**Binding the State: State Capacity and Civil society in India**

Patrick Heller

Paper Prepared for the “State Building Workshop”

New Delhi, January 20-21, 2011

\*\* Not to be cited without permission of author \*\*

**Introduction**

If the commanding heights of the Indian state display significant capacity, quite the opposite seems to be true of the everyday state. Many state institutions at the centre enjoy usable autonomy from particularistic interests and are capable of highly institutionalized action, but that capacity deteriorates the more the state directly engages with society. The deterioration is so pronounced that the local state (the municipality and the village panchayat) have almost no developmental capacity. This has earned the Indian state the evocative label of a “flailing” state, that is one in which the head (national and some State institutions) is highly competent and knows what it is doing, but “that this head is no longer reliably connected via nerves and sinews to its own limbs” (Prichett 2009:4).

Developing a more disaggregated understanding of the valence of state capacity in India calls for a more scalar and more relational approach than the conventional focus on the central state. First, we need a more explicit conceptualization of why there appears to be an inverse relationship between scale and capacity, with state powers eroding as the state moves downwards. Much of this variance can be explained in terms of fundamental problems of securing downward accountability through the extremely long of chain of command that characterizes the Indian state. Most observers attribute this problem to organizational deficits, drawing on the Weberian thrust of the developmental state literature that highlights the historically derived quality and penetration of central administration (and invariably draws the contrast with China). I however want to argue that this chain of command problem is less an organizational problem than a political problem. It has less to do with how hierarchy has been organized than with how political authority has been constructed. The problem lies more in the chain of *sovereignty* than in the chain of command. I argue that the comparatively top-down and politically instrumentalized manner in which state authority has been constructed has favored transactional logics of authority over more normatively grounded forms of state legitimacy. Moving beyond the state-in-society perspective however, I argue that this failure of legitimacy has less to do with a “strong” society prevailing over a “weak” state, and more to do with variation across India in the way in which state power has been politically constructed. I focus in particular on preliminary findings from a research project on urban governance in India.

**A Comment on State Power**

The specific socio-spatial nature of state power takes two forms. Infrastructural power refers to the capacity of the state to get things done and can be thought of as essentially an organizational problem. Authoritative power refers to the ability of the state to issue *binding* commands on societal actors. In a complex society authoritative power is necessarily backed by coercion (the most distinctive form of state power), but can nonetheless be subdivided into despotic and legitimate forms.

Treatments of the question of state capacity have generally focused on infrastructural power. The developmental state literature has been primarily preoccupied with the Weberian questions of bureaucratic and technical capacity, and with significant exceptions (Kohli 2004, Davis), has not addressed the question of authoritative power. To a large extent this reflects the simple fact that the model “developmental state” has been the East Asian *authoritarian* state. The question of how states can develop transformative powers in a democratic context has received much less attention despite well documented cases of success (Sandbrook, Edelman, Heller and Teichman, 2007). In this paper I argue that in order to make sense of state formation in post-Independence India it is useful to bracket the question of infrastructural power and focus on the authoritative dimension of state power.

The problem of state capacity in India is the distinct problem of state capacity in a democratic order. The Indian state enjoys limited despotic power, that is the power to issue binding commands without negotiating with civil society (Mann 1981).[[1]](#footnote-1) For the most part, state power in India is *authorized*, the result of a process of negotiation with civil society. Before discussing types of authorization, a brief comment (drawn from Mann’s work on the social sources of power) on the effects of authoritative power is necessary. Weber discussed social power in zero-sum terms: actor A imposes her will on actor B despite resistance. But this limits power to its *distributive* effects. Since Parsons however we also recognize a second *collective* form of power, “whereby persons in cooperation can enhance their joint power over third parties or over nature” (Mann 1981:6). Mann emphasizes that distributive and collective power exist in a dialectical relationship.

In pursuit of their goals, humans enter into cooperative, collective power relations with one another. But in implementing collective goals, social organization and a division of labor are set up. *Organization and vision of function carry an inherent tendency to distributive power, deriving from supervision and coordination …* [my italics]. Those who occupy supervisory and coordinating positions have an immense organizational superiority over the others … The few at the top can keep the masses at the bottom compliant, provided their control is *institutionalized* in the laws and norms of the social group in which both operate. Institutionalization is necessary to achieve routine collective goals; and thus distributive power, that is, social stratification, also becomes an institutionalized feature of social life (1986:7).

This is the sociological basis for the now familiar claim that in complex modern societies, organizations, including the state and mass parties, amass immense power. Following Michels’ famous *Iron Law of Oligarchy*, such distributive power will tend towards despotic power unless continuously checked by negotiation with civil society. Democracy – the institutional incarnation of popular sovereignty - then emerges as the critical counterpower. The mark of modernity is the constant tension between democracy and organization, or as Weber put it the clash between substantive (value) rationality and instrumental rationality. If this tension was highly pronounced in the rise of the modern European state and was the source of Weber’s pessimism about modern processes of rationalization, it is even more pronounced in post-colonial democracies such as India that are burdened with the legacy of highly extractive and despotic colonial state apparatuses.

**Democratic Powers**

In thinking about democracy as a counterpower to the despotic tendencies of the state’s distributive power we need to disaggregate the specific nature of a democracy’s forms of *authorized* power. The process of authorization takes three distinct forms. The first is legal-constitutional. The state is authorized by previous negotiation to engage in a range of delineated activities carried out by authorized personal operating in a stratified organization. The activities of government agents are specifically delineated by law. They are continuously enforced by a rule-bound bureaucracy, and routinely reviewed and sometimes altered by the judiciary. In the Indian context, enforcement by the bureaucracy is highly uneven. The judiciary generally receives higher marks.[[2]](#footnote-2)

The second form of authorization is representative. Representatives’ primary function is legislating and as such they directly effect changes of legal-constitutional authority. But representatives legislate intermittently at most, and most of the legitimate power they exert takes the form of the discretionary actions taken within the parameters delineated by existing law. This form of authorized power for the most part directly translates into distributive power, that is distribution of state resources including mediating access to the state. This would include all the forms of political intermediation variously referred to as clientelism. It is important to underscore that even as we often decry clientelism as antithetical to our normative conception of democracy, it is a perfectly legitimate form of representative authorization. Representatives of course also exert significant degrees of illegitimate (non-authorized) power by explicitly violating laws or assisting clients in circumventing the law.[[3]](#footnote-3)

The third form of authorization is what I would call participatory. Here, authorization is derived directly from civil society. State action derives its legitimacy directly from the claim that that it is acting on behalf or at the behest of civil society formations or claims emerging from the public sphere. This is a form of authorization less well theorized than legal and electoral authorization, and one that covers a much wider range of state actions than the more routinized forms of legal or representative authorization. This form of authorization is specifically intertwined with the idea of active citizenship and is discursively legitimated in the language of modern civil codes (Alexander 2006). This form of democratic authorization views citizens not simply as voters, but as active bearers of rights who continuously exercise or claim their rights. Such practices can run the gamut from the mundane engagement with front-line bureaucrats in obtaining services to more proactive forms of claim-making. Such engagement and the resulting authorizations do not derive from claims of representation which are by definition delegated and necessarily mediated by politicians, but from more generalized and public assertions of rights. It is important to underline that such rights can be selectively or differentially claimed and can accordingly result in participatory inequalities. This is precisely the grounds on which Chatterjee dismisses the democratizing possibility of civil society in India, arguing that only elites are in a position to use their rights. Empirically, this is a highly debatable claim, but even on its own terms misses a key point. However selective rights-based claims may be, in a democratic-constitutional setting the terms of participatory authorization by definition must invoke universalizing (if not universalistic) principles. This is what leads Habermas to conclude that “Segmented public spheres are constituted with the help of exclusion mechanisms: however, because publics cannot harden into organizations or systems, there is no exclusion rule without a proviso for its abolishment” (1996, 374).

The argument that we must recognize three distinctive forms of democratic authorization must, as is the case in any such typological exercise, be qualified by noting that in practice these three forms of authorization are intertwined, never entirely autonomous, and often hard to disentangle. But they are distinct, both in their respective modes of authorization, and in the ways in which they might complement each other and just as often come into direct tension with each other.

