Where is the State? How is the State? Accessing Water and the State in Mumbai and Johannesburg

Zainab Bawa
Centre for the Study of Culture and Society, Bangalore, India

Abstract

This article examines the water distribution systems in Johannesburg and Mumbai to argue that the political and institutional contexts of service delivery shape people's access to the state and its resources, and also mediation between citizens and government institutions by councillors. Through ethnographies of water supply and distribution systems in Mumbai and Johannesburg, I explain how the organizational structure of the water utility, institutional arrangements of service delivery, regulatory systems, councillors' proximity to decision makers and their relationship with municipal officials, civil servants and party members variously influence councillors' mediation capacities and their ability to fulfil the claims of their constituencies for piped water supply and connections.

Keywords

Councillors, Johannesburg, Mumbai, state, water

Introduction: Who is the State? Where is the State?

Municipal water supply in cities of the developing world is messy because the personnel responsible for distributing water are believed to indulge in 'corruption' and 'petty politics'. In cities, water flows not only via pipelines but also through intricate webs of social, political and economic networks underlying the distribution system. The leakages and aberrations produced by bureaucrats, legislators, municipal staff and political parties in the supply and distribution network when providing water to favoured groups and electoral constituencies are held responsible for reducing revenues that could otherwise have accrued to the municipality or water utility. Accordingly, solutions such as prepaid water meters, where poor residents must purchase water credits to initiate supply and refill them to continue access to municipal water, are proposed to weed out corruption and institute efficiency and transparency in the distribution system. Yet, such technical solutions exacerbate the social and political distance between citizens, policy makers and administrative institutions in certain kinds of political and institutional set-ups. Reforms in local government systems and reengineering of service delivery arrangements directly impact the ability of elected representatives to

Corresponding author:
Zainab Bawa, 141/142, 2nd Cross, Pai Layout, Hulimavu Gate, Bannerghatta Road, Bangalore - 560 076, India.
Email: bawazainab79@gmail.com

make appeals and claims on behalf of their constituencies to bureaucrats and senior politicians. Engineers and water department field staff are less able to exercise discretion in fulfilling competing demands of different socio-economic groups for water under the vigil and whip of the state which becomes even more pervasive through new laws and conditionalities under reforms. In this respect, the questions 'who is the state?' and 'where is the state?' are highly relevant for assessing how the institutional location of decision makers affects service delivery arrangements, people's access to municipal resources, and councillors' abilities to negotiate with authorities.

Recently, sociological and anthropological literature has explained how the state is not a monolith but a heterogeneous and fragmented entity composed of numerous competing actors and institutions (Benjamin and Raman, 2001, 2006; Corbridge et al., 2005; Fuller and Harriss, 2000). Consequently, policies conceived and implemented by one arm of the state can adversely affect the interests and political positions of some state agencies, while at the same time strengthening the resources and authority of other state actors and institutions. This, in turn, jeopardizes or strengthens the claims and entitlements of groups that are dependent on these institutions. The state manifests differently in people's lives depending on their own political, social, economic and historical positioning in society. Ordinary citizens as well as the state's own employees experience the state through their everyday encounters with it (Corbridge et al., 2005). Sometimes, the state appears in the form of the pipeline man to propertied residents and slum dwellers alike, threatening to disconnect them from the municipal piped water supply if his demands are not met. At other times, the state is the politician and his party workers who deliberately disconnect poor people from municipal water in order for their private water supply business to thrive or to enforce loyalty and political support. In some situations, as is the case in Mumbai city, the state is the higher levels of authority in the federal system,[1] that is, the provincial and national governments make policies and decisions about how water must be supplied in the city, for instance through public–private partnerships, which require institutional restructuring and process reengineering. In each of these instances, it is the institutional location of the state which is critical because that determines the capacity of people and their intermediaries to access the state. Thus, it may be relatively easier for citizens and their representatives to negotiate with the pipeline man or the municipality for water than to influence the policies of regional or central governments regarding urban water supply.

