, particularly as articulated by prominent state-sponsored public-private partnerships such as the Bangalore Agenda Task Force (BATF) and the Tamilnadu Urban Development Fund (TNUDF). These 'model' partnerships provided key programmatic elements that became the basis of national reform programs, notably the Jawarharlal Nehru National Urban Renewal Mission (JNNURM). The paper also discusses the emerging character of collective action in Indian cities in terms of its implications for the unfolding of governance reform measures such as the JNNURM's Community Participation Law.

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Contents

Acronyms

BATF   Bangalore Agenda Task Force

BCC   Beneficiary Capital Contributions

BMP   Bangalore Municipal Corporation/Bangalore Mahanagara Palike

CBO   Community-Based Organisation

CSH   Center Pour Sciences Humaine

CTAG   City Technical Advisory Group

EIA   Environmental Impact Assessment

GBWASP   Greater Bangalore Water Supply and Sanitation Project

IFIs   international financial institutions

JNNURM   Jawaharlal Nehru National Urban Renewal Mission

KUIDFC   Karnataka Urban Infrastructure Development Finance Corporation

KUIDP   Karnataka Urban Infrastructure Development Project

MKSS   Mazdoor Kisan Shakti Sangathan

MoU   memoranda of understanding

NTAG   National Technical Advisory Group

PLACE   Participatory Local Area Capital Expenditure

PPPs   public-private partnerships

PROOF   Public Review of Operations and Finance

RWAs   resident welfare associations

SCRs   second generation reforms

SJSRY   Swarna Jayanti Shahari Rozgar Yojama

TNUDF   Tamil Nadu Urban Infrastructure Finance Services Limited

TORs   Terms of Reference

ULBs   urban local bodies

1 Introduction: new landscapes of participation and consultation

When exclusive enclaves in hotel ballrooms or corporate conference halls are termed 'public consultations', there is a suggestion of new kind of public being addressed.[1] This suggestion is strengthened by the fact that these enclaves[2] sport an increasingly familiar parade of participants, from select academic institutions, consultant firms, thinktanks, NGOs and professional agencies, along with the occasional representative of a particularly prominent Resident Welfare Association. This 'familiarity' appears to operate not only within but across cities in the country: a noteworthy feature of these new sites of consultation and collaboration is what is emerging as small but tight national networks of persons associated in various 'consultant' capacities with urban infrastructure investment projects, carrying out tasks ranging from community mobilisation to preparation of policy toolkits and detailed project reports. The unexpected (and usually uninvited) entry of members of the urban poor into these enclaves is a palpably uncomfortable intrusion, especially since organisers of these events carefully refrain from announcing them too widely in the popular press.[3]

These landscapes are reproducing themselves in metros across the country, and being normalised as a new site of cooperative relations, partnership and networking between civil society, corporate industry and a web of state and quasi-state agencies. Many of these meetings are held in fulfillment of mandatory public consultation requirements in project contracts or in TORs (Terms of Reference) for consultancies, mandates often pushed by international financial institutions (IFIs) or bilateral donors and advanced by urban reform proponents within government.[4] A curiously ubiquitous element in a range of urban reform documents, from mission statements to investment proposals, and crosscutting sectoral spheres, from water privatisation to

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1   For this insight, we are indebted to Rowan Ellis. This paper was presented as the introductory paper for a workshop with the same title, organised by the authors in Pondicherry in July 2009. We thank the Center for the Future State at the Institute of Development Studies (IDS) for supporting the research on which this paper is partly based, as well as the workshop itself. Thanks also to the Center Pour Sciences Humaine (CSH), New Delhi, for assistance with the workshop, to Anu Joshi for valuable inputs into the research and the workshop, and Anant Maringanti, Amita Baviskar and two anonymous reviewers for helpful comments on a draft of this paper.

2   Of the numerous examples of such events, we mention three here: (i) The Consultation held by the Adyar Poonga Trust, (a creation of the Tamilnadu Urban Infrastructure Financial Services Limited, charged with eco-restoration of the Adyar Estuary in Chennai) at the elite Madras Boat Club in Aug 2008; (ii) The 'seminar' organised by the Chennai Metropolitan Development Authority (CMDA) at the Grand Madras Ballroom of Hotel Le Royal Meridien in October 2008 to present its revised Second Master Plan; (iii) the first Citizens' Summit held by the Bangalore Agenda Task Force (BATF) at the Infosys Conference Hall in Electronic City on the outskirts of Bangalore in 2000.

3   This enclave trend has supplementary strategies for segregating the public, e.g. by holding separate consultations for 'project-affected people', 'civil society stakeholders' and government officials. This innovation has been mastered by, among others, the Adyar Poonga Trust mentioned above.

community sanitation contracts to eco-parks and toll roads, is the emphasis on people's participation and public consultation. The import of this trend is evidenced by the inclusion of a Community Participation Law as a mandatory component of urban reforms across the country (see below for more). However, in a context where the urban polity is being increasingly polarised by class, where the spaces for entry or occupation of the urban poor in cities are more restricted than ever before in the history of independent India (Baviskar 2002; Chatterjee 2004), the programmatic (and physical) settings in which the discourse of participation is embedded renders the term open to interrogation.

The trend of 'participatory development' has itself come under profound and pervasive critique since the late 1990s. Participatory models of the 1970s, 80s and early 90s, responding to the failure of the traditional bureaucratic state to recognise and address the diversity of local realities, were built on the assumption that involving a plurality of actors would lead to consensus and hence better outcomes. They envisaged the conditioning of 'scientific knowledge' with 'people's knowledge' to create policies and governance mechanisms that would be both socially sensitive and more efficient. Most importantly, these efforts were oriented toward the stated goal of *grassroots empowerment* which they held as the touchstone of sustainable development (Chambers 1997; Tandon 1998). However, scholars of the politics of development and rule in India have pointed to how the discourse of participation has often served to disenfranchise already marginalised sections of the public, through manufacturing consensus for policies already evolved elsewhere, papering over debates and differences, and closing off alternative pathways for transformation (Cornwall and Gaventa 2001; Mosse 2001; Kothari 2001). Critiques of the participatory paradigm have highlighted the violence of its normalising discourses and demonstrated how dominant relations of power undergird its seemingly neutral spaces, generating acceptance for top-down plans and proposals. Participation, in these analyses, has been shown to contribute to a culture of cooptation rather than one of informed deliberation, empowerment or democratisation (Cooke and Kothari 2001; Harriss 2007). Other studies since then have sought to highlight the depoliticising dimension of ongoing participatory techniques through empirical studies (Chhotray 2004, 2007).

In response to the critiques, particularly as compiled in the book *Participation: The New Tyranny* (Cooke and Kothari 2001), several attempts have been made to move debates on participation towards the identification and definition of more constructive alternatives for radically empowering participatory projects (Hickey and Mohan 2005; Corbridge *et al.* 2005). Hickey and Mohan, drawing on empirical evidence from contemporary processes, conclude that, to be

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4   The meaning and content of "urban reforms" are elaborated in Section 2 of this paper, but for the moment we define the term as a concerted thrust by the central government, in collaboration with International Financial Institutions (IFIs), to bring government activities at all levels – states, municipal bodies, departments, parastatals and public sector agencies delivering urban services – under the commercial disciplines of the market, in particular the financial disciplines required for accessing funds from private capital markets.

genuinely empowering, participation must be located within a wider radical political project which pushes for development as a process of social change, involving a re-articulation of substantive citizenship rights in favor of marginalised groups. Corbridge *et al.* trace how an active civil society has been able to help citizens to make better use of participatory spaces opened up by governmental imperatives.