The tension between judicial and representative authority is well known, and indeed has probably been the most commented on. The relation between representative authority and participatory authority can readily be summarized. Politicians are always eager to claim participatory authority, that is to claim the authority of the “people” or any range of civil society categories “the poor”, “women” the “downtrodden” etc … but also quick to denounce claims by civil society organizations that have a voice of their own. Indeed, one of the most universal laments I have heard politicians make about civil society is that “nobody elected them.” Conversely, CSOs denounce politicians as self-serving, corrupted by power, moved only by electoral calculations and wholly lacking any commitment to doing what is right. Civil society claims to authority are extremely complex and the source of much confusion. The aggregative theories that dominate empirical political science largely ignore or dismiss the significance of civil society, but sociologists (e.g. Somers, Habermas and Alexander) and recent developments in political theory (Elster, Gutman) have accorded greater significance to deliberative inputs in the political process. This is not the place to engage in this debate,[[4]](#footnote-4) but suffice to say that democratic theorists now generally recognize that a) claim-making outside of electoral channels is a fundamental right, including the formation of associations and social movements, as well as contentious action and that b) such claim-making can in the Madisonian sense result in the “mischief of actions” and be entirely self-serving but it can also give voice to groups, ideas and norms that are not effectively processed by the calculated logic of the electoral system and that c) whatever the motivations of civil society actors they represent an important form of countervailing power to the ossifying tendencies of legal authority and the overly aggregative and instrumental logic of the representative authority. Associational life, in other words, is a critical counterpower to organizations and their distributive power. For reasons I elaborate below, democratic deepening requires striking a balance between the aggregative logic of political society and the deliberative logic of civil society.

The relationship between legal authority and participatory authority is probably the most complex of the three pairs. Most political theory simply subsumes participatory to legal authority. As Yashar (2005) comments, most of the democratic transition literature simply assumes that with constitutions come citizens, when in fact citizens have to make themselves by proactively using their rights. Classical and contemporary theories of democracy generally take for granted the decisional autonomy of individuals as the foundation of democratic life. All citizens are presumed to have the basic rights and the *capacity* to exercise free will, associate as they chose and vote for what they prefer. This capacity of rights-bearing citizens to associate, deliberate and form preferences in turn produces the norms that underwrite the legitimacy of democratic political authority. But as Somers (1993) has argued, this view conflates the *status* of citizenship (a bundle of rights) with the *practice* of citizenship. Given the highly uneven rates of political participation and influence across social categories that persist in advanced democracies (and especially the United States) the notion of citizenship should always be viewed as contested. But in the context of developing democracies, where inequalities remain high and access to rights is often circumscribed by social position or compromised by institutional weaknesses (including the legacies of colonial rule), the problem of associational autonomy is so acute that it brings the very notion of citizenship into question (Mahajan, 1999; Fox 1994; Mamdani 1995). The point here is that civil society can not prosper without the empowering framework of the law, but that the law itself can not achieve either its basic instrumental end of *eliciting* compliance or its normative end of justice without the active participation of civil society.

Setting aside the vast theoretical debates that have animated the discussion of civil society, the argument I want to lay out in this paper is that whereas legal and representative forms of authoritization in India are well established and by the comparative standards of low and middle-income democracies quite effective (and grounds for categorizing India as a highly successful case of consolidated democracy), the problem of India’s democratic effectiveness, and by extension the state’s developmental capacity, is the result of the inadequate development of participatory authority. In historical terms, this problem has its roots in the imbalance of political and civil society in which the participatory forms of authorization of civil society have been inhibited and even distorted by the transactional character of political representation in India.

To make sense of how this balance has impacted state formation and democratization, it is necessary to lay out a relational view of democracy. No one has done this more concisely than Charles Tilly. Though Tilly does not use the term civil society, he explicitly builds his model of democratization around the relationship between the state and its citizens. Tilly makes this argument in two steps. First, he places the type or nature of a subject’s relation to government at the center of his definition: democracy means the “formation of a regime featuring relatively broad, equal, categorical, binding consultation and protection” (2004:128). He then links this conception of democracy to a definition of citizenship:

Citizenship consists, in this context, of mutual rights and obligations binding governmental agents to whole categories of people who are subject to the government’s authority, those categories being defined chiefly or exclusively by relations to the government rather than by reference to particular connections with rulers or to membership in categories based on imputed durable traits such race, ethnicity, gender, or religion. It institutionalizes regular, categorical relations between subjects and their governments.” (2004:128, italics added).

Tilly elaborates the conditions of this democratic relationship as follows: no one is excluded (breadth); subjects have to be equal in terms of their relations with government (equality); the government must answer to regular binding public consultations (binding consultation); subjects, especially minorities, are protected from arbitrary state action (protection). He emphasizes the relativity of his definition by noting that no democracy actually lives up to this definition and that democratization should be viewed as a move “toward greater categorical regularity, breadth, equality, binding consultation, and protection, and de-democratization consists of moves away from them.” (2004:128, italics in original).

We can then sum up the relationship between democracy and inequality through the concept of citizenship. Democratization is best understood as an expansion in the quality of citizenship, which is about the institutionalized quality of a subject’s relation to government and its authority, which in turn exists in inverse proportion to the degree to which a subject’s relations to government are mediated by imputed categorical inequalities. As innocuous as this definition of democratization may seem, it is tantamount to disempowering those who benefit from inequality, which explains why efforts at democratization meet with such resistance, including reforms such as decentralization.

In integrating Tilly’s relational view of democracy into my analysis, I want to preview two points that are critical to thinking about India’s deficit of participatory authorization. The first has to do with the institutional surface area of the state. Modes of representation in India remain highly centralized. Even with the passage of the 73rd and 74th constitutional amendments, local government remains very weak, more often than not dependent on higher levels of government. For ordinary citizens there are few direct opportunities to engage with the state as citizens, rather than as clients or supplicants engaging through politicians or bureaucrats. In Tilly’s terms the breadth, regularity, equality, and bindingness of consultation between state and citizens remains highly circumscribed.

Second, Tilly’s relational view gives us greater insight into where pressures in the direction of participatory authorization might come from. If there is any theme that ran through all of Tilly’s work it was his insistence that contentious politics - that is, the politics of challengers confronting elites - is the engine of social change. And while Tilly recognized that not all social movements (and by extension civil society) are democratic, often making demands in the name of particularized conceptions of “the people,” they nonetheless have democratizing effects:

“*Social movements assert popular sovereignty…* the stress on popular consent fundamentally challenges divine right to kingship, traditional inheritance of rule, warlord control and aristocratic predominance. Even in systems of representative government … social movements pose a crucial question: do sovereignty and its accumulated wisdom lie in the legislature or in the people it claims to represent?” (2004:13).

The democratic deficit in India lies neither in civil society per say, or in the formal character of the state. The state in all formal respects is democratically authorized, and although social inequalities have proven resilient they have not precluded even the most excluded groups from voicing their claims (e.g. the second democratic upsurge) or claiming their rights (e.g. SEWA, the transparency movement). The more intractable problem has been the dominance of legal and representative authorization over participatory forms of authorization. There are two interrelated problems here. First, because of the limited surface area of the state, there are few points of interface for local civil society, precisely the level at which self-organization, especially of subordinate groups, is most likely to happen. Second, engagement with the state is dominated by political parties that not only monopolize the channels of influence but also exert considerable power in setting the agenda, that is determining which issues, claims and even identities enter the political domain. Notable by their relative weakness are forms of direct civil society engagement, in particular advocacy organizations with the capacity to shape policy.[[5]](#footnote-5) The public sphere remains highly circumscribed and issues that get problematized are either of the highly dramatic form – mega-scandals, disasters – or are generated by political parties. The public sphere is shaped largely by forms of influence that flow directly from political or economic power (parties, lobbies, syndicates, powerful brokers) rather than from the deliberations of citizens.[[6]](#footnote-6) Chatterjee summarizes this democratic deficit by arguing that the state treats people as *populations* with discrete, measurable needs, that can be strategically targeted for specific, calibrated, interventions. “Unlike citizenship, which carries the moral connotation of sharing in the sovereignty of the state and hence of claiming rights in relation to the state, populations do not bear any inherent moral claim” (Chatterjee, 2004:136). As Weber would have put it, instrumental rationality prevails over substantive (or value) rationality.