Writing in the context of citizen–state relationships in Indian cities, Partha Chatterjee (2004: 27–51, 53–78) suggests that poor people's access to the state is mediated and facilitated by a range of intermediaries including local leaders, elected representatives, political party workers and community associations which aid in distributing municipal resources and basic services to 'illegal' population groups. These groups are deemed 'illegal' because they have violated norms of property by squatting and hawking on public lands.[2] The principles of liberal democracy and civil society cannot be applied to these illegal populations. The state therefore deals with these populations through a range of 'paralegal' arrangements that involve the 'bending and stretching of rules' (2004: 73) for delivering welfare and entitlements. The vocabulary of liberal democracy and civil society is unable to accommodate the complex language of claims vis-à-vis rights and the intricate political mobilizations undertaken by what Chatterjee terms 'political society', to connote groups that are marked as 'informal' and 'illegal',[3] because claims do not have a legal and constitutional basis. Consequently, mobilizations for fulfilling competing and contradictory claims that arise in different contexts tend to get marked as petty politics or patronage. Chatterjee's contribution to our understanding of politics is valuable because he argues that this form of engagement between citizens and the state is in fact part of the political cultures of developing and developed nations and that the everyday transactions between governments and populations via intermediaries regarding service delivery can substantially redefine notions of modernity, property and law (2004: 75).

In this article, I build on Chatterjee's formulation of 'political society' by demonstrating that the processes of mediation by councillors to influence various decision makers within the state on matters of resource allocation, service delivery and fulfilment of entitlements is highly nuanced and intricate. Specifically, I argue that delivery of municipal services is influenced by the institutional and political contexts in which administration and governance are carried out. This implies that dynamics between councillors and officials of the municipal administration, between councillors and the hierarchies in their political parties, and the institutional location of policy and decision makers shapes the delivery of services such as water to different groups in the city. Chatterjee's analyses of the processes of mediation between 'illegal' population groups and the state discounts these crucial factors, which also shape the nature and content of illegalities and therefore negotiations carried out by the mediators of 'political society'. Accordingly, services and resources are sometimes delivered through institutional and legal channels to some citizen groups, and in some other contexts councillors ally with engineers, pipeline men, plumbers and other ground-level functionaries of water departments to bypass laws in order to supply piped water to groups barred from legal access. I also contend that the institutional location of the state and the alignments and fragmentations within the state variously shape councillors' roles and agencies in fulfilling people's demands for water and water infrastructure in the Johannesburg context.

I draw from ethnographic fieldwork conducted in Mumbai and Johannesburg to elaborate on my arguments.[4] I begin by briefly discussing the institutional context of water supply in Mumbai to explain how councillors are positioned in the municipality and the contestations involved in the distribution of water. In the second section, I explain how councillors' positions in the municipality shape their agencies to voice and gratify the claims of the groups they represent. Here, I draw from participant observation conducted at a public meeting in October 2009 to address the water shortage crisis in Mumbai. In this meeting, issues of party dynamics, the authority of the state government, and the importance of proximity to nodes of decision making were apparent, as councillors leveraged the presence of various publics and the Standing Committee[5] to resolve people's water woes and to make appeals to the Maharashtra state government. In this section, I also discuss illegal water connections in Mumbai, mainly how councillors' acts of mobilizing the water department field staff to connect pipelines to municipal mains affects the water distribution networks and thereby people's access to municipal water. In the third section, I examine the water supply and governance systems in Johannesburg and analyse them as a backdrop to Mumbai.

From Pipeline Distribution Channels to Social Redistribution: Institutional Contexts of Water Supply

The Hydraulic Department is responsible for supplying water to Mumbai city.[6] The department is integrated with the Municipal Corporation of Greater Mumbai (MCGM). The revenues of the Hydraulic Department are distributed in the annual municipal budget and they aid in meeting the expenses of departments such as Public Education and Sewerage, which do not earn revenues. In other large Indian cities, water supply and sewerage functions have been separated from the municipal body, organized instead into independent water boards, headed by senior bureaucrats and ministers at the state government level. Such quasi-independent structures were advocated to 'obtain, manage and invest' their own funds (Coelho, 2005: 175) and to make decision making expedient by removing it from political pressures.

Inefficient and delayed decision making is believed to stem from vote-bank politics. Councillors are under pressure from their constituencies, especially those who are barred from legal access and those who have shared connections, to provide them with municipal water and individual

connections. They therefore tend to stall or block decisions such as reforms, privatization and other similar measures, which can (presumably) facilitate efficient water supply. Councillors also strive to provide water to diverse groups in their constituencies so that they can build on their popularity, build electoral support and a loyalty base, and strengthen their personal positions in political parties.