What this paper highlights, on the other hand, is the fact that actual emerging practices of participation, particularly in the context of contemporary urban governance in India, far from addressing the critiques or building on the alternative approaches outlined above, have *moved entirely out of their ambit*. No longer do they contain more than tokenistic gestures toward broad inclusion or people's empowerment: the imperatives of *getting things done*, of 'fast-tracking' India's cities into a post-Third World regime of 'global cities', have given new shape and meaning to the emerging paradigms of participation and consultation. Caught between urgent visions of neoliberal transformation and the political exigencies of 'inclusion', all ambivalence tends to get smoothed over with an impatient pragmatism: 'we know it is all very complex, but we have to get the job done!!' In these emergent practices, the means/ends debates characteristic of older discourses on participation are hardly salient any more: participation and consultation are frankly deployed with instrumental purpose, to achieve immediate goals. The ends of people's empowerment are readily subsumed to the exigencies of governance in a globally competitive milieu.

This paper, then, while building on and extending older critiques of participatory development, tracks new concepts, contexts and collusions through which participation as a political technology of rule (Mosse 2001, 2003) re-emerges and operates in neoliberal urban governance in India. It explores how participatory mechanisms serve the purposes of embedding market-oriented and financialising reforms in municipal governance, by creating and nurturing their demand side. These technologies rest on a focused, instrumental and exigent notion of participation with clear exogenous goals. In tracking the links between neoliberal reforms and new practices/technologies of participation, the paper also reprises some of the links explored by the critical writings mentioned above (e.g. Cooke and Kothari 2001; Chhotray 2007; Corbridge *et al.* 2005), between participatory technologies and the negotiation of various notions, versions and boundaries of citizenship, provoked in this case by the project of state restructuring that neoliberal reforms comprise. Inevitably, these negotiations are inflected with the politics of class, caste and gender, as this paper explores through its discussions (in Section 4 below) on the class-differentiated and male-dominated landscape of Resident Welfare Associations and their role in advancing the reform agenda.

Participatory mobilisations have always had the character of performances, they are staged events in which visual cues, communicative modalities and the disposition of physical space are important aspects of the message. Earlier scenes of public consultation (e.g. public hearings, including state-organised ones) had a 'populist' orientation, aiming to display large numbers and diverse categories of the public. They were often held in open grounds or in large

community or marriage halls, and employed communication techniques suited for mass reach, enabled through long-range mikes and loudspeakers.[5] However, when 'participation' comes to town in the form of 'public consultations', it is stylised in entirely different ways: secure in their 'manageable' sizes, these consultations are accommodated in smaller rooms with sophisticated equipment that can display complex information to technologically literate audiences. These events are not addressed directly to 'people', but to a variety of proxies – usually institutional – that are taken to represent various sections of the public. The 'stakeholder' paradigm now established in urban governance discourses works on the premise of limited, identifiable constituencies that have demonstrable stakes in particular projects, as opposed to a notion of broad public accountability. For example, the amended EIA (Environmental Impact Assessment) Notification issued by the Central Government in 2006 permits only 'local affected persons' to attend EIA public hearings in person, while others having 'a plausible stake' in the project's impacts can only submit comments in writing (MOEF 2006). Thus, the politics of representation posed by the new paradigms of public consultation and citizen participation – the question of who can and cannot 'speak for' stakeholders – is critical to understand. Also important to note is the tendency in reform discourses to conflate the terms 'citizen participation' and 'public consultation'. The more challenging conditions of participation, including a sustained processual engagement through which programmes have a chance of being shaped by participants' inputs, are thus displaced by one-off (or a limited number of) consultative events in which programmes already developed through expensive consultancy assignments are presented for feedback, minor modification, and legitimation by a select public.[6]

This paper, drawing on case studies of prominent public-private partnerships (PPPs) in urban development from Chennai and Bangalore, maps the process through which the notion of citizen's participation has come to assume new connotations of depoliticising governance and facilitating market-oriented reforms in India. We pay particular attention to how the compulsions of marketisation of services articulate with, transform and supercede existing institutions of representation such as elected councils of urban local bodies (ULBs). Pioneering models of PPP and reformed urban governance have, as we show, been ushered in or accompanied by new formations of middle class activism in cities, primarily comprising neighbourhood-based resident welfare

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5   These mass outreach modes are still employed by popular movements that have been working to bring about genuine transparency and accountability in government. The *Jan Sunwais* (public hearings) and social audits organised by the Rajasthan-based union Mazdoor Kisan Shakti Sangathan (MKSS) and the Delhi-based NGO Parivartan are examples. Underlying this paper is an awareness that there is a different strand of participatory governance efforts that has brought about significant recent institutional and legislative changes in India, notably the Right to Information Act (2005), the National Rural Employment Guarantee Act – NREGA (2005), and the Forest Rights Act (2006).

6   See Cornwall and Gaventa (2001) for a discussion of the distinction between the 'users, choosers and consumers' approach to participation, which primarily relies on consultative devices, and approaches that emphasise accountability between service providers and citizens through their active participation in processes of democratic governance.

associations (RWAs). This 'new politics' of civil society has in turn obtained a privileged space and voice in the unfolding of urban reforms, often at the expense of elected bodies and of the urban poor.

This paper, then, highlights how the 'successful' PPP models of Chennai and Bangalore inspired the scaling up of new forms of 'participation' at the national level through the Jawaharlal Nehru National Urban Renewal Mission (JNNURM), launched in December 2005. The JNNURM, the most ambitious programme of urban renewal in the country's history, is poised to bring about radical transformations of urban spaces and economies through a carrot-and-stick approach of massive central government funding hinged on the imple-mentation of a package of neoliberal reforms aimed primarily at rendering cities more market-friendly.[7] Crucially, its funding conditionalities include the passing of a Community Participation Law in every state, along the lines of the Nagara Raj Bill that was drafted at the national level, to serve as model legislation for state governments, by proponents of corporate-led governance paradigms. The JNNURM has also introduced a Community Participation Fund to incentivise new forms of local-level activism in cities. Yet, the institutional machinery and the climate in which implementation of JNNURM is embedded, in city after city, render these mandates of community participation unclear, even bewildering, to the public as well as to officials charged with acting on them. Apathy or resistance to these mandates on the part of local officials and politicians, and/or a profound lack of capacity in the state or its proxies to deliver on these demands contribute to distortions and disjunctures in the substantiation of participatory models on the ground.

Urban reformers, while explicitly supporting democratisation initiatives such as Panchayati Raj Institutions (PRIs),[8] also tend to possess an anathema for 'vote bank politics'. The term itself is a reductive formulation, a trope that compactly assembles all the vices of populism, patronage, provincialism (and more) that are associated with local politics and the urban poor. As Benjamin (2008) points out, this trope has rendered itself into a nightmare for urban reformers of the turn of the century. If an unrelenting capitalisation of urban space into real estate by global and pan-Indian financial interests is one concomitant of urban reforms, this project is constantly challenged, as Benjamin has shown, by the workings of local politics and the ongoing regularisation of unplanned occupancies by local economies and residents. Innovations in bringing participatory governance down to the sub-ward or neighbourhood levels, such as the Nagara Raj Bill, appear then as strategies to contain and maintain this risk (Benjamin 2008). As explained in Section 4 below, they potentially provide

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7   The mission was launched in recognition of a set of emergent urban realities in India, including growing rates of urbanisation, the expanding role of cities as engines of economic growth, the enormous gaps in urban infrastructure given these realities, and the imperatives of attracting private capital to meet this gap. The mission, covering 63 cities in India, aims to simulataneously bring about dramatic improvements in the infrastructure base and the governance structures of Indian cities. (www.jnnurm.nic.in).

8   Panchayati Raj Institutions is the term used to collectively describe local government institutions, comprising district, intermediate or block and village level institutions, in rural areas.

an entry point for organised elite, corporate and middle class interests to reshape the city via the domain of local politics.

How does the state 'perform' people's participation exercises in a context where it is increasingly forced to rely on private capital to build infrastructure? How do the new forms articulate with existing institutions of people's representation? Are the new mandates for citizen participation and public consultation that are written into the reform agenda driving a further wedge into the already fractured citizenship that characterises the Indian urban polity? While norms of participation may open up spaces of contestation in the case of state-supported projects, what happens when the market steps in to dispossess? These are the questions posed by this paper, which is structured as follows. The following section explores citizen participation as located in notions of governance and 'second generation' or institutional reform. The third section examines three well-known PPP models to show how they mobilised discourses of participation to advance the marketisation of basic infrastructure services. The fourth section then moves to the 'demand' side of the reforms partnerships, to examine new forms and meanings of citizenship, particularly as reflected in an emergent middle class assertiveness. This section discusses the implications of the Community Participation Law in the light of these 'new politics' of middle class residential activism. The paper concludes by discussing the failure of the 'common good' thinking that underpins the reforms notion of urban democracy.