The particular balance of state-subject relations in India has its own pernicious effects on civil society. In the absence of effective points of engagement for civil society and participatory forms of authorization, civil society organizations tend to follow one of two paths: defection or loyalty. In the case of defection civil society associations become a form of self-defense, retrenched communes (Castells 2004) focused on self-provisioning that often devolve into anti-statist forms of “anarcho-communalism” (celebrated by some such as Kothari, ridiculed by others such as Bardhan 1999). This would include the reported retreat of the middle class from electoral politics and retrenchment by elite groups into privatized service and security arrangements, as well as various forms of ethnic opportunity hoarding (e.g. the sons-of-the–soil nativism of the Shiv Sena). In extreme cases defection takes the form of organized crime or insurgency. Alternatively, and this is the pattern that has predominated in India, civil society seeks representation through highly clientelistic channels, exchanging group loyalty for patronage (Chandra 2000). This in turn has two involutionary logics that undermine the possibilities for collective power. First it reinforces narrow group identities at the expense of broader, civic identities. Commenting on the increasing politicization of identities, Jayal writes that “The idea of universal citizenship enjoys little purchase within these political arguments, as cultural citizenship has acquired pre-eminence, and social citizenship is compromised” (2007:13). Second, clientelisitic representation preempts the formation of the type of stable, lower class-caste programmatic coalitions that have been associated with the more successful redistributive regimes in Tamil Nadu, Kerala and West Bengal (Corbridge and Harriss, 2000). It is in this sense that I argue that the problem of democratization lies less in the institutions of democracy or the party system than in the political practices and channels that link civil society to the state and weaken the possibilities for participatory authorization.

**The local state**

The problems of local government, and specifically the chain of sovereignty linking the state to citizens, are well known. EMS Namboodiripad, Kerala’s first Chief Minister, long ago captured the problem when he remarked that “if at the level of centre-state relations the constitution gave us democracy, at the level of state-panchayat relations the constitution gave us bureaucracy.” Following the logic of Pritchett’s “flailing state” one might add that the transmission of sovereignty between the Centre and States is relatively smooth given the Centre’s relative autonomy from particularistic interests, but becomes highly politicized from the State downwards. It is indeed precisely this weak link in the chain that the Centre has directly sought to tackle through institutional reforms. In the past two decades a range of legislative and policy initiatives - most importantly the 73rd and 74th constitutional amendments, as well as sector specific reforms – have marked a concerted effort to empower local government. This represents a critical juncture in state building all the more so because this has not simply been an institution- building exercise. The rationale for decentralization that has been invoked by Centre actors explicitly links the project of building local state capacity to new forms of participatory democratic authorization (Jayal, 2006; deSouza 2003). The logic of democratic decentralization promoted from the Centre and most effectively elaborated and implemented in Kerala (Heller et al. 2007) goes roughly as follows: the failures of the Nehruvian high modernist project have been acknowledged. Top-down command-and-control bureaucracies, supported by expert planning, have not generated the anticipated transformative effects. The reliance on intermediaries has distorted the authority of the state. A rent-seeking nexus of bureaucrats and local politicians have captured state sources as they flow downwards. The prescription has been to move the state downwards by building locally accountable institutions of state authority.[[7]](#footnote-7) The idea here has been to extend both the legal and electoral forms of state authority to the local level. But these are seen to work only if linked to the increasing demand-side logic of active citizens. The reforms envisage the expansion of the local state as a “school of democracy” – that is as an arena in which citizens can learn to be good citizens – explicitly by requiring deliberative institutions such as gram sabhas, as well as a range of other participatory structures that have proliferated in the past decade.

Its important to underscore that this model of democratic decentralization moves beyond the aggregative vision of democracy that limits authorization to its representative form to embrace a republican or deliberative vision. Claus Offe specifically defines the republican effect of democracy as the “accomplishment of transforming ‘subjects’ into ‘citizens’, i.e. agents committed to and capable of employing their cognitive and moral resources in deliberative and intelligent ways so as to solve political problems, according to a logic of collective learning, and eventually striving to serve the ‘Public good’” (Offe p. 74). In India, the republican vision has been powerfully and influentially articulated in Amartya Sen’s work on capabilities (the meta-capability being the capacity of citizens to define the life the want to live through deliberation), but also has deep roots in civil society and a range of social movements, including SEWA, the transparency movement and the KSSP in Kerala.

There is a growing literature that seeks to assess the impact of these reforms. Generalizations are of course difficult, and the variations across states and localities are pronounced. And while there are many good case studies, there has been little systematic comparative analysis. From our limited knowledge we can say that most States have done little, some have done a bit, and a few either already had strong track records that they have extended (West Bengal, Karnataka) or broke new ground and made important headway (Madhya Pradesh and Kerala) (Heller, forthcoming). It is also clear that the reforms have been up against determined State-level political and bureaucratic resistance (Jayal 2006). Rather than revisit this literature, I want to take up the specific question of the reform of urban governance which has received less attention in the literature, yet presents unique challenges of state building in a democratic polity.

**The Challenge of Urban Governance**

Because of entrenched inequalities and accelerating demographic growth, Indian cities face tremendous challenges of governance. In-migration is accelerating and the size of slums is exploding.[[8]](#footnote-8) Already, 80 million urbanites live below India’s poverty line and the urban population is expected to double in size between 2001 and 2030 (reaching approximately 600 million—equal to the total populations of the US, Russia and Japan). The 1990s moreover saw a significant increase in inequality, particularly intra-urban inequality (Deaton and Dreze, 2002) and the rapid growth of the past two decades has been largely “jobless” and has seen an increase in the informal sector, a pattern especially pronounced in cities. Accelerated urbanization has also fueled new forms of social exclusion and conflict as new migrant groups crowd into over-populated slums with limited services. These dynamics raise pressing questions: How can cities with limited resources simultaneously provide public services and housing, expand infrastructure, manage security and promote sustainable patterns of growth? The challenge of balancing the economic imperatives of global competitiveness and the social imperative of equalizing opportunity in a highly inegalitarian and pluralistic society presents not only a formidable challenge to governance, but also to the very legitimacy of democratic practices. The “urban question” looms as the critical test of the state’s developmental capacity and India’s democratic future (Heller and Evans 2010).

The problem of urban governance in India revolves around the intertwined issues of local state capacity and citizenship. Indian cities, including its vast metropolises that are the size of small European nations, have limited capacity for self-governance. The Indian city does not constitute a governed space (at least not in the formal sense of the term), but rather a patchwork of overlapping jurisdictions, fractured lines of command, uneven and highly contested forms of authoritization and porous legality. In a context of such liminal governance, citizenship is highly compromised and the economic and political life of the city is dominated by informal networks of power that thrive on rent-seeking. Cities lack stateness, and drawing on Mann’s distinction, distributive power prevails over collective power.

**The Stateless State**

Indian cities *are* constituted by legal and representative forms of democratic authorization that that are fully consistent with formal democratic principles. What makes Indian cities anomalous when compared to other democratic societies is that they enjoy very little devolved power. Indian cities are severely deficient in the three attributes of local governance that are critical to securing a workable degree of local stateness: devolved bureaucratic capacity, local fiscal capacity and local democratic authorization (Manor 1999). In practice, the basic functions of city governance are subject to a degree of external control that may well have no equivalent in any other consolidated democracy.[[9]](#footnote-9) The functioning of these governance structures are moreover continuously subverted by a range of organized interests that intervene at various points in the long chain of command that runs from the Centre, through the State and into the city. The processes through which these interests engage with the state are typically at least in part informal, shaped by unequal patterns of wealth and influence, and mediated by a range of politicians, assorted brokers and crime networks. Drawing on preliminary work conducted by a team of researchers in Bangalore (Trina Vathayathil), Delhi (Gayatri Singh) and Mumbai (Shahana Chattaraj), I want to very briefly sketch out some dimensions of urban governance in India.[[10]](#footnote-10)

The Indian constitution never specifically recognized local government in India as a third tier of government. With the passage of the 74th constitutional amendment, cities have now in principle been empowered,[[11]](#footnote-11) but the broad consensus is that the amendment has had little impact and some even argue that processes of centralization have been accentuated with economic liberalization (Benjamin and Bhuvaneswari, 2006 ). In our own evaluation of the impact of the 74th amendment and JNNURM in Mumbai we reached the conclusion that “State Government has consolidated, rather than devolved, powers over urban development and planning, as control over urban land become increasingly important for political power and resources” (Chattaraj 2010).