The municipal by-laws, however, prevent supply of piped water to slum dwellers and squatters who do not reside in regularized settlements and also to hawkers and street vendors who are not licensed by the municipality. Unevenly distributed, the geo-historical trajectories of urban development have shaped the distribution of water in the city as well. Primarily, Mumbai is divided into two regions: the affluent South Mumbai, composed of the original city, housing pivotal political and commercial institutions, and the developing suburbs in North Mumbai, consisting of large resident and floating populations which migrated to this area for work opportunities following the rapid expansion of service industries here (see Figure 1).

However, the supply of water in suburban areas has remained poor, primarily because the pipeline system and water supply channels that transmit water from the lakes into the pipes were not as well developed in the suburbs as they were in the city. Downtown city areas continue to receive large quantities of water despite declining populations because, as a councillor present at a public meeting on the water shortage crisis pointed out, downtown city areas are the constituencies of cabinet ministers and hence they receive abundant water supply. The interest groups supporting the elections of ministers to key portfolios in the state government cabinet also live and work here. Ministers therefore nurture these areas by providing them with large amounts of water. They do so by applying direct pressure on civil servants in the municipality to ensure that there are no changes in water distribution policies for the city. Civil servants, in turn, transmit this pressure to engineers who supervise the ground staff to obey orders from the top. However, state agencies and employees are not always completely aligned with the interests and policies of the higher echelons of the state system (Corbridge et al., 2005). Therefore, orders from higher-level state authorities are not always implemented in their exact letter and spirit. This leads policy makers to formulate policies such as water privatization, which reduce the discretionary and executive powers, as well as the financial resources, of municipal engineers, rendering them politically and institutionally powerless.

Privatization policies equally affect councillors' abilities to influence the allocation of water for their constituencies, especially when endorsed by ministers and senior members from their political parties, and the party high command expects councillors to toe the line. The party is usually in a stronger position than an individual councillor because the anti-defection law in the Indian constitution allows a party to expel a legislator if the latter does not toe the former's line. The national legislative framework has therefore made individual councillors subservient to their parties unless the councillor has a strong personal and political position that balances the power and controls dynamics within the party. Further, when engineers and ground staff are allied with the state's policies and decisions or are coerced to follow them, it becomes difficult for councillors to appeal to their discretion and personal capacities to supply water outside the regulatory framework. Engineers are equally affected by privatization policies because, henceforth, they are only responsible for supplying water to private parties who in turn distribute municipal water to the rest of the city. By negotiating different interests and alliances, engineers develop and consolidate their personal and institutional powers and capacities. This, in turn, puts them in a stronger position vis-à-vis councillors and civil servants in the municipality and adds to their institutional autonomy. This is not to suggest that without privatization, the water department engineers and ground staff would support councillors in circumventing by-laws to supply water to squatters and hawkers. Engineers and ground staff are guided by their interests, loyalties, and personal, moral and social rationalities
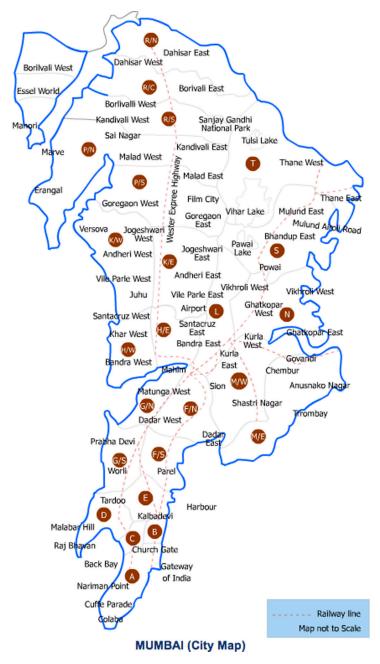
Figure 1. Map of Mumbai (South Mumbai – Colaba in the A Ward to Mahim in G/North Ward; Northern Mumbai – Bandra in H/West Ward) (http://www.praja.org/know_your_ward.php)

(Coelho, 2004) when they make decisions about distributing water to poorer populations in the city. Therefore, they may not comply with councillors' requests or orders, especially if these in any way jeopardize their personal and institutional power.

The political field[7] of water supply in Mumbai thus involves senior engineers, ward engineers, valve men, pipeline men, civil servants, state legislators and parliamentarians, among others. The role of the councillor is tied with the actions and decisions of each of these actors. At the same time, as councillors establish their political positions in the administration, constituency and party, they impinge upon, or at least affect the powers and autonomy of engineers, water department employees, other councillors, legislators and senior members of political parties. Provision of services, people's mobilizations and overall politics are constantly influenced by these changing equations. These dynamics set the institutional context of service delivery and the manner in which administration is carried out. The next section discusses how councillors access decision makers, influence policies formulated by state and central governments, and also appeal to engineers and the ground staff regarding water supply.