In making its arguments, this paper draws on several bodies of earlier work on urban reforms and civil society participation by all three authors (see Vijayabaskar and Wyatt 2005; Kamath 2006; Kamath and Vijayabaskar 2009; Coelho and Venkat 2009). Each of these works reflect both primary (survey and ethnographic fieldwork) and secondary data exploring 'actually existing' spaces of participation. In addition, it reflects insights from our participation, partly as academics and partly as activists, in public consultations on various aspects of urban reforms in Chennai and Bangalore. We also draw upon newspaper reports and reports produced by civil society organisations.

2 Participation embedded: governance, second generation reforms, and institutional design

The drive to depoliticise the running of cities is part of an emerging consensus that has been systematically forged in India between the reforming state and its global and domestic 'partners' – from financial and lending institutes to the corporate sector and large sections of urban civil society.[9] This vision has been pursued in different ways, primarily through reform thrusts of corporatising and commercialising all possible aspects of urban governance. Preparing the grounds for this consensus has, however, involved a systematic embedding of these reform principles across the institutional landscape of urban governance.

This section reviews this institutional turn of what has come to be known as second generation reforms. First, however, it briefly reviews the concept of 'governance' in the context of democratic theory.

Tensions between goals of governmental efficiency and norms of democratic politics have been brewing for far longer than the history of recent neoliberal reforms. Partha Chatterjee (2004) argues that in postcolonial polities, the concept of democracy was transformed through its realisation in modern states, specifically through the unfolding of a politics of *governance*. He sees the 'governmentalisation of the state' or the involvement of the state in provision of numerous services to the public, as a defining characteristic of the contemporary regime of power. The state's role of providing for the well-being of populations elevated instrumental calculations of efficient government over values of openness, participation and politics, and privileged administrative and technical expertise over political deliberation and debate.[10]

Thus, the core notional ingredient of democracy, popular sovereignty, comes to be subjugated to the imperatives of government. The regime of govern-mentality, according to Chatterjee, also produced a durable and significant distinction between 'citizens' and 'populations'. This regime was premised on a notion of populations to be served, a category separate from that of citizens, who 'carry ethical connotations of participating in the sovereignty of the state' (Chatterjee 2004: 34). Citizens remain a small minority relative to the vast masses of urban dwellers who, by virtue of their informal, unauthorised and largely illegal modes of subsistence, carry none of the rights associated with formal citizenship. The state's role of governing overtook the modern liberal political project of producing citizens and creating civil society. The 'business of government,' contends Chatterjee, was thus 'emptied of all serious engagement with politics' (*ibid.*: 35). And **citizens** thereby became entirely distinct from the **governed**.

While the business of government and the politics of being governed have genealogies of a century or two, the more recent emergence of the terminology of '*governance*' is salient here. The concept of governance masterfully captures the neoliberal problematique of the state by bringing attention to the qualities,

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9   This consensus has been loudly voiced in the English media. The *Times of India*, in an article entitled 'If a CEO Runs your City' (Wednesday 30 July 2003), asked CEOs of well-known corporations in four Indian cities what they thought was needed to transform Indian metros into world class cities. The one unanimous element in their responses was: freeing decision-making from politics. Cities, in this consensus, should be run by managers, not politicians. One CEO said: 'the city needs a professional management team with adequate powers and zero political interference.'

10   It is worth quoting Chatterjee on this crucial distinction: 'This regime secures legitimacy not by the participation of citizens in matters of state but by claiming to provide for the well-being of the population. Its mode of reasoning is not deliberative openness but rather an instrumental notion of costs and benefits… [Thus] in the course of the twentieth century, ideas of participatory citizenship that were… part of Enlightenment notions of politics have fast retreated before the triumphant advance of governmental technologies that have promised to deliver more well-being to people at less cost.… All of this made governance less a matter of politics and more of administrative policy, a business for experts rather than for political representatives' (Chatterjee 2004: 35).

capabilities and methods – the software – of government. Governance provides a rubric that integrates macroeconomic and structural agendas, sectoral reforms, issues of corruption and capacity-building, and questions of politics. Crucially, it addresses these domains across the boundaries of states, markets and communities: dominant discourses of governance envisage the commercialisation of state entities alongside the governmentalisation of corporations, both accompanied by mechanisms for 'user participation.' As John Harriss notes, one of its leit motifs 'is the idea of the desirability of "partnership" both between government and the private sector, and government and citizens' (2007: 2716).

The genealogy of the term can be traced in the unfolding of a global politics of neoliberal reform. The World Bank's preoccupation with governance originated in its concerns about the failure of economic reforms and the ineffectiveness of its assistance in reducing poverty, particularly in African countries. Santiso (2001) traces the earliest appearance of the term in the World Bank's 1989 report on sub-Saharan Africa, which identified a 'crisis of governance' in the region. Since then, governance has become a central theme in the global reform agenda of the Bank's reform agenda across the world, and concomitantly, in the programmes of most other International Financial Institutions (IFIs) and bilateral donors. In the Bank's definition, governance concerns 'the manner in which power is exercised in the management of a country's economic and social resources for development' (World Bank 1992: 1). As the Bank's institutional mandate disallows it from explicitly addressing the political affairs of a borrowing country, its conception of governance acquired a highly constrained set of meanings, centering around the technical capacity of governments to manage development and to design and implement effective policies.

The governance agenda signals a new moment in the neoliberal agenda, away from the 1980s approach of ignoring or sidestepping the state, and toward a recognition of its critical relevance as well as its changing role in facilitating economic reforms. The World Bank's World Development Report of 1997, entitled *The State in a Changing World*, serves as a manifesto of this new insight: its problematique is the capacity of the state, framed in terms of institutional strengths and weaknesses; its vision is of an *effective* state rather than a minimal one, a leaner state with nimble and robust political institutions that can assist in the tasks of steering economic reforms and facilitating markets. In the Report, all questions of state policy and institutional capacity – what the state does and how well – are answered in relation to their implications for private investment. This document also reflects a move away from pathologising politics to explicitly promoting democratisation, largely in response to donor pressure (Jenkins 2001; Guhan 1997). However, this 'mainstreaming' of democratisation remains pinned within a paradigm of reforms which aim to procure autonomy from the political sphere through corporatisation of state operations, accompanied by a (usually vaguely defined) notion of 'civil society participation.' These models of democratisation are usually predicated on a sanitised model of civil society as a sphere that, by definition, upholds liberal values in politics as well as in economics.

In India, the recent emphasis on reforms in urban governance can be seen as part of a larger turn toward institutional reform, generally referred to as second generation reforms (SGRs) (Kale 2002). The rationale for SGRs is the need for micro- and meso-level shifts to support and sustain effective macroeconomic transformation. SGRs, then, are about 'getting institutions right' to ensure proper functioning of markets.[11] Sustaining reforms, however, requires more than putting in place regulative and facilitative institutions, it also calls for evolving strategies to respond to the pressures of a democratic polity. Implementation of reforms in a 'post-conditionality' state necessitates the neoliberal agenda being bought and owned by local agents. Jenkins (2003) includes the process of building consensus within the ambit of SGRs. In India, SGRs therefore involve both institutional and ideological embedding of neoliberal reforms.