Though cities have control over some municipal functions, many critical sectors, including economic policy, housing, land policy, rail transport, policing and slum redevelopment are the purview of the State and the center. Most notably, land development is a State subject, and as a result, almost all critical planning functions are controlled by State-level departments or actors.[[12]](#footnote-12) The resulting hodgepodge of line bureaucracies and executive bodies that answer to the State and centre, and municipal departments that have their own lines of command, creates three distinct problems of governance. First and most obviously, the local state is failing to deliver and across almost every sector, from sewage to transport and public health, the level and quality of public goods and social services - which was low to begin with – has fallen behind the pace of social and economic transformation.[[13]](#footnote-13) To take the example of Delhi, despite a torrid rate of economic growth and falling poverty levels, in almost every significant area of service delivery levels of provisioning have actually declined (Delhi Human Development Report, 2006). Second, overlapping jurisdictions and ambiguous boundaries generates enormous inter-governmental conflict and continuous bureaucratic and political turf wars. More than anything else this explains the pervasive failure of infrastructure development, including in new high-growth greenfield areas like Gurgaon and Faridabad (outside Delhi) where political jockeying for control of lucrative land development positions has all but arrested infrastructure roll-out (Singh 2006). Third, this fracturing of authority precludes any effective integrative functions of governance. One planning scholar has concluded that Indian cities simply cannot be planned (Roy, 2009). This failure of the most basic of public functions is underscored in Mumbai by the fact that the city’s only respected planning document was generated by a consortia of businesses and the international consultants of Mckinsey (Chattaraj 2010). New Delhi’s much delayed “Master Plan for Delhi” which has been a source of continuous conflict between municipal, State and central authorities, has been described by a central government review panel (the National Institute of Urban Affairs) as a “compendium of concessions and amendments rather than a lucid and tenable road map for the future development of the capital of India” (PPP, 2007:i).

The Municipal Corporation of Mumbai (MCGM) – the planning and civic authority for the 12 million residents of Mumbai - has a far longer history of governance than the State or Centre, has well established legislative and administrative wings and enjoys far more resources than any other Indian city. Yet governance power is heavily concentrated in the hands of a state appointed Municipal Commissioner (Chattaraj 2010). This position is filled by IAS officers and is a stepping-stone to the State’s highest bureaucratic position, the Chief Secretary of the government of Maharashtra. The city has a mayor, but his functions are ceremonial. This itself is a legacy of the colonial government which wanted to exert tight control over India’s premier business city. The Slum Rehabilitation Authority is the parastatal with the responsibility of providing housing for slums, redevelopment and clearance. It is chaired by the CM of Maharashtra. Delhi and Bangalore are similarly dominated by supra-authorities, with Municipal Commissioners in both being respectively appointed by the Centre and State, and land development agencies controlled by State bureaucracies. Much of the impact of the 74th amendment has been negated by bringing a range of sectoral activities marked for devolution (e.g. land development, slum improvement and drinking water) under the control of parastatals run by the State (Vithayathil, 2010; Benjamin and Bhuwaneswari 2006). As Benjamin and Bhuwaneswari (2006) document in detail, the parastalization of municipal functions has exasperated the fragmentation of governance capacity, further distanced state planning and delivery from control of elected representatives and increased the direct influence of business elites.

The historical logic of centralized control, as well as the manner in which Centre initiatives to devolve power have been effectively countered by State-level politics and bureaucratic power, can be traced back to both colonial legacies of the despotic state, as well as to the conjunctural logic of post-Independence state formation. The incapacity of the local state is a direct outgrowth of the pattern of nation-state formation. Nation-building in India was led by a Congress Party that enjoyed great moral authority, but was organizationally very weak. To sustain itself, the Congress famously aligned with provincial State-based strongmen, giving States significant power in India’s federal system. But the power of these strongmen and their regional political machines came at the expense of local governments. Cities in India have served more as sources of rents and votebanks for state-level politicians than as bases of power in their own right. It is notable that the one political party that has been the most proactive in devolving power to Panchayats – the CPM in West Bengal and Kerala – has not been as eager to grant cities more autonomy.

There is already a well developed literature which has demonstrated the degree to which State-level political regimes and histories impact policy and distributive outcomes (Kohli 1987; Heller 1999; Harriss 2003; Singh, Prerna 2010). But there are limits to state capacity – and in particular to the capacity to generate collective power – that can not be explained with reference to State-level political regimes, whether the focus is on parties (Kohli, Harriss), class configurations (Heller) or subnational histories (Singh). For all the variation across Indian states in growth rates and social development outcomes, the incapacities of the local state, and in particular cities, remains a constant and represents a severe bottleneck to development.[[14]](#footnote-14) What this suggests is that there is a scalar dimension to the problem of state-building in India. The dynamic of Centre-state relations has not only undermined local government capacity, but also deeply impacted the very way in which local state power has been constructed. State domination of cities has generated a local field of power in which the discontinuous nature of authority and the liminal nature of governance has nurtured a form of politics that is inimical to exercise of collective power. The impact on the poor is obvious enough. But this political problem of urban governance also extends to the capacity of the state to promote accumulation. In her research for our project, Chatteraj examined the role of business groups and elite civil society organizations (“Bombay First”) in pushing their vision of urban renewal.

In Mumbai, the pro-renewal business elite has had a powerful influence on urban policy discourse, but less influence in terms of pushing through governance and legal reforms. As of 2010, Bombay First and its allies have made very little progress in terms of implementing comprehensive urban renewal in Mumbai in partnership with the state. Urban development in Mumbai remains piecemeal, sporadic and highly contested. An entrenched, but less visible, relationship between the State government and specific sets of business interests, particularly real estate interests, has shaped, and continues to shape, the city’s urban development patterns (Nijman, 2000, Narayan 2003, Wienstein, 2008).

 According to a former Municipal Commissioner, “The nexus between government, the land mafia and the underworld compromises citizen-centric efforts to improve quality of life in the city. Highly restrictive regulations and complicated procedures for seeking licenses and permissions enable rent-seeking and extortion. Corruption is compounded by the lack of transparency on urban planning and changes in land use and development control regulations. Lack of transparency limits citizens’ ability to hold the government accountable and often results in decisions at the government level which favour dominant vested interests and pressure groups”(email, former MC).

The predominance of informal networks of power, the fragmentation of governance capacity and the porous nature of the bureaucracy, coupled with the absence of both electoral and participatory counterpower, have had two effects. The first is simply the increased power and influence of elites. Both business and criminal syndicates effectively rule the city. The poor have a voice, but representative authorization is fully subordinated to patronage politics (distributive power) and there is little institutional space for participatory authorization. This political-governance logic all but rules out the possibility of the livable city (Evans 2002), that is of planning, nurturing and investing in the city as a use value. But what is equally remarkable, and in a comparative sense rather unusual, is the extent to which Indian cities are not growth machines in Logan and Molotch’s (1988) sense of the term. Growth of course is taking place, but it is driven not by the classic state-business coalitions of the growth machine, that while exclusionary, nonetheless exert a form of collective power, but rather by complex of highly discretionary, negotiated transactions (as opposed to pacts) between state actors and elites around specific rent-seeking opportunities.