Meeting the State: Proximity, the Party System and Councillor Access

Mumbai city's main sources of water – lakes, dams and reservoirs – are rain-fed. In 2009, the sparse rainfall failed to replenish these sources adequately. By October, the Hydraulic Department engineers and civil servants announced a 15 per cent cut in water supply for residential structures and 30 per cent for commercial premises. These cuts were meant to ensure continuous water supply, albeit in lesser quantities, until the onset of monsoons in 2010. When the water cuts were announced, a sitting councillor demanded a series of meetings be held across the city to understand the problems people faced regarding water shortages.

On 29 October 2009 the first meeting was held in the municipality's K/East Ward office.[8] Members of the municipality's Standing Committee, councillors from the northern suburbs, engineers from the Hydraulic Department and ward offices and civil servants were present in the meeting with citizens, NGOs, residents' associations and activists. The K/East Ward office is situated close to Gundavali, a slum settlement. By October 2009, inhabitants in Gundavali no longer received water from the municipality's pipes. Consequently, women and children from the settlement were compelled to travel long distances daily to fetch water, dodging speeding vehicles on the roads while bearing pots of water on their heads. Residents were angry with their councillor, Mrs Rupali Pawaskar, for not resolving the acute water shortage. Pawaskar herself was perplexed because Gundavali was receiving ample municipal water before she was elected. As soon as she assumed charge of the area, water in the pipes had disappeared. Frustrated, she was present at the public meeting to raise this issue before Standing Committee members, the former councillor of Gundavali and the engineers of the Hydraulic Department and K/East Ward.

The former councillor of Gundavali, Ramesh Latke, hailed from Shiv Sena (SS), a regional political party that since the late 1980s has won the majority of seats in the municipal council. The party's dominant position in the municipality puts the Shiv Sena councillors in a strong position to directly pressurize engineers of the Hydraulic Department and ward offices to supply water and lay pipelines and water connections in their constituencies. In the 2007 municipal council elections, electoral constituency boundaries were reshuffled; as a result Gundavali fell under Pawaskar's new constituency rather than Latke's.

Pawaskar belonged to the Congress Party, the ruling party in the state legislature responsible for making decisions about urban development and mega infrastructure projects for Mumbai city. Congress party councillors may try to put pressure on the urban administration through state-level legislators from their party or they can approach the Standing Committee and raise questions in the council on issues affecting their constituencies. As a novice first-time councillor, Pawaskar's

position in the party was weak, probably limiting her direct connections and influence with the state legislators from her party who could either directly question the municipality about the water situation in Gundavali or approach cabinet ministers and senior party members on her behalf to resolve the issue. The public meeting was therefore a perfect opportunity for Pawaskar and her supporters to resolve the crisis in Gundavali.

In the meanwhile, residents of Gundavali settlement continued to approach Latke to resolve their water woes, even though Latke was no longer their councillor. This further strengthened Latke's political and social position, both in the party as well as in the council, simultaneously jeopardizing Pawaskar's efforts at building her newly acquired electoral support. When the announcement of the public meeting in K/East Ward was made, Congress Party workers in Gundavali settlement spread the news and urged residents to attend. During the first few hours of the meeting, Gundavali residents' groups made nine representations. Among the only representations brought in written format, perhaps party workers familiar with the procedural formalities of such meetings had assisted complainants in recording their problems in writing prior to the meeting to hasten the process of complaint resolution. Moreover, after each representation from Gundavali, Pawaskar offered to resign, citing her inability to resolve her constituency's problems, a subtle message to the people of Gundavali that it was perhaps Latke, the Shiv Sena party and the dynamics between the administration and the politicians which were blocking her efforts at bringing water to Gundavali. At the same time, her threat of resignation sent a covert message to members of the Committee that they would have to deal with the party dynamics that blocked the supply of water in Gundavali. The Standing Committee could evade this situation by directing the Hydraulic Department and ward office engineers to reconnect Gundavali's residents to municipal water.