Interruptions, diversions and roadblocks in the reform process have also played a role in the push for consensus-building. As pointed out by Jenkins and others, the actual process of implementation of reforms hardly corresponds to the sequential model. In India, even first generation reforms are far from complete: fiscal deficits continue to be higher than Government of India targets or Bank-Fund norms; tariff and non-tariff trade barriers are still high in relative terms; and the inability to push labour market reforms too far is commonly raised to highlight the open-ended nature of the reform process (Jenkins 2004). The relative autonomy of the state *vis-a-vis* sections of capital and labour, the power wielded by the bureaucracy, the relationship between multilateral agencies and the national elite, and shifting equations in the political field, all shape the direction and pace of the reform process. Thus mediated, the 'success' of reforms is bound to be uneven and is likely to generate new configurations of power. The need to constantly negotiate with interest groups and confront a democratic polity has, as Jenkins argues, led to a process of 'reforms by stealth' which operate side-by-side with SGRs.

A crucial aspect of this twin strategy has been a refiguring of federal relations, and a new significance attached to institutional structures at the subnational level. State governments are forced by the central government to undertake reforms, through disbursements of conditional grants and fiscal disciplining. This move to discipline state governments through grant conditionalities is couched in terms of increasing states' autonomy, a strategy that is politically appealing in the context of the growing power of regional parties with platforms of regional autonomy to counter historical neglect by the central government.

Simultaneously, as in other parts of the world, the battleground for investment has shifted increasingly to cities. In India, where cities still rely in large measure on grants and other forms of support from the state and central governments, the 74th Amendment to the Constitution, passed in 1992, has been translated into an effort to rescale governance by casting cities as economically viable entities. This was an important enabling piece of reform

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11 'Second generation reform soon, says Sinha,' www.expressindia.com/ie/daily/19990430/ibu30058.html, downloaded on 16 January 2011.

legislation that sought to give more powers to urban local bodies (ULBs) to mobilise resources for undertaking more functions. Municipal laws were enacted by many state governments to bring them in accordance with the 74th amendment. However, as numerous studies have observed (Vidyarthi 2004; Hamid 2004), implementation of the act has been halting or slow in most states, so that ULBs have inherited responsibilities (even these often partial) without the financial (taxing and spending) powers to carry them out.

With the emphasis on fiscal 'prudence' in government, untied grants and budgetary allocations for infrastructure projects from state and central governments have become increasingly restricted. A series of SGRs have therefore been unleashed with the aim of enhancing the financial autonomy of ULBs, and, more precisely, to enable them to raise market resources to fund their socio-economic development plans.[12] As a USAID report put it, 'The core issue in these reforms is establishing financial viability and discipline to make cities more creditworthy and public works projects more "bankable."'[13] The process of decentralisation thus has allowed for further embedding of market-oriented modes of service delivery. Reinventing themselves as bodies capable of attracting private investments, however, requires ULBs to develop and demonstrate specific capacities, such as the ability to prepare attractive project proposals showing assets and income flows that can ensure guaranteed returns to private investors, and convincing investors of their ability to generate revenue streams toward repayment.[14] Part of the 'capacity-building' efforts of ULBs thus comprises the ability to persuade users about the advantages of paying fees to allow private players to deliver services. The growing emphasis on participation has to be understood in this context.

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12   The Eighth Five Year Plan (1992–97) for the first time introduced a focus on building cost recovery into the municipal finance system. This was reinforced during the Ninth Plan period (1997–2002) by a substantial reduction in budgetary allocations for infrastructure development. Metropolitan and other large cities were encouraged to raise resources from the market to fund their capital investment needs as well as to cover operational costs of the infrastructure they developed. The landmark India Infrastructure Report of 1996 published by the Ministry of Finance, Government of India, strongly promoted reform prescriptions such as a full cost recovery system for infrastructure development and decreasing government subsidies to the urban poor.

13   www.usaid.gov/in/LookingAhead/strategy4.htm, downloaded on 29 May 2004.

14   In reality, devolution of financial powers and autonomy to ULBs has remained a largely unfulfilled mandate. Instead, there are countless instances when state governments or their special purpose agencies make borrowing and investment decisions on behalf of ULBs, committing them to harsh repayment schedules. For example, the Karnataka Urban Infrastructure Development Project (KUIDP) drew on funds from the Asian Development Bank (ADB) to provide infrastructure to four towns. The project was designed by the ADB and the parastatal Karnataka Urban Infrastructure Development Finance Corporation (KUIDFC), without consulting the four towns, and based on financial projections that turned out to be completely unrealistic. The project proponents made a case for ULB payback based on a projected 251 per cent increase in monthly water and sewerage bills (in real terms) between 1996 and 2005 and a projected 123 per cent rise in property tax collections from 2000 to 2004 (Celestine 2006). When it came time to implement these raises, local councilors and officials said they could only realise a small increase in property tax collections and tariffs due to both political and affordability considerations. Not surprisingly, these four towns are now defaulting on their payments.

Increasingly, 'participatory' mechanisms, civil society mediations and even local political capital have been enlisted to embed reforms institutionally and ideologically at the micro and meso levels. The next section embarks on a description of several well-known partnership models that illustrate how participation, involving various groupings of citizens, civil society, state agencies and business corporations, has been used as a supplement to supply-side reforms. The section opens by discussing a celebrated instance of public-private partnership: the underground sanitation project of Alandur, near Chennai. Along with another project, the Greater Bangalore Water Supply and Sanitation Project (GBWASP, also discussed briefly below), it represents a partnership model with a focused reform mandate of convincing users/ consumers of the need to pay for large capital schemes that would bring them drinking water and sanitation. The section then goes on to describe a more ambitious and overarching partnership model exemplified by the Bangalore Agenda Task Force (BATF) and its civil society offshoot, Janaagraha.

3 Citizen participation as supplement to supply-side reforms

3.1 Participation as beneficiary contribution: Alandur and the TNUDF

A pioneering institutional innovation in the state of Tamil Nadu, namely the introduction of the Tamil Nadu Urban Development Fund (TNUDF) as a public-private partnership (PPP) in 1996, illustrates the move to link urban local bodies with capital markets for financing infrastructure.[15] Supported by the World Bank, this fund is accessible by ULBs in Tamil Nadu through a competitive bidding process. The TNUDF envisages computerisation of accounts of all ULBs and a shift to fund-based accounting systems to help potential investors to verify and compare the finances of ULBs. Urban development projects are selected based on the feasibility of ULB proposals, but more importantly, on the ULB's ability to generate appropriate revenue streams to pay for their schemes. This mode of project selection has found its way into the JNNURM.

While the TNUDF itself is seen as a highly successful innovation, some of the projects it funded have been hailed as particularly successful and replicable experiments. The Alandur model of public-private partnership in providing underground drainage has been widely touted as a precedent in the country. A municipal suburb of Chennai, Alandur has grown rapidly in recent years and is home to a large middle class population. The Chairman of the municipality in the 1980s, Mr R.S. Bharathi, was a popular leader who, reportedly, had come

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15   This section is drawn from Vijayabaskar M. and Andrew Wyatt (2005).

to power on a promise of bringing water supply to the municipality, and had delivered on this promise. His re-election campaign in the late 1990s, this time on the promise of implementing an underground drainage scheme in the municipality, coincided with the TNUDF's early drive to disburse funds to urban local bodies for infrastructure development through a process of competitive bidding by ULBs. Bharati returned to power with a strong mandate.

Of the total cost of nearly Rs 337.5 million estimated for the sewerage project, the municipality raised funds amounting to over Rs 260 million from sources like the Tamil Nadu Urban Infrastructure Development Corporation (TUFIDCO), Tamil Nadu Urban Infrastructure Finance Services Limited (TNUIFSL), and the Government of Tamil Nadu. In addition contributions amounting to over Rs 80 million accounting for nearly 24 per cent of the total cost, were raised through beneficiary contributions from the residents of Alandur. After his re-election, Bharathi mobilised the large-scale support of local residents including several RWAs in the municipality, and successfully convinced them of the need to contribute toward the capital costs of the project as well as pay user fees. There was a long queue on the last day for payment of this beneficiary contribution, and for the first time in the country, project beneficiaries had paid nearly one-fourth of the project cost upfront even before the project was started. However, local RWAs played a critical role in negotiating the user fees downward.