**Citizens without a City**

Indian cities are formally democratic, but fundamentally deficient in both representative and participatory forms of authorization. No one has more powerfully captured this fundamental tension - the gap between the form and the practice of democracy - than Arjun Appadurai’s (2002) description of the urban poor of Mumbai as *citizens without a city*. As Indians, they are citizens, with constitutional rights of association, speech and due process and, of course, the right to vote and to hold their rulers accountable. But even if they are legally constituted as citizens and do indeed vote, they have limited opportunities to use their citizenship because the city in India has limited capacity for self-governance, only weak forms of self-representation and because their relations to governmental officials at the city level are mediated by categorical inequalities.

Local democratic fora are extremely weak in urban India. Until the passage of the 74th amendment elections for municipal councils were intermittent at best, and even after the amendment some cities such Bangalore have gone for long stretches without a council. When they are properly constituted, local councils and mayors have little clout compared to the bureaucracy and supra-local elected representatives (MLAs). If representative authority is weak, participatory authority is practically non-existent. There are few formally constituted channels or spaces for civil society to engage with municipal government. As Singh reports from her research in Delhi CSOs have a hard time finding the state. “Issues in state-municipal relations especially pose roadblocks for NGOs working at the grassroots level, as it is difficult to figure out whether lobbying the state government or the municipal corporation will have the most sustainable impact. There was a sense of frustration among the civil society on being shunted around between the state officials, MCD officials and the IAS officers who are the actual implementers and whose lines of command are difficult to establish by common people.” Recent efforts to promote greater citizen access have had limited impacts. In Delhi, information obtained by the Center for Civil Society (CCS) through an RTI application shows that before the City Development Plan mandated under JNNURM was drafted the Delhi Government had only one consultation with civil society organizations on their views of the city (Singh 2010). The possibilities for participatory engagement are so institutionally and politically limited that much of the discussion of civil society in urban India has highlighted its exclusive nature. Fernandes has shown that many neighborhood civil associations in Mumbai are mobilized around a politics of exclusion, demanding that squatters and informal business be removed from middle class neighborhoods in the name of civic betterment. Harriss (2006), Benjamin and Bhuvaneswari (2006) and Jha et. al. (2007) have shown that in Chennai, Bangalore and Delhi respectively the space of civil society is primarily populated with middle class groups that have crowded out lower class/caste groups. In Delhi, a new initiative to promote greater ward-level participation in local governance has largely been dominated by neighborhood associations from privileged communities (Singh 2010).

In what is probably the most influential statement on civil society in India, Chatterjeeargues that civil society is the privileged domain of elites and asserts that most Indians “are not proper members of civil society and are not regarded as such by the institutions of the state” (2001:8). He then arrives at the conclusion that subaltern agency is limited to political society. In the wake of the second democratic upsurge there is little doubt that political society - or what I have been referring to as representative forms of authorization - even in its highly weakened form at the local level, provides the subaltern with leverage. But there is a real dilemma here. As Harriss (2009, 174) comments “ … I cannot help but question the extent to which electoral politics makes it possible for ordinary people to acquire agency, if in the end they can only secure their rights through dependence on the intermediation of those who are locally powerful.” Beyond this classic problem of clientelism as an abdication of associational autonomy, there are two other fundamental democratic dilemmas associated with this form of politics. Clientelistic engagement is predicated on exchanges and loyalties, not rights. The logic of these exchanges is democratically perverse because it instrumentally mobilizes - and in the process reifies - primary identities, which as Tilly might be quick to remind us, have less to do with cultural identifications than reproducing categorical inequalities.[[15]](#footnote-15) Second, the dependency that results from treating rights as concessionary – that is as chips to be traded in a transaction of discretionary favors – secures immediate concessions at the expense of reproducing the very power dynamics that maintain inequality. The manipulation of squatter rights is a case in point. As Chatteraj reports from her Mumbai research:

The right to the city/urban citizenship is a political right, rather than one with clear legal basis, and the legalization of squatter settlements constitutes an explicit recognition of that right by the State. Thus, the regularization of informal settlements can be employed by the State as a strategy to bring about the social and political inclusion of the poor, while also creating a politically useful “vote-bank”(Chaterji, 2001; Deb and Lahiri, 1992). Conversely, dismissing the claims of the urban poor on city space, based on their “illegal” status, becomes a tool for social and political exclusion by denying their rights to city. In Mumbai, the state has not followed a consistent policy of either inclusion or exclusion of slum residents; instead the regularization or legalization of slums is used as a political strategy, with “cut-off” dates used to legitimize and de-legitimize different categories of slum residents[[16]](#footnote-16). In 2004-2005, a massive slum clearance initiative in Mumbai was undertaken primarily to make land available for private development, which attempted to evict slum residents who could not prove their residence in Mumbai prior to 1995. The yearlong evictions occurred with little protest from the opposition Shiv Sena, which could have used the opportunity to gain support and votes from the urban poor. The Shiv Sena’s leader, Bal Thackeray, who had long opposed the influx of poor migrants into the city, instead provided enthusiastic support. The slum demolitions were accompanied by the government’s announcement that “illegal” settlers would be removed from state/city electoral rolls (Chatteraj 2010).

**Conclusion**

The problem of state-building in India is less an organizational problem as emphasized in the good governance literature than a problem of how the state is authorized. In the post-Independence period legal and representative authorization have predominated over participatory authorization, and made the state an instrument of distributive power. Viewed from this perspective, the challenge of state building in India becomes the challenge of citizenship. The greatest deficit lies in the area of local government, precisely the place where citizens are made. There are two fundamental obstacles to binding the local state to citizens In India. The first is the veto power exercised by States. In the current scalar distribution of state authority in India, the Centre has an interest in empowering local government, but little effective leverage in incentivizing States to see through the necessary reforms. States themselves resist democratic decentralization because existing constellations of bureaucratic and political authority have little interest in devolving power.[[17]](#footnote-17) Second, this distribution of power is actively reinforced by the type of politics in has given life to. The dominance of legal and representative forms of authorization has blocked and even perverted the possibilities of participatory democracy. The States and the party system are actively hostile to civil society. The net effect is that distributive power prevails over collective power. The resulting equilibrium is often described in terms of rampant corruption, inefficiencies, illegalities and organizational sclerosis. The attendant prescription is “good governance.” But such diagnoses and proposed fixes obscure the ways in which the liminalities of actually existing governance are produced by power and reproduce power. Cities in India are not planned and they are not growth machines. They are however the sites of strategic actions by elites that fully exploit the gaps, contradictions and porosities of the formal fixtures of urban governance.

Having emphasized the fundamental deficits of democratic authorization in India, and in particular the relative weakness of participatory forms of authorizing state power, I want to end by qualifying these claims. First, contrary to explanatory models that emphasize a systems logic (from traditional Marxism to the recent global cities theory) or path dependent models (economic and sociological institutionalism), a focus on competing forms of authority underwrites a frame of analysis that is not only agency-centered, but also takes democratization as the central and unresolved stake in an ongoing process. What we need to understand is not some inevitable logic or unshakable equilibrium, but rather the delicate balance of state, politics and civil society that characterizes any lively democracy.

In the relatively short period of six decades of democratic state formation India has already transited through a number of distinct configurations, ranging from Congress hegemony and subsequent deinstitutionalization (Kohli 1990), the silent revolution of the second democratic upsurge (Yadav; Jaffrelot) and elite reaction in the form of Hindutva (Corbridge and Harriss 2000). The current conjuncture is no doubt characterized by the increased power of India’s business class and the increasing subordination of domestic policy concerns to the imperatives of global accumulation. As we have seen this assumes a rather potent form in the urban context, and especially in India’s global cities.

Yet, the prospects for urban democratization are not quite as bleak as they might appear. Two examples from Mumbai of small spaces being carved out by local movements with global connections point to the possibilities of a new politics of citizenship. Arjun Apparduari documents an urban activist movement in Mumbai in which slumdwellers, working both with local and global NGOs not only overcame internal differences to effectively organize themselves, but also “appropriated significant parts of the means of governance” and successfully made some concrete demands on the city (2002:24). Liza Weinstein documents the case of the redevelopment of one of Mumbai’s largest slums (Dharavi) in which a motley collection of state reformers, NGOs, and neighborhood associations were able to subject the project to important participatory controls. More broadly, Zérah argues that recent elite-dominated planning proposals that envision a market-friendly “World Class City” are being countered by a social movement that encompasses the organized poor, NGOs and various middle class segments (2008:1931).