Similarly, other councillors voiced their grievances and inability to regularize the supply of water in their constituencies. Repeatedly councillors offered to resign. Some councillors volunteered to pool their personal financial resources along with budgetary allocations to resolve the water crisis. Yet other councillors confronted engineers and blamed them for the water shortages. Another councillor complained that the pressure from cabinet ministers of South Mumbai on civil servants resulted in a lesser water supply for the suburbs. He appealed to the chairperson of the Standing Committee, Mr Ravindra Waikar, recently elected as a legislator in the state government, stating: 'Mr Waikar, now that you are a state legislator, please take our appeals to the Maharashtra (state) government'.

Clearly not all elected representatives are equally close to nodes of decision-making and authority in the state and thus attempt to access these channels via other mediators, as well as through a combination of tact, negotiation, confrontation and voicing of grievances in various forums. Throughout the discussion, civil servants and engineers emphasized the regulatory and legal constraints that prevented them from supplying water to groups designated as 'illegal'. When former councillor Latke, along with the Standing Committee chairperson Ravindra Waikar, asked sharp questions to the engineers and ward officers about why water was scarce in Gundavali, they remarked: 'we can provide water, but what about the issue of legality?'

In her study of municipal administrations in metropolitan cities in India, Pinto (2000: 113) points out that councillors bypass rules because they want to resolve the problems of their constituencies quickly, unlike civil servants whose training and personal backgrounds influence them to follow rules and procedural formalities. However, councillors work outside the legal framework, not only because they are anxious to service their electorate, they also recognize that in certain circumstances, the law prohibits the administration from extending services to informal groups. In the public meeting held at K/East Ward office, when engineers and bureaucrats cited the issue of legality as the chief reason for not providing water connections in Gundavali, chairperson Waikar

announced: 'Let it happen! Later we will see what to do'. Through this proclamation, Waikar did not simply circumvent the law to provide 'illegal' connections to slum dwellers. He suggested that laying down of pipes and connections would alter the pipeline system and over time, it would be difficult or even impossible to disconnect these connections on grounds of illegality. The connections would then have to be legalized.[9] Of course, not all elected representatives sidestep rules. Councillors' personal backgrounds and economic interests, as well as the pressures and influences of the constituencies that have supported their elections, play a significant role in determining how they respond to the claims of poor groups. An elected representative who runs a water tanker business or whose election campaign has been supported by the tanker lobbies or whose party cadres are primarily private water suppliers will tread a cautious line between fulfilling informal groups' demands for municipal water and balancing his personal and support groups' interests. This councillor may be more likely to oppose water privatization policies that may harm his business interests and antagonize his supporters and party cadres. Similarly, under pressure from civic groups to disconnect illicit connections and to take action against officials who have installed them, councillors whose election has been supported by formal civic associations will be unlikely to legalize illegal water connections. Instead, they might, for instance, support reforms that claim to enforce efficiency and reduce water thefts, in line with the civic association agenda.

According to Chatterjee (2004: 64), the role of mediation in political society is pivotal because mediators assist in making 'the particular claims of marginal population groups … consistent with the pursuit of equal citizenship and civic virtue'. Yet, as illustrated above, mediators do not always have direct access to decision makers and implementers. Hence, the process of mediation is highly complex. Mediators also have to work via other mediators and processes when access to the state's resources, in this case water, is constrained by municipal by-laws and rules. Here, consistency with equal citizenship is a long drawn out and double-edged process which can be disrupted or completely stopped depending on councillors' relations with engineers, civil servants, party functionaries and their diverse constituencies and multiple interest groups. Chatterjee contends that recommendations and demands from political representatives on behalf of populations to government authorities are fulfilled when pressures are applied on various nodes of decision making and in multiple ways. In fulfilling the claims of 'illegal' groups, however, government authorities respond to these claims depending on the nature of the resource in question, the content and extent of illegality underlying the particular resource, shaped by their own institutional position, authority and resources. The institutional and political context of service delivery is therefore highly intricate because the boundaries between administration and politics are blurred and constantly shifting.[10]

Finally, I have also demonstrated how the distribution of the state's resources, such as water, is highly political and social. In the process of access, people encounter the state and its many faces, and they become conscious of their own position vis-à-vis the state. When reforms try to straighten the interaction between the state and its citizens by removing intermediaries and creating access to institutions, procedures and authorities through websites and new technologies, these affect 'illegal' population groups differently because such measures accordingly strengthen or delegitimize the claims of some groups over those of others. 'Political society' is therefore not a homogeneous group because the nature and extent of illegalities are different and even in the same 'community' individuals and households have different resources, varying access to diverse networks, and also different social, cultural and political backgrounds. Mobilizations in political society are hence unlikely to produce similar outcomes for everyone. Importantly, however, outcomes are not entirely irreversible, moreover each mobilization and outcome tends to lay down some convention, precedent or ambiguity in the legal frameworks that can, in future, be mobilized by other groups in political society to their advantage (Benjamin, 2005, 2008). The double-edged nature of mobilizations in

political society may never be seen as an absolute example of success or failure. In the following section, I explain the water supply context in Johannesburg.