Interestingly, the Alandur experiment, hailed by the World Bank and other multilateral agencies as a model for ULBs, failed to travel far. Residents in other ULBs, even in relatively wealthy ones on the suburbs of Chennai were reluctant to pay contributions on such a scale. The Alandur case points to how traditional political goodwill can be deployed in the service of reforms, and indeed how the reforms shape and in turn are shaped by existing political institutions. It also indicates how easily categories like 'participation' are divested of their democratising connotations to represent willingness to pay.

3.2 Toward 'A city run by CEOs': the Bangalore Agenda Task Force[16]

The Alandur experiment, despite its groundbreaking features, was all but eclipsed in scope and scale by the BATF, a partnership model which encompassed reforms in multiple spheres and systems, ranging from public space to solid waste management to roads to property tax assessment and accounting methods. Its importance can be traced in the programmatic threads that link the BATF and the citizen movement Janaagraha, that arose from it, to current municipal reform initiatives in the country.

The BATF represented one of the boldest government initiatives in the country in formally partnering with the corporate sector in planning and priority setting. It was initiated by the Karnataka Chief Minister S.M. Krishna in 1999, and

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16   This section is largely drawn from Kamath (2006).

backed by the city's Municipal Commissioner (who later joined the World Bank). This pioneering PPP, launched with the stated goal of turning the city into a Singapore, provided a powerful impetus for top-down supply-side reforms focused on reforming and 'cleaning up' public sector systems and processes. The partnership was premised on the belief that the efficiency of government agencies could be enhanced through collaborative relations with the resource-rich corporate sector, through employing business models, and under the auspices of the market. This collaboration also provided business leaders in the BATF with access to a range of high level decision making bodies. One member, for instance served as mediator between the city's development authority and the company it had hired to prepare the Master Plan for the city.

Through the creation of a 'modern' and 'efficient' image for the city, the BATF acted as an entry point for leveraging private investment both from state financial intermediaries and from domestic and foreign investors. As in the TNUDF programme, it pushed computerisation of accounts in the Bangalore Municipal Corporation (Bangalore Mahanagara Palike or BMP). Fund based accounting and property enumeration and mapping were also deployed to enable potential investors to verify and track BMP finances. Since projects were selected for their visibility, allocation of resources was often skewed towards neighbourhoods that were better off and in proximity to key commercial centers. The BATF also focused on increasing the capacity of the seven state agencies it partnered with to generate revenue from existing sources and to tap new sources. Many of its projects promoted the concept of user fees to make projects self-sustaining and even profit-making.

A core tenet of the BATF's approach was to make governance more effective by depoliticising it. It worked exclusively with bureaucrats, maintaining a clear distance from local politicians who were perceived to be corrupt. Several of the reforms it initiated were introduced through agreements between the state government and the BMP. Memoranda of understanding (MoU) have the advantage of allowing radical city and state level reforms to be pushed through without being debated on the floor of the State Legislative Assembly. Additionally, the city government was encouraged to sign an MoU with the state government agreeing to comply with certain reforms as a condition for receiving constitutionally mandated grants from the State government. There was thus a clear pattern of eschewing the political process by sidestepping elected councilors and working closely with the State Chief Minister. This ensured that the workings of city agencies were monitored and controlled by the state government to a greater extent than before. It is not surprising that much of the explicit opposition to this partnership came from elected representatives, especially from the city council, who saw the extensive organisational influence of the BATF as overstepping its initial advisory role.[17]

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17   In particular, its members were seen to be directing specific interventions and shaping and vetting the municipal budget which was prepared by the commissioner, prior to its presentation to the council. See: (a) 'BATF Officials Accused of Meddling with Budget' *Deccan Herald*, Thursday 19 April 2001; (b) 'CM Snubs Politicos for Opposing BATF', *Deccan Herald*, 24 February 2001).

Conceptual inputs were provided primarily through the sourcing and hiring of external consultants at the discretion of the BATF core group. One aim of the expert-driven and data-reliant planning espoused by the BATF was to define and enforce legality more strictly so that the growth of the city could be controlled in the short-term and planned for in the long-term. A deep-seated need to rationalise and make transparent the actions and procedures of local government agencies and control the activities of residents led to the BATF undertaking the codification of regulatory, planning and land use systems, an operation that posed a serious threat to the informal occupancy systems that supported the existence of the poor in the city. Several other reforms propagated by the BATF aimed at directly controlling local governments, particularly elected councils. Thus, while the Alandur model illustrates the deployment of political institutions to serve 'participation' in marketisation, the story of the BATF reveals how 'participation' has tended to undermine existing political institutions.

The BATF was also instrumental in giving shape to the new landscapes of citizen participation, through its exclusive 'citizen summits' that were often held in inaccessible venues, with a select circle of invitees, and methods that effectively suppressed dissenting voices. The terms of reference for these consultations were set in advance, and it was clear that citizen participation in BATF activities would be limited to consultation, with no guarantees that feedback would be incorporated. The BATF core group posited a trade-off between efficiency and substantive public participation. Public preferences and voice were seen to be adequately captured by the consumer polls that they periodically commissioned from a market research agency.

The BATF made a concerted effort to nurture and build relations with a particular type of civil society that would constitute the demand side for its reforms. It contributed in several ways to the growing visibility of RWAs in Bangalore. Engaging in upgrading one's neighbourhood became fashionable, fueled in large part by the BATF's imagery of the 'call to service' and the media coverage lavished on core group members and other celebrities who undertook work to benefit their neighbourhood and city. The BATF also directed a large proportion of its civil society summit invites to RWAs. The entry of a new set of middle class actors into governance processes lent a supportive voice to the BATF agenda while devaluing the interests of large sections of the urban poor. This was reflected in the emergence of Jannagraha – a 'citizens' movement for participatory governance reflecting largely elite aspirations.[18]

Constituting the demand side for the BATF's reforms, Janaagraha's approach originated from two perceived limitations of the BATF. One, the BATF's supply-side focus confined its role to creating mechanisms for public sector reform but could not ensure its implementation and enforcement. Additionally, as a creation of government and intimately connected to it, the BATF could not confront the state on issues concerning power relations between actors within and outside the state (Interview Janaagraha founder). These limitations

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18   For more information see www.janaagraha.org.

propelled Ramesh Ramanathan, a core group member of the BATF to found Janaagraha in 2001. The then Infosys Chairman N.R. Narayana Murthy publicly supported and advised both Janaagraha and the BATF.[19]

The particular salience of Janaagraha for the discussions here lies in its role in facilitating the collection of Beneficiary Capital Contributions (BCC) for the Greater Bangalore Water and Sanitation Project (GBWASP). Like the TNUDF in Alandur, the GBWASP, a public-private partnership, employed a language of 'citizen as stakeholder' to equate participation with financial contributions toward the capital costs of a piped water supply system to the peripheral areas of Bangalore (Ranganathan *et al.* 2009). Mobilisations by Resident Welfare Associations (RWAs) were instrumental in collecting this beneficiary contribution based on the promise of an assured supply of good quality water. Janaagraha was officially tasked with mediating citizen participation in the project toward these ends.[20] Besides motivating citizens to pay the beneficiary contribution, Janaagraha also encouraged the monitoring of illegal connections and water pilferage (www.janaagraha.org/node/113). However, it withdrew early on in the project due to opposition from local groups and its reported inability to obtain 'cooperation', including project-related information, from relevant government agencies. Again, as in Alandur, representations from local RWAs helped (twice) negotiate a downward revision in the BCC rates, among other changes. Thus, while there was little project information provided through formal consultative channels, ongoing, often tempestuous, interactions between RWAs and local officials enabled a form of incremental participation and some space for negotiations which, arguably, enabled the project to survive.