These cases demonstrate that even in a context of such extreme exclusion and power asymmetries as Mumbai, the urban poor still retain a capacity to organize and to press demands on the local state, and in the case of Dharavi, even hold powerful developers and international financiers at bay. These movements directly confronted power through the quintessential movement strategies of forging complex alliances (including inter-class coalitions), engaging the public sphere through a politics of conscience, carefully constructing local bases of support, and when necessary, using what political influence they had to pressure politicians or the state. They built creative organizational partnerships with various constituencies in local civil society and leveraged opportunities created by globalization.[[18]](#footnote-18)

For much of the post-Independence period, urban politics in India have been dominated by clientelistic politics, middle class hegemony and extra-local power. Accelerated urban transformation and clear signs of increased popular mobilization leave little doubt however that the urban political space is becoming more contested (Chatterjee 2004). Whether or not democratization movements in Mumbai or other Indian cities can move the urban political regime in the direction of “broad, equal, categorical, binding consultation and protection” remains an open question.

There are however three broad developments that point to possibilities for civil society to emerge as an effective counterpower. First, there is little doubt that in the past two decades India has witnessed an explosion of civil society activity. Mehta characterizes the current state of democracy in India as one in which groups seek to “redeem the promissory note that the republican constitution promised” (Mehta 2003:4). This of course raises that question of the social composition of civil society, but debating whether civil society in India is bourgeoisie or plebian may be missing the point. Elites by definition have more associational resources and greater capacities to leverage their rights. But the very expansion of claim-making outside of electoral channels is significant. New demands, new assertions of rights, new contestations all serve to fuel communicative capacities. Civil society is not merely about association, it is also about a particular form of authorization. To the extent that civil society, as a space of practices, has been differentiated from the market and political society, civil society actors who are interested in having political effects *must* legitimize their action with reference to the public interest and universalizing norms (not to be confused with universal norms). The form of legitimation that is sought from and accorded to such claim-making is in direct tension with uncivil claims and exclusionary practices (Alexander, 2006). It is of course true that a claim of publicness can be predicated on an exclusion, as when upper castes argue that lower castes are not competent to participate in politics. But the very fact of having to make such a claim in public - including the full democratic-constitutional complex of mass media, courts, parliaments, and multiple other for a - exposes the claim to counterclaims. Or to cite Habermas again, “Segmented public spheres are constituted with the help of exclusion mechanisms: however, because publics cannot harden into organizations or systems, there is no exclusion rule without a proviso for its abolishment” (1996, 374). The expansion of communicative practices may in the first instance have illiberal or liberal effects and may narrow or expand rights, but the process has an intrinsic epistemic function that is a critical foil to the instrumentalism of political society.

Second, within the space of civil society some identities have hardened (what I have called the involutionary trend), but other constellations have also emerged. Varshney (2002) has shown that in some Indian cities a thick web of inter-communal associational ties have developed and in turn produced civic spaces where a) a wide range of actors can participate in public life b) engage in more or less reasoned discussion about highly emotive issues such as communal conflict c) and can resolve problems through cooperation. In his examination of middle class civil society organizations Harriss (2010) qualifies the conventional view of such organizations as self-interested by noting that many have developed links to subaltern actors and are genuinely dedicated to expanding basic democratic norms of citizenship. Reporting on her Bangalore research Vithayathil shows that if a first round of legislation promoting ward-level participation was dominated by “proper” civil society organizations with close ties to the business community, protest from more grass roots CSOs led to a significant revision of the legislation (2010). [[19]](#footnote-19)

Third, efforts to build local democratic government from above have created new spaces of contention. As we have seen the effectiveness of these institutions as forms of governance has largely been negated by political machinations, but these institutions nonetheless provide new settings in which subaltern groups can practice politics. For example, recent research (Khera 2010) on the impact of the National Rural Employment Guarantee Scheme shows that in many localities landless laborers have formed associations in order to fully leverage their claims on the scheme. More generally, these new spaces resonate powerfully with new demands for participation. While many dismiss these forms of “invited” participation as new techniques of governmentality, careful fieldwork reveals a more complex and fluid picture. In their study of mostly ineffective participatory programs Corbridge and his colleagues highlight “the indirect effects of a discourse of participation that have been most effective in carving out spaces of citizenship for poorer people, however small and disappointing these spaces might seem to be” (2005:122). Similarly, Sanyal (2009) and Agarwala (2006) both show, based respectively on detailed ethnographies of rural micro-lending and informal urban labor, that women’s groups have developed new associational capabilities, explicitly embracing the language of rights to make material demands, critique patriarchal power and build new solidarities.

Given the entrenched bureaucratic structures, social inequalities and political interests that these infra counterpowers are up against, their transformative effects remain to be seen. But it is precisely from such infra disturbances that more transformative political and social movements emerge. Recent history points to just how social movements can transform politics and underwrite state building.

The history of anti-Brahmin movements in the South has fundamentally transformed caste relations, opening up a range of political spaces and associational practices that simply do not exist in much of the North. These movements all began primarily as efforts to open the public sphere to the historically excluded (Omvedt 1998). As I have argued elsewhere (Heller, 2000), the considerable progress in social development in Kerala can be tied directly to its historical pattern of civil society formation, a pattern in which the transformative political agent – the CPM – was born out of diverse social movements that coalesced around a rights-based agenda. A similar lesson can be drawn from Tamil Nadu. In explaining the contrast between the identity-based party formations of UP and the more encompassing and multi-caste lower class politics of Tamil Nadu, Ahuja points to differences in the sequencing of social and political mobilization. “Under the influence of the Dravidian movement, the principle of hierarchy was widely denounced and publicly undermined from the founding moments of the party system during the nineteen twenties and thirties” (Ahuja 2010:23). The emphasis on social equality allowed parties to make cross-ethnic appeals and Ahuja’s survey data shows that that while Dalits in UP support the BSP because it gives them voice and recognition, in Tamil Nadu Dalit voters “cited government programs on schooling, the building of water tanks, flood relief and populist policies by parties as reasons for their support” (2010:25). In other words, the politics of citizenship, carved out in the spaces of civil society, have provided the normative basis for contemporary electoral politics. This more balanced relationship between representation and participation is directly reflected in the presence in Tamil Nadu of over 80 civil society organizations that represent Dalit interests (Ahuja 2010:24), publicizing abuses, bringing issues to mass media, and pressuring political parties to respond.

These examples underscore two points. First if we want to move beyond overly simplistic claims about bad governance or weak states, and develop a better understanding of the regional and scalar variation in the effectiveness of the state, we need a better understanding of the relation between political and civil society and how that relation fundamentally determines the binding character of a democratic developmental state. Second, in the current climate of “identity politics” it is important to remind ourselves that political affinities and solidarities are constructed, and the important historical lesson is that “caste” identities can variously be molded into broad, encompassing coalitions based on a politics of citizenship (as in Kerala and Tamil Nadu) or made into vehicles for the involutionary logic of the politics of ethnic patronage and retrenchment. The future of state building in India lies not in institutional designs or better governance but in the messy politics of democratic contestation.

References (Incomplete)

Ahuja, Amit. 2010. “Between Parties and Movements: Patterns of Dalit Politics in India” Conference Paper for “Six Decades of Indian Democracy:Achievements, Failures, Promises, Challenges” May 6-7, Brown University.

Agarwala, Rina. 2006. “From work to welfare,” *Critical Asian Studies* 38 (4) (12): 419-44.

Alexander, Jeffrey. 2006. *The civil sphere*. Oxford: Oxford University Press.

Appadurai, Arjun. 2002. Deep democracy: Urban governmentality and the horizon of politics. *Public Culture* 14 (1): 21-47.