State Alignments and Institutional Locations: Water Supply in Johannesburg

In December 2009, dressed casually, my research colleague Boitumelo Matlala and I stood outside the office of Johannesburg Water. The security personnel at the entrance scanned us and asked why we wanted to go inside, exclaiming in surprise 'you have an appointment!' when we responded. Matlala had arranged this meeting six months earlier through an acquaintance who worked in the municipality of Johannesburg and had links to officials in Johannesburg Water. The lengths and connections required to get into the office helped me understand why residents of Alexandra and Soweto, poor township areas of Johannesburg, looked at me in disdain when I asked if they felt they could approach city administrative agencies and government officials to make appeals and claims for resources and welfare. Clearly, approaching agencies such as Johannesburg Water and its officials was difficult for individuals, but the obstacles involved in contacting officials and making appeals to them to provide water to under-served areas and populations has been further exacerbated by the nature of the organizational structure of Johannesburg Water itself.

Johannesburg Water is responsible for distributing water and providing sanitation services to citizens in Johannesburg. The water utility was separated from the municipality to remove political interference in its day-to-day functioning, primarily from elected representatives making claims for water for their constituencies outside the regulatory framework.[11] The Managing Director of Johannesburg Water is the final authority for approving decisions in the current institutional structure. The powers to exercise discretion are vested in him, governed by the rule of law. This system of separating service delivery functions from the municipality by creating a private company or independent water boards has increased the political distance between councillors and administrators (Benjamin and Raman, 2006), with engineers and field workers answerable to bureaucrats and senior legislators rather than to councillors who perform the representation function.

Moreover, institutional reforms often sever accountability at the local level and to poorer publics, placing urban administration under greater control of provincial or national governments (Benjamin and Raman, 2006). In the context of water supply in Johannesburg, on the one hand, outsourcing water distribution functions in slum settlements to private contractors now makes contractors directly answerable to the company rather than to the public about the manner in which water was distributed to poorer populations.[12] On the other hand, decision making is highly concentrated in the hands of the Managing Director of the company who is accountable primarily to the municipality of Johannesburg and senior politicians. Such institutional arrangements reduce councillors' ability to influence policy making, further separating politics from administration on the grounds of reducing political interference and expediting service delivery. Subsequently, bureaucrats and politicians holding crucial ministerial posts control the implementation of policies, leaving little room for councillors and lower level state functionaries to manoeuvre. Thus, when prepaid water meters were proposed for Phiri in Soweto, social movements and residents blamed councillors for not opposing the policy, whereas in reality, the decision to implement prepaid meters was made by the top management in Johannesburg Water and higher echelons of the state to which councillors had little access.[13] Interestingly, when residents of Phiri decided to agitate against the prepaid meter policy, they protested in front of the offices of the City of Johannesburg because the municipality was seen as being responsible (Matlala, 2009: 138). In turn, they protested against Johannesburg Water by reconnecting the disconnected water connections, registering their anger against the private company perceived to be unaccountable to the poor.

In such institutional set-ups, efficiency is achieved by reducing the scope of exercising discretion and curtailing avenues of claim making, while accountability is introduced by making personnel performing distribution functions answerable to the senior management rather than to the people they serve. Moreover, unlike Mumbai where the ground staff of the Hydraulic Department reside in slums and therefore personally experience the contestations involved to access water, the staff of Johannesburg Water do not hail from townships.[14] This increases the social and political distance between the staff and poor citizens because the staff, trained in ethics, values and the rule of law, tend to view the claims of informal groups as arising from greed and a desire to obtain water without paying through unruliness.[15] Thus, created to enforce efficiency and accountability in delivering water to the citizens, the organizational structure and regulatory framework of Johannesburg Water was in effect carved out to ensure strict adherence to rules in order to recover the costs of water operations and to run a profitable utility. Neo-liberal reforms seek to usher and embody this rule-based rationality in the everyday functioning of water department engineers and personnel (Coelho, 2004, 2005). This legal rationality then conflicts with personal, moral, social and cultural rationalities which officials invoke when they deliver water to different socio-economic groups in the city.