Janaagraha's role as participation intermediary illustrates the consumer-oriented approach that underpinned all its programmes. Janaagraha's initial discourse emphasised strengthening the demands of both middle class and poor communities; however, the bulk of its work was targeted toward middle class interests, and attention towards poorer constituencies waned over time so much so that in 2007 at a National Conference on the JNNURM, Ramesh Ramanathan, the founder of Janaagraha, described it as an 'unabashedly middle class' institution.[21] Its Ward Works Campaign primarily addressed middle class RWAs, prioritising works like roads and footpaths to facilitate the smooth flow of traffic and pedestrians. The PROOF (Public Review of Operations and Finance) Campaign which demanded that the city corporation disclose quarterly financial statements to the 'public', announced a separate component focusing on poor groups, called 'PROOF of the Poor'. This component, however, disappeared over time. The Ankur-SJSRY Campaign,

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19 Several interview sources stated that N.R. Narayana Murthy financially supported Janaagraha while Nandan Nilekani, the then Managing Director of Infosys financially supported the BATF (Kamath 2006).

20 In order to fulfill this role, Janaagraha launched its Participatory Local Area Capital Expenditure (PLACE) Programme which was both an institutional mechanism to build citizen participation in GBWASP and a city-wide information campaign.

21 National Conference on the JNNURM titled 'The Shape of Our Cities and Towns: Socially Inclusive and Economically Productive?' organised by CIVIC and INHAF in Bangalore on 26–27 October 2007.

aimed at improving the functioning of a centrally-sponsored scheme, the Swarna Jayanti Shahari Rozgar Yojana (SJSRY), to provide micro-credit to urban poor groups, subsequently morphed into an independent for-profit micro-finance institution called Janalaxmi. The Taxation with Transparency Initiative encouraged citizens to be 'deserving' of public services by paying taxes and monitoring their neighbors for tax compliance. Not surprisingly, Janaagraha's programmes in Bangalore were resisted by elected councilors, mid-level government officials, and (advocates for) poor groups.

Despite these local contestations, the far-reaching influence of the TNUDP, BATF and Janaagraha is revealed by the replication and scaling-up of several elements of their programmes into the Jawaharlal Nehru National Urban Renewal Mission. For example, Janaagraha's PROOF programme carried over into JNNURM as the Public Disclosure Law and Janaagraha's experiments with model Area Sabhas became the basis of the JNNURM's Community Participation Law. The BATF's experiments with e-governance and asset mapping form the basis of the National E-governance Strategy; and fund-based accounting systems pioneered by the TNUDP and the BATF are mandated for all urban bodies. These, along with a set of additional measures, constitute a set of 'Common Urban Reform Elements' or CURE that have become the core of conditionalities that ULBs must comply with in order to receive JNNURM grants. These agreements are institutionalised through MoUs signed by the Centre, the state government and the ULBs, another legacy from the BATF. The entire institutional setup of the JNNURM, like the BATF, seeks to depoliticise governance by bypassing elected councils and working through parallel agencies. In fact a member of the BATF went so far as to comment that of the four men from Bangalore who were at the epicenter of the JNNURM, three were members of the BATF.[22] He explicitly linked the lobbying efforts of these men with the emergence of the JNNURM:

> After the death of the BATF we four continued to lobby for what we called a national urban mission. We made numerous trips to Delhi at our own expense and talked to a variety of people. Nandan [Nilekani who was Chairman of Infosys at the time] used his wide circle of contacts to set up meetings including with Montek [Singh Ahluwalia, Deputy Chairman Planning Commission], Manmohan, [Singh, Prime Minister], Sonia Gandhi, ministers, bureaucrats etc. In time this idea formed the core of the JNNURM. So we were in effect the catalyst for the JNNURM.
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> (*ibid.*)

Two of the BATF members, including Janaagraha's founder, were also selected to be a part of the National Technical Advisory Group of the JNNURM, whose role was to promote civil society participation in the JNNURM.

The next section discusses the emerging landscapes and character of collective action in Indian cities, and their implications for the unfolding of urban governance reforms, in particular for the Community Participation Law mandated by the JNNURM.

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22   Interview by Lalitha Kamath with V. Ravichandar on 28 Feb 2007 in Bangalore.

4 Fractured citizenship and urban politics

Cities around the globe are experiencing, as Holston and Appadurai (1996) have argued, 'an unsettling of the idea of national citizenship' in which the twentieth century liberal version, in particular, 'appears increasingly exhausted and discredited' (*ibid.*: 188). Distinguishing between formal and substantive citizenship (the former refers to membership in the nation-state and the latter to the array of rights that people possess and enjoy), Holston and Appadurai claim that 'formal membership in the nation-state in increasingly neither a necessary nor a sufficient condition for substantive citizenship' (*ibid.*: 190). This assertion is amply borne out in the mega cities of India, where expatriate residents (often project consultants) enjoy entry into spaces – stores, hotels, clubs and complexes – that are barred to working class citizens of the country, excepting those employed to serve within these spaces.

One category of response to this devaluation of national citizenship, according to Holston and Appadurai, has been to pursue increasingly exclusionary measures to restrict the scope of citizenship and to exclude sections of urban dwellers. Among them are strategies that

> employ urban incorporation to gain the powers of local government. Their objective is to privatise or dismantle public spaces and services and to implant zoning regulations which in effect keep the undesired out. Around the world it is all too common to find homeowner associations using these powers and privileges of democratic organisation to exclude, discriminate and segregate.

> (*ibid.*: 191)

In Indian cities, a range of urban collective actors and citizens' initiatives have acquired prominence in recent years, involving new sections of the urban population, and spelling a new politics of urban activism. Prominent among these are Resident Welfare Associations and other forms of neighbourhood associations. Metropolitan transformations have provoked unprecedented mobilisations of the urban middle classes, generating new energy and activism around agendas of protecting public space and improving services.[23] This 'new politics', as Harriss points out, breaks with the old politics in several ways – rooted in small-scale voluntary associations rather than in the infrastructure of

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23   Resident Welfare Associations (RWAs) are the principle form of neighbourhood association in middle-class localities, while a range of organisations, from self help groups (SHGs), youth groups, local party or union wings, dalit associations and RWAs exist in poor neighbourhoods. In contrast to earlier scholarly findings that civil society activism is a domain of the urban middle classes while the poor move predominantly through political channels (cf. Harris 2005), this study found that the RWA is a civil society form increasingly being adopted by low-income and even slum-based groups to assert claims to urban citizenship. The key difference between middle-class and poor neighbourhood associations is that the latter move more openly and substantially through political channels than the former.

parties and electoral democracy, located in residential and recreational domains rather than in workplaces, and employing 'civilized' modes of engagement such as memos, media coverage and courts rather than mass campaigns, rallies, or demonstrations.

Studies of neighbourhood associations across Indian cities have found that while these actors have played important roles in demanding and enhancing access to services such as water, street lights and garbage management, the character of neighbourhood-based collective action is strongly determined by class, and has a tendency to be exclusive (Fernandes 2006; Tawa-Lama Rewal 2007; Zerah 2007; Kamath and Vijayabaskar 2009; Coelho and Venkat 2009). These studies have laid out the different dimensions of exclusiveness in RWAs, arising from their predication on property ownership or holding in some form, their caste and other elite leanings, and their self-serving visions of urban space. Many of these studies have also pointed out that struggles for democratisation and broader representation of residents in RWAs are extremely rare, most tend to avoid or preempt elections, and their leadership remains calcified among older, upper caste men. RWA agendas have everywhere emerged as oriented primarily toward defending their territories and amenities against different forms of encroachment by the larger urban public. Thus inasmuch as RWAs constitute a form of urban civil society, they appear to constitute a fragmenting, rather than cohesive force.

The new visibility enjoyed by RWAs since the 1980s is in large measure a concomitant of reforms in urban services. These bodies have received substantial attention, both in academic and media fora across Indian cities, as collective actors representing large sections of the middle class and revealing strong stakes in reforms of urban governance. Elite RWAs in particular have played an important role in creating acceptance around reform agendas such as the payment of user fees, enforcing rights based on strict legality, and conferring priority on property ownership and property values. The dispossession and dislocation of the urban poor from the city through 'urban renewal', 'decongestion' or 'beautification' initiatives have also been spurred or backed by middle class RWAs in most Indian cities. Many RWAs are adopting increasingly ambitious agendas, moving beyond immediate service-related demands to longer-term programmes such as electoral reform. Partnerships between RWAs and the urban state have been institutionalised in some cities (e.g. Bhagidari in Delhi, Advanced Locality Management (ALMs)[24] in Mumbai).