Baiocchi, Gianpaolo, Patrick Heller and Marcelo Kunrath Silva. Forthcoming. Bootstrapping Democracy: Transforming Local Governance and Civil Society in Brazil Stanford University Press.

Bardhan, Pranab. 1999. The state against society: The great divide in indian social science discourse. In *Nationalism, democracy and development.*, eds. Sugata Bose, Ayesha Jalal, 184-195.

Bardhan, Pranab K. 2010. *Awakening Giants, Feet of Clay: Assessing the Economic Rise of China and India*. Princeton, N.J.: Princeton University Press.

Benjamin, Solomon and R. Bhuvaneswari. 2006. “Urban Futures of Poor Groups in Chennai and Bangalore” in Local Governance in India edited by Niraja Gopal Jayal, Amit Prakash and Pradeep Sharma. Delhi: Oxford Uni Press.

Castells, Manuel. 2004. *The Power of Identity*. Oxford: Blackwell Publishers.

Chandra, Kanchan. 2000. The transformation of ethnic politics in india: The decline of congress and the rise of the bahujan samaj party in hoshiarpur. *Journal of Asian Studies* 59 (1) (Feb.): 26-61.

Chatterjee, Partha. 2004. The politics of the governed :Reflections on popular politics in most of the world. New York: Columbia University Press.

Chatterjee, Partha . 2001. "Democracy and the Violence of the State: A Political Negotiation of Death." *Inter-Asian Cultural Studies* 2 (1):7-21.

Chattaraj, Shahana. 2010. Urban Governance in Mumbai Metropolitan Region. Report for Research project on Urban Governance in India.

Corbridge, Stuart, and John Harriss. 2000. *Reinventing india :Liberalization, hindu nationalism and popular democracy*. Cambridge, UK: Polity Press.

Corbridge, Stuart, Glyn Williams, Manoj Srivastava, and Rene Veron. 2005. *Seeing the state : Governance and governmentality in india*. Contemporary south asia. Vol. 10. Cambridge ; New York: Cambridge University Press.

Deaton, Angus and Dreze, Jean. 2002. Poverty and Inequality in India: A Re-examination. Economic and Political Weekly. 37 (36), 3729-3748.

de Souza, Peter Ronald. 2003. The struggle for local government: Indian democracy's new phase. *Publicus: The Journal of Federalism* 33 (4): 99-118.

Evans, Peter B. 2002. Livable cities? : Urban struggles for livelihood and sustainability. Berkeley: University of California Press.

Fernandes, Leela, and Patrick Heller. 2006. Hegemonic aspirations. *Critical Asian Studies* 38 (4) (12): 495-522.

Fox, Jonathan. 1994. The difficult transition from clientalism to citizenship. *World Politics* 46 (2): 151-84.

Habermas, Jürgen. 1996. *Between facts and norms : Contributions to a discourse theory of law and democracy*. Studies in contemporary german social thought. Cambridge, Mass.: MIT Press.

# Harriss, John. Compromised Democracy: Observations on Popular Democratic Representation from Urban India in Kristian Stokke, Olle Tornquist and Neil Webster (eds) Rethinking Democratic-Popular Representation. Houndsmills Basingstoke: Palgrave Macmillan.

# Harriss, John. 2006. "Middle-Class Activism and the Politics of the Informal Working Class." Critical Asian Studies 38 (4):445-465.

# Harriss, John 2003. Do Political Regimes Matter? Poverty Reduction and Regime Difference Across India,” pp. 204-232 in Houtzager, Peter, and Mick Moore, eds. 2003. Changing paths: International development and the new politics of inclusion. Ann Arbor: University of Michigan Press.

Heller, Patrick. 2009. Democratic deepening in india and south africa. *Journal of Asian and African Studies* 44 (1): 97-122.

———. 2001. Moving the state: The politics of democratic decentralization in kerala, south africa, and porto alegre. *Politics & Society* 29 (1): 131-63.

\_\_\_\_\_\_\_. Forthcoming. Making Citizens from Below and Above: The Prospects and Challenges of Decentralization in India

Heller, Patrick, and Peter Evans. 2010. Taking Tilly south: Durable inequalities, democratic contestation, and citizenship in the southern metropolis. *Theory and Society* 39 (3-4): 433-50.

Heller, Patrick, K. N. Harilal, and Shubham Chaudhuri. 2007. Building local democracy: Evaluating the impact of decentralization in kerala, india. *World Development* 35 (4) (04): 626-48.

Holston, James. 2008. *Insurgent citizenship: Disjunctions of democracy and modernity in brazil*Princeton: Princeton University Press.

Jayal, Niraja Gopal Amit Prakash and Pradeep K. Sharma. Local Governaince in India: Decentralization and Beyond. Introduction 1-27

Jayal, N.G. 2007, "The Transformation of Citizenship in the 1990s", Conference paper *The Great Transformation? India's New Political Economy*, Columbia University, September 14-16.

Jha, Saumitra, Vijayendra Rao, and Michael Woolcock. 2007. Governance in the gullies: Democratic responsiveness and leadership in delhi's slums. *World Development* 35 (2): 230-46.

Katzenstein, Mary, and Raka Ray. 2005. Introduction: In the beginning there was the nehruvian state. In *Social movements in india: Poverty, power and politics.*, eds. Raka Ray, Mary Katzenstein, 1-32. New York: Rowman and Littlefield Publishers Inc.

Khera, Reetika. 2010. “Battle for Employment Guarantee” Paper for Conference “Six Decades of Indian Democracy:Achievements, Failures, Promises, Challenges” May 6-7, Brown University.

Kohli, Atul. 2004. State-directed development : Political power and industrialization in the global periphery. Cambridge, UK ; New York: Cambridge University Press.

———. 1990. Democracy and discontent : India's growing crisis of governability. Cambridge ; New York: Cambridge University Press.

———. 1987. The state and poverty in india : The politics of reform. Cambridge [Cambridgeshire] ; New York: Cambridge University Press.

Logan, J. R., and H. L. Molotch. 1988. Urban fortunes: The political economy of place. University of California Press.

Mahajan, Gurpreet. 1999. Civil society and its avtars: What happened to freedom and democracy. Economic and Political Weekly 34 : 1188-96.

Mamdani, Mahmood. 1996. Citizen and subject: Contemporary africa and the legacy of late colonialism. Princeton studies in culture/power/history. Princeton: Princeton University Press.

Mann, Michael. 1984. The autonomous power of the state: Its origins, mechanisms and results. Archives Europeens De Sociologie 25.

Mann, Michael. 1986. The Sources of Social Power: A History of Power from the Beginning to AD 1760. Cambridge: Cambridge University Press.

Mehta, Pratap Bahnu. 2003. The Burden of Democracy. London: Penguin Books.

Mehta, Pratap Bhanu. 2007. The rise of judicial sovereignty. Journal of Democracy 18 (2) (04): 70-83.

Offe

Prichett, Lant. Is India a Flailing State? Detours on the Four Land Highway to Modernization. Paper for Conference “Six Decades of Indian Democracy:Achievements, Failures, Promises, Challenges” May 6-7, Brown University.

O'Donnell, Guillermo. 1999. Counterpoints: Selected essays on authoritarianism and democratization. Notre Dame: University of Notre Dame.

———. 1993. On the state, democratization and some conceptual problems: A latin american view with glances at some postcommunist countries. World Development 21 (8): 1355-9.

Omvedt, Gail. 1998. The struggle for social justice and the expansion of the public sphere. In Democracy, difference & social justice., ed. Gurpreet Mahajan, 130-145. Delhi: Oxford University Press.

Roy, Ananya. 2009. Why india cannot plan its cities: Informality, insurgence and the idiom of urbanization. Planning Theory 80 (1): 76-87.

Sandbrook, Richard, Marc Edelman, Patrick Heller, and Judith Teichman. 2007. Social democracy in the global periphery: Origins, challenges, prospects. Cambridge: Cambridge University Press.

Sanyal, Paromita. 2009. “From Credit to Collective Action: the role of Microfinance in Promoting Women’s Social Capital and Normative Influence,” American Sociological Review, 74(4):529-550.