Councillors' mediation capacities are also shaped by the nature of political party competition and the structure of hierarchy within political parties. In South Africa, the African National Congress (ANC) is the dominant party except in the Western Cape region where the Democratic Alliance (DA) presents a significant challenge. In Johannesburg, residents of 'informal townships' often feel that they have to depend on and often ally with the ANC party workers to access resources because the party cadres control access to some goods, which the party distributes to its supporters from time to time.[16] This makes the position of local cadres more powerful in relation to councillors and they are likely to be more loyal and accountable to senior functionaries and leaders in the party than to voters and elected representatives. This dynamic severely constrains councillors from acting independently. Besides, the closed list proportional representation (PR) election system in South Africa allows the party to control elected representatives because the party decides which candidates' names will appear on the party's electoral lists. Bénit-Gbaffou (2008: 17) notes that the mother party's role in councillors' re-election makes it difficult for them to criticize the party's urban policies and their implementation. Consequently, poor groups have to mobilize avenues other than councillors for appealing against policies which are likely to have negative implications for them.

Conclusion

The institutional contexts of service delivery play an important role in enabling elected representatives to fulfil the diverse claims of their constituencies. The dynamics within institutions, between councillors, administrators and municipal ground staff, shape these contexts and variously enable or disable access to services for different citizen groups. They also shape the social and political distances between citizens and various decision makers, thereby influencing people's access to the state. Chatterjee's model of 'political society' which explains how governments provide services and welfare to 'illegal' population groups through mediation from their intermediaries, does not account for the importance of institutional contexts, the specific natures of different services and resources provided to population groups, and how these factors shape the location and authority of state. At the same time, Chatterjee's contribution is invaluable because he alerts us that the notions of equity, civic engagement and governance do not always apply in an ideal manner to certain groups in cities as they (presumably) do to propertied residents, and that governments have to depart from these normative conceptions in order to deal with groups who have been historically disadvantaged and marginalized. Claims therefore have to be mediated in complex and nuanced

ways and services tend to be delivered through arrangements that depart from narrowly conceived notions of 'legality' and regulation. In turn, mobilization (re)configures people's relationships and distances with various authorities and institutions in paradoxical ways and produce outcomes that advantage some groups over others.

The water supply contexts of Mumbai and Johannesburg clearly reveal how different kinds of alignments and fragmentations within the state shape people's access to institutions, authorities and welfare and how these consequently enable and disable councillors from fulfilling the claims for water made by their constituencies. Institutions that are completely aligned with the state, where the functionaries follow rules, regulations and laws to the exact letter and hierarchies are rigidly instituted and followed by organizational restructuring, are marked as efficient. However, such efficiency largely accrues to those citizens who are already at an advantage in terms of their proximity to institutions, decision makers and implementers through networks, personal resources and political clout. This does not imply that the powers of reformed institutions, aligned with statist agendas, are absolute. It does, however, alert us to the fact that access to the institutions and authorities in question can be difficult and limited, especially for groups who are variously designated as 'illegal', 'informal' and 'poor', because such institutions are often created by closing down avenues of access, which in turn enforces rigid, watertight conceptions of law and legality. At the same time, a messy, fragmented state is not egalitarian, as Chatterjee (2004: 76) rightly points out. But the presence of multiple avenues for making claims opens up democratic possibilities, especially in terms of political participation (Chatterjee, 2004), far more than perfectly aligned, hierarchical and efficient institutions. Moreover, fragmentation within the state and its regulatory frameworks can, in the long run, be inclusive even when they are exclusive in the short term.