A crucial issue that sustains and motivates the activism of RWAs, more than amenities or services, is land and/or property. This core thematic is common to – although it rarely unites – middle/upper class RWAs and low class ones. Neoliberal transformations of urban space, primarily its pervasive commodification as property or real estate, have sharpened the class-polarised politics of collective action over the issue of land. While associations in low-

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24   An ALM is a Resident Welfare Association that is registered with the local municipal ward office and works to improve the neighbourhood in partnership with civic officials. There are over 500 ALMs in existence in Mumbai but many are not functional or have few active members.

income neighbourhoods focus on issues of tenure-security, titles, allotments and acquisitions, middle class RWAs are concerned with land-use, zoning, regularisation and the protection of real estate value. As Kamath and Vijayabaskar's (2009) study in Bangalore points out, there are conflicts among different sections of the middle classes over use and exchange values of land – for example, elite associations in high-value urban neighbourhoods oppose the unauthorised construction by less affluent property-owning classes in their neighbourhoods, who seek to profit from the lucrative rental market by building up their plots in violation of planning norms and procedures. While most city residents indulge in unauthorised construction, the less affluent tend to use it to enhance exchange values and income flows from their property, and the upper middle classes use it to enhance the use values of their property, for instance by building balconies for bedrooms.

Activism in the arena of land and property values frequently necessitates political mediation: thus both middle class and low class RWAs tend to cultivate and maintain political ties in their own, rather distinctive styles. Middle class RWAs carefully cultivate connections with state-level politicians, particularly ruling party MLA from their constituencies, and make it a point to maintain good relations with local politicians. This politics of and over land, which is critical to the distribution of power among different classes in urban India, however, rarely finds its way into the 'consultations' held under the rubric of urban reforms. The exclusions practiced in the new fora of consultation and participation, then, are not only about categories of people but, importantly, about themes and subjects, particularly related to *material* struggles in the urban arena.

Our earlier studies in Bangalore and Chennai (Kamath and Vijayabaskar 2009; Coelho and Venkat 2009) have found that the growing scholarly emphasis on the role of RWAs as new voices in urban governance – with assertions of 'elite capture' of urban policy-making – overestimates their significance. Our work points to a pronounced ambivalence on the part of state agents, both administrative and political, toward middle-class as well as low-income RWAs. In Chennai and Bangalore, there are no major state-promoted schemes, like Delhi's Bhagidari and Mumbai's ALM, which invite middle-class associations to partner with the state in urban governance, apart from some minor initiatives in traffic or garbage management. Officials at top levels tend to view RWAs as elite groups driven by a limited, self-interested and exclusive vision. Junior officials at ward offices also take a dubious view of neighbourhood associations in low-income areas, seeing them as vehicles to further individual agendas or under the strong influence of parties. From the official perspective, then, RWAs do not figure prominently as representatives of the public at large, although they sometimes serve as convenient shortcuts in processes of mandatory public consultation.

Thus, while our studies suggest an across-the-board mobilisation of civil society in the form of neighbourhood associations, both in poor and middle-class neighbourhoods, these bodies are clearly limited in their capacity to represent the urban public *vis-à-vis* the state. While RWAs may achieve the improvement of routine service and maintenance functions by direct liaison with

agency officials, for larger matters such as relocation of a dump site, re-routing of bus routes or clearing of encroachments, they are forced to move through the sphere of politics. RWAs have not, in general, been successful in influencing issues requiring policy or legislative changes. They also seem to be ineffective in spheres with strong interest groups under the control of politicians, particularly in issues of control over land, the determination of who is 'unauthorised', and how they should be penalised.[25]

There are many reasons why middle class RWAs, despite their disdain for the domain of politics, find themselves increasingly obliged to seek entry into this sphere. Contrary to claims – both by scholars and by RWAs themselves – that associations maintain a distance from party politics, our studies found various forms of political engagement among middle-class associations. These included campaigns to encourage voting in state and local elections, efforts to verify voter rolls and include members, and fielding candidates for local council elections. The limited success of elite and middle class efforts to reshape the city has, arguably, moved RWAs to turn to the domain of local politics. The recent thrust for a 'Community Participation Law', outlined by the founder of Janaagraha, becomes significant when viewed in this context.

4.1 The Community Participation Law: ushering in corporate citizenship?[26]

While the Community Participation and Municipal Disclosure (or Nagara Raj) Bill is being presented by JNNURM as a long overdue step in encouraging grassroots citizen participation in urban governance through the establishment of sub-ward Area Sabhas,[27] the context within which this democratisation initiative is framed has given rise to deep suspicion among groups and movements working on issues of accountability across the country. Among the numerous concerns that have been articulated is the use of fund conditionalities to force legislation (on municipal governance) that is constitutionally within the purview of states. Second, the legislations at the State level are often drafted by investment agencies and fail to follow mandated procedures. With telling irony, in all States that have passed the legislation to date, the bill seeking to enhance community participation was

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25   For example, in tussles between RWAs and politicians seeking to take land for real estate deals, RWAs tend to lose, particularly when the contested land stands to personally benefit wealthy and well-connected actors. However, in cases where public land has been occupied by poor groups with the support of councillors or other politicians, RWAs have been more successful in ousting them, often in partnerships with government officials (Kamath and Vijayabaskar 2009).

26   This term is used here to refer to the tendency to treat corporations as citizens (based on the principle of corporate personhood, wherein corporations are offered the same legal rights as individuals), rather than the more common usage of the term as referring to corporate social responsibility.

27   The bill provides for the establishment of a third tier of urban governance, the Area Sabha, along the lines of the Gram Sabha in rural areas, comprising all voters of one polling booth. Each Area Sabha would elect Area Representatives who would participate in the Ward Committee, which would be chaired by the Ward Councillor.

pushed through the legislature in a hurry, with no attempts at public consultation.

Aside from constitutional and procedural issues, there are concerns about the implications of the law for the politics of decision-making in cities. By creating another tier of local government at the neighbourhood level, splintering the urban local polity into smaller neighbourhood-based units, and seating a cadre of 'Area Representatives' from urban neighbourhoods in ward committees, the law would potentially institutionalise the powers of the new middle class leaders and legitimise the exclusionary agendas of neighbourhood associations. The role of ward councilors, who come primarily from lower classes, could thereby potentially be minimised and marginalised. The Nagara Raj Bill, the brainchild of a former member of the BATF and the founder of Janaagraha, thus potentially constitutes a new strategy for taming or domesticating politics, in particular the horrors of 'vote bank politics', in the field of urban governance.[28]

The Community Participation Fund, another brainchild of the founder of Janaagraha, gives tangible shape to the ideology behind the Nagara Raj Bill. This Fund, constituted under the JNNURM, gives upto Rs one million to registered CBOs (Community-Based Organisations) to carry out projects for the development of their neighbourhoods (here defined as the area to be covered by the Area Sabha). One of the conditions required for project sanction is endorsement of 51 per cent of (registered) voters in the area. Such an endorsement would rule out or greatly reduce the number of projects that would benefit poor areas alone, particularly in smaller cities where slums tend to be small, juxtaposed with middle class and commercial neighbourhoods. This is in line with Krishnaji's (2007) conclusion drawn from the Democratic Decentralisation (People's Plan) experience in Kerala that public expenditure decisions taken by social consensus rarely result in positive outcomes for the poor. The complicated and cumbersome application procedure for the fund also tend to eliminate from consideration smaller CBOs with less educated members, many of which are from poorer areas.