Somers, Margaret R. 1993. Citizenship and the place of the public sphere: Law, community, and political culture in the transition to democracy. American Sociological Review 58 (October): 587-620.

Singh, Gayatri. 2010. An Examination of Urban Governance in Delhi. Report for Research Project on Urban Governance in India.

Singh, Prerna. "The More, the Merrier? The Creation of New States and Social Development in India" Paper for Conference “Six Decades of Indian Democracy:Achievements, Failures, Promises, Challenges” May 6-7, Brown University.

Singh, A. 2006. xxx in in Local Governance in India edited by Niraja Gopal Jayal, Amit Prakash and Pradeep Sharma. Delhi: Oxford Uni Press.

Tilly, Charles. 2004. Social movements, 1768-2004. Boulder, Colo.: Paradigm Publishers.

Tilly, Charles. 1998. Durable inequality. Berkeley, Calif.: University of California Press.

Weinstein, Liza. 2009. Democracy in the globalizing indian city: Democratic engagements of political society and the state in globalizing mumbai. Politics and Society 37 (3): 397-427.

Yadev, Yogendra. Understanding the second democratic upsurge. In Transforming india., eds. Francine Frankel, Rajeev Bhargava and Balveer Arora. new Delhi: Oxford.

Yashar, Deborah J. 2005. Contesting citizenship in latin america: The rise of indigenous movements and the postliberal challengeCambridge University Press.

Vithayathil, Trina. 2010. Urban Governance in Bangalore. Report for Research Project on Urban Governance in India.

Varshney, Ashutosh. 2002. Ethnic conflict and civic life : Hindus and muslims in india. New Haven [Conn.]: Yale University Press.

Zérah, Marie-Hélène. 2008. Splintering urbanism in mumbai: Contrasting trends in a multilayered society. Geoforum 39 (6) (11): 1922-32.

1. As is the case with most democratic states, the Indian state’s despotic powers are most pronounced when it comes to defending territory or dealing with subjects who have factually (as opposed to constitutionally) limited or ambiguous rights of citizenship. Military abuses of power in Kashmir and state repression of internal rebellions (Maoists) are examples of the former; mistreatment of lower castes and Muslims in the police-incarceration complex illustrate the latter. [↑](#footnote-ref-1)
2. In the past two decades, the Supreme Court has seen its powers increase. The court has safeguarded the integrity of the electoral processes and kept in check some of the more perverse effects of a fragmented party system. Even more dramatically, it “has managed over the years to apply a more substantive conception of equality that justices have used to uphold rights to health, education, and shelter, among others” (Mehta 2007:71). [↑](#footnote-ref-2)
3. The famous statement attributed to the Brazilian dictator Vargas, “For my friends anything, for everyone else the law” perfectly captures the inversion of the logic of legal authority. [↑](#footnote-ref-3)
4. For an extended discussion of the ambiguous relationship of civil society to democratization, see Baiocchi, Heller and Silva (forthcoming). We argue that civil society formations can be categorized as specifically democracy-enhancing only if they meet three criteria of associational freedom, communicative power and publicness. [↑](#footnote-ref-4)
5. There is of course significant variation across States in India. Manor argues that the government in Andhra Pradesh is openly hostile to civil society organizations, but that in Madhya Pradesh some CSOs played an important role in shaping educational reforms under the Chief Ministership of Digvijay Singh. Manor also points out that the current Congress government at the Centre has been more open to CSOs playing a role in shaping policy. CSOs have been completely marginalized under CPM rule in West Bengal, but were the key architects of democratic decentralization in Kerala. [↑](#footnote-ref-5)
6. In recent decades, the judiciary has taken up some civil society issues through PLIs. A judiciary that actively supports rights represents and important link between legal and participatory authorization, but one that has limited effects in the absence of more broad-based civil society support. [↑](#footnote-ref-6)
7. Rajiv Gandhi in 1989 provided the following justification for a constitutional amendment to increase the powers and responsibilities of local bodies: “A wide chasm separate the largest body of the electorate from a small number of its elected representatives. This gap has been occupied by the power brokers, the middlemen and vested interests … With the passage of this Bill, the panchayats would emerge as a firm building block of administration and development … as an instrument in the consolidation of democracy at the grassroots” (cited in Jayal, 2006:6). In Kerala, the architects of the People’s Campaign for Decentralized Planning invariably reference EMS Namboodiripad to make identical arguments. It is worth noting that there is something quite remarkable about a theoretician of a Leninist party historically hostile to local autonomy and the leader of a Congress party that has always relied on local brokers to secure electoral support arriving at the same diagnosis of the problems of the developmental state. [↑](#footnote-ref-7)
8. In Mumbai, the epicenter of India’s economic boom, it is estimated that over 40% of the population live in slums or on the street (Appadurai, 2002). The figure for Delhi has been estimated as 55% (Khanna committee report, 2006). In Delhi, the slum population has increased from 20,000 in 1977 to 3,000,000 in 2001 (Delhi Human Development Report 2006:4). [↑](#footnote-ref-8)
9. For a comparison with South Africa and Brazil, see Heller and Evans (2010). It is notable that even Chinese cities have a far greater degree of local control over governance, planning and revenue collection than Indian cities. [↑](#footnote-ref-9)
10. The team includes myself, Michael Walton, Shahana Chattaraj, Gayatri Singh and Trina Vithayathil. The guidance and help of Pratap Mehta and Partha Mukhopadhyay is gratefully acknowledged. [↑](#footnote-ref-10)
11. The Amendment gives constitutional status to a third tier of government “with such powers and authority as may be necessary to enable them to function as institutions of self-government” (74th Amendment, Article 243W(a)). The 12th Schedule of the 74th Amendment outlines eighteen areas where responsibilities should be conferred to municipalities. These include town and strategic planning, land use, the full range of basic services (sewage, water, health, public amenities), roads and bridges, and poverty alleviation. [↑](#footnote-ref-11)
12. In Delhi, the DDA (Delhi Development Authority) is the main land developer and does strategic planning for the city. It answers to the Ministry of Urban Development in the Central government and is presided over by a Lt. Governor who is appointed by Central government. [↑](#footnote-ref-12)
13. A Reserve Bank of India report (2007) found that Indian municipalities under spend on essential municipal functions such as provision of water supply, drainage, sewerage, health and sanitation and solid waste management as compared to more discretionary expenditures such as education and parks. [↑](#footnote-ref-13)
14. The contrast here with China is telling. Bardhan (2010), among others, points to local government decentralization as a key ingredient of China’s phenomenal (and much more inclusive) growth rates. Decentralization allowed for effective innovation in promoting local growth, with the Center playing a key role in diffusing the most successful models. [↑](#footnote-ref-14)
15. Case in point: the recent controversy over efforts to prohibit non-native Maharati speakers from driving cabs in Mumbai has obviously less to do with safeguarding a cultural heritage than securing a rent. [↑](#footnote-ref-15)
16. http://www.thaindian.com/newsportal/business/on-poll-eve-maharashtra-regularizes-mumbai-slums\_100224757.html [↑](#footnote-ref-16)
17. There are however instructive exceptions. In Madhya Pradesh, a reformist Chief Minister was able to circumvent entrenched bureaucracies and party structures by directly mobilizing local adivasi communities in pushing through moderate but significant decentralization reforms. In Kerala, a broad and deep version of PRI was made possible by the alliance of a programmatic CPM with organized sectors of civil society (most notably the KSSP). [↑](#footnote-ref-17)
18. Appadurai argues that global networks of NGOs and social movements, and global discourses of human rights and democratization, “has provided a huge boost to local democratic formations” (2002:25). [↑](#footnote-ref-18)
19. Vithayathil notes that Bangalore’s civil society is a complex collage of well-funded and high profile CSOs run by prominent public citizens, and 200 or so local NGOs that work on specific issues or overall quality of life concerns at the neighborhood or slum level (2010). While there is tension between these two formations, she also points to many instances of collaboration. [↑](#footnote-ref-19)