Most crucially, however, the Model Nagara Raj Bill drafted by the Center appears to embody a small but significant step in establishing corporate citizenship in grassroots urban governance. Upto a third of seats in a Ward Committee can be occupied by 'the civil society of the ward, to be nominated by the Municipality'. This 'civil society' is to comprise representatives of legally

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28   Houtzager and Lavalle (2009), in analysing various forms of 'assumed representation' through which civil organisations working on urban governance issues in Sao Paolo, Brazil, claim democratic legitimacy, make a compelling case for considering these efforts as part of a pluralisation of new forms of political representation outside and alongside the classic forms of representative democracy. Of the various types of civil organisations they describe, community associations – including neighbourhood associations – make the strongest claims of assumed representation, justified primarily through arguments of their *proximity* to the represented publics, and their role of *mediation*, or facilitating access to the state. Crucially, however, as the authors point out, these claims of representation fail to carry any clear mechanisms of accountability, which forms the paradox of political representation by civil society actors in participatory governance institutions.

registered associations, NGOs, professional, trade or industrial bodies. This provision becomes particularly significant in light of the substantial powers that have, in the spirit of genuine decentralisation, been recommended for ward committees. These committees would have access to all information on (and inputs into) district and municipal plans and budgets, would have to be consulted on the development of land use and zoning regulations in the ward, and can retain up to 50 per cent of the ward revenues for local development. The committees would also be responsible for drafting ward plans and budgets, ensuring revenue collection, and establishing the ward infrastructure index. Ward committees, under this law, would wield planning, surveillance and allocative powers of far greater reach and magnitude than ward councilors ever enjoyed under the 74th Amendment. Allocating a third of the seats in this committee to corporate bodies or NGOs would not only authorise and legitimate their access to these powers, but would also confer on them rights equal to those of individual citizens of the country. Additionally, the municipality's power to nominate these bodies to the ward committees can open the doors to more intense wheeling and dealing than any seen in the domain of vote bank politics.

There is no doubt that the current status quo (non-functional wards committees and incomplete devolution) does not permit a satisfactory channel for people's participation in urban governance. While the 74th Constitutional Amendment Act (74th CAA)[29] mandates the devolution of funds, functions and functionaries to ULBs, it is left to the discretion of the state government to realise these mandates. There currently exists no precedent for what participation will look like on the ground:[30] the size of the unit, its roles, powers and responsibilities and its relations to other tiers, and the conflicts that will inevitably result from such devolution. Ideally, these issues could be negotiated between (local and state) elected governments and their citizens through a public process involving several iterations of rules that lay down operational guidelines. The Nagara Raj Bill however, far from moving us towards greater transparency and inclusiveness regarding the design and operation of the third tier of government, is shrouded in secrecy. Even key officials in state governments lack information on who is drafting it, the shape it will take, and its potential implications for their cities. By making acceptance of this Bill a condition for receiving central grants, there is every chance that cash-starved states will outwardly accept it (as many have already done), with some even moving to make it legislative fact, but will make no move to complete the partial process of democratic decentralisation.

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29 The 74th Constitutional Amendment Act of 1992 is a landmark in India's decentralisation history as it for the first time recognises ULBs as the third and equal tier of government.

30 While there is no precedent for urban areas, there is much that could be learnt from similar experiments in rural areas, such as Kerala's People's Planning exercise in democratic decentralisation.

5 Conclusion: urban renewal and the 'common good'

Ironically, it is through the concept of 'common good' that neoliberal reformers seek to reconstitute the project of national citizenship. The notion of common good which underpins republican ideals of citizenship, has long proved unworkable as a practical principle of democracy, as it presupposes a homogeneity of interests and aspirations that is rarely found on the ground, and perhaps least so in contemporary South Asian cities. In India, as in many other countries, the principle of common good was long ago supplanted by a priority on *rights* wherein 'the nation of citizens is based not on constitutive ends but on procedural means of justice which ensure that no particular end 'trumps' any other' (Holston and Appadurai 1996: 192).

The era of neoliberalism, however, reinstates the priority of a common good, that of rapid economic growth. It is in service of this that urban renewal is unleashed in mission mode across the country, aided by a variety of toolkits, training and capacity-building inputs, and, most critically, powered by mega funds with conditionalities.[31] The elevation of economic growth as a hegemonic national good has, in the discourses and practices of all arms of the state – legislature, executive and judiciary – come to supercede democratic norms and procedures that might produce different or dissenting versions of public aspiration. The common good being propagated in authoritative fashion contributes further to deepening the inequalities that make the concept unworkable.

It is in the language of common good that the middle classes mobilise, even as they carve out, protect and guard their territories against any form of 'encroachment'. In their struggles to cleanse and sanitise urban spaces, they take recourse to normative forms of urban order, represented through 'scientific' urban planning approaches (which have never had a purchase on the real city), even while pervasive elite violations of planning regulations are normalised as part of urban 'development'.

The record of urban reforms since the1990s reveals a heavy preponderance of failed effort, whether in water or electricity sector reforms, decentralisation to urban local bodies, solutions to urban transportation problems, fiscal balance, rationalisation of land records, or infrastructure improvements. What these failures highlight is the unworkably narrow, limited, even distorted concept of urbanism that lies at the heart of the reformist project. Cities, as many scholars

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31   One manifestation of 'common good' thinking is the institutional innovation of the CTAG (City Technical Advisory Group), being sought to be instituted in all cities under the JNNURM as local counterparts to the National Technical Advisory Group (NTAG). The CTAGs are envisaged as comprising 'civil society representatives', about 6 to 7 individuals in each city, often affiliated with select NGOs from a limited circle. This structure is based on the conception of the city as a single unit that can be comprehensively 'represented' by a handful of prominent persons – an approach that refuses to recognise the multiple, contending and contested stakes inevitably present in any project of urban development.

have come to recognise, are settled and occupied primarily through informal, unplanned, sometimes illegal and mostly political routes. The historical record has shown that urban planners and development authorities – including public-private partnership bodies like the City Improvement Trusts that were initiated in many cities in the 1920s and 30s – have rarely been disposed toward accommodating the city's working populations within the city. Evictions and demolitions occurred every time 'improvements' or renewals were to be effected. Large numbers of urban dwellers, then, have historically accessed, and continue to access, land and housing, water, electricity and other basic services through informal means.

In the climate of overheated land values obtaining today, there is much less reason to believe that the urban poor will be accommodated on anything but peripheral wastelands or swamplands, forcing us to reckon with new social geographies of urban citizenship and segregation. All of this provides the backdrop against which we must analyse the attempts of urban authorities to fast-track their way to inclusive, just urban orders, primarily through infusions of capital. The idea that 'taking people along' on the route to world class cities can be achieved through a set of procedural arrangements, that people's participation and consultation can provide the demand to match supply-side reforms, and that democratisation means creating some limited spaces for people's inputs, clearly call for interrogation.. Democratisation in Indian cities cannot be achieved through boardroom strategies, legislative mandates or administrative arrangements. Scholars and activists are recognising that the struggles of marginalised and excluded citizens for a foothold in the city have everywhere expanded the scope of democratic practice, and are continuing to produce new, varied notions of rights and new forms of participation and democracy including collective citizenships based on particular identities (see, for e.g. Hickey and Mohan 2005).

Many of these are rooted in claims over embattled space, basic facilities, funds or knowledge. A strand of recent legislations which have sought to empower individual citizens with information and voice in governance (e.g. the Right to Information Act – RTI, the National Rural Employment Guarantee Act, the Forest Rights Act) have been achieved as a result of long struggles by people's movements (like the Mazdoor Kisan Sanghathan Samiti – MKSS which has been at the forefront of many of these innovations) to force accountability in governance, particularly in issues fundamental to the lives and livelihoods of the poor, such as food, employment, land and forest rights, and government spending on public works and basic infrastructure. Control over acquisition and distribution of information, embodied in the RTI Act, has proved a particularly powerful weapon to arm a variety of people's struggles. The RTI movement has spread rapidly into urban settings, where it is being used to access information on issues ranging from leakages in the public distribution system to unauthorised occupancies of land deemed for public use. Can an examination of the differences and overlaps in the genealogies, histories, institutional landscapes, and rationales of these two strands of citizens' participation and public consultation offer some clues to how the 'public', more broadly defined, can shape the future of Indian cities?

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