Acknowledgements

Notes

1. The municipality of Mumbai tends to be controlled by the state government of Maharashtra despite discourses of decentralization. India has a three-tiered system of government, headed by the national government in Delhi followed by state legislatures at the second tier. Local governments and municipalities occupy the third rung.
2. Drawing on political philosophy, Chatterjee insists on the 'fundamental' relationship between ownership of property and citizenship, i.e. an ideal citizen is one who has, through the fruits of his or her labour acquired property. A person's or group's 'civil standing' accrues from 'legitimate ownership of property' whereby ' … property ownership is the means to establish such fundamental qualifications for citizenship as independence, respect, and responsibility' (Holston, 2008: 113).
3. 'Informal' and 'illegal' are conceptions usually built on legal rather than cultural or historical conditions and rationalities. They are often used to indicate that individuals and groups do not adhere to rules, laws and systems concerning land use, property ownership and access to infrastructure, ideas brought into existence by the legal machinery and regulatory regimes.
4. The Mumbai research is part of my PhD thesis, 'Politics and economy in contemporary Indian cities', University of Manipal, Mahe. Fieldwork in Mumbai and Johannesburg was conducted within the India-South Africa (ISA) project, linked to the CORUS project 'Voices of the Poor in Urban Governance'. Thanks to the Centre de Sciences Humaines (CSH), New Delhi for fieldwork support and to my colleague and friend Boitumelo Matlala for organizing interviews and field visits in Johannesburg.
5. The Standing Committee oversees the day-to-day functioning of the Municipal Corporation of Greater Mumbai (the city municipality). It exercises financial, executive, personnel and supervisory powers and

also keeps a check on the municipal commissioner who is the de facto head of the municipality (Pinto, 2000: 103). Municipal councillors are elected to the Standing Committee on the principle of proportional representation.

6. The head office of the Hydraulic Department, situated in the premises of the municipal corporation, is responsible for finalizing applications for water connections, planning major water infrastructure repair and maintenance works across the city and managing overall water supply. In each of the 24 administrative wards in Mumbai, there are engineers and ground staff responsible for distributing water in the ward, establishing and maintaining municipal water connections, and undertaking minor pipeline repair and maintenance works.

7. The notion of the 'field' (see Moore, 1973: 720) allows us to locate institutions in their immediate and larger contexts and thereby to understand how institutions function, why actors make particular decisions in certain circumstances, and how rules are formulated, adhered to and resisted.

8. Mumbai city is divided into 24 administrative wards, which are further subdivided into councillor constituencies. There are 227 councillors in the municipal council, with every ward represented by 8–12 councillors. Each ward has a population of anywhere between 200,000 to 800,000 people and contains amenities such as municipal schools, hospitals and health posts. K/East Ward is one of the biggest wards in the city and is among the handful of wards which generate substantial revenues for the Hydraulic Department because of the presence of large industries and commercial premises that pay high water tariffs.

9. In this context, see Coelho (2006) who explains how the underground pipeline grid gets altered over time as myriad connections are established to municipal mains in highly convoluted ways which then make it difficult for engineers and the ground staff to determine which connections are legal or illegal.

10. Especially in cities like Mumbai where, due to high land and housing prices, municipal employees often themselves reside in slums. These employees are therefore as much recipients of municipal services as they are distributors, thus they make claims on the state of which they are agents, further complicating the boundary between politics and administration.

11. Interview with Chief Operating Officer of Johannesburg Water, 1 December 2009.

12. Private contractors have been appointed to deliver water in *jojo* tanks in informal settlements which do not have access to a piped water supply (interview with Chief Operating Officer of Johannesburg Water, 1 December 2009).

13. I am grateful to Boitumelo Matlala for sharing this insight with me.

14. Interview with Chief Operating Officer of Johannesburg Water, 1 December 2009.

15. In this context, see Coelho (2005) on how reforms restructure the notion of the 'publics' in the eyes and minds of depot engineers who begin to view slum dwellers as that category of public that does not want to pay for the water supplied to them.

16. Based on fieldwork in townships in Johannesburg and participant observation at a meeting of social movements, 3 December 2009.

References

Bénit-Gbaffou C (2008) Are practices of local participation sidelining the institutional participatory channels? Reflections from Johannesburg. *Transformation: Critical Perspectives on Southern Africa* 66/67: 1–33.

Benjamin S (2005) Touts, pirates and ghosts. In: Narula M and Sengupta S, et al. (eds) *Sarai Reader 05: Bare Acts*. Delhi: Sarai Media Lab, 242–254b.

Benjamin S (2008) Occupancy urbanism: Radicalizing politics and economy beyond policy and programs. *International Journal of Urban and Regional Research* 32(3): 719–729.

Benjamin S and Raman B (2001) Democracy, inclusive governance and poverty in Bangalore. Urban Governance, Partnership and Poverty, Working Paper 26, University of Birmingham.

Benjamin S and Raman B (2006) Urban futures of poor groups in Chennai and Bangalore: How these are shaped by the relationships between parastatals and local bodies. In: Gopal Jayal N, Prakash A and Sharma P (ed.) *Local Governance in India: Decentralization and Beyond*. New Delhi: Oxford University Press, 221–267.

Chatterjee P (2004) *The Politics of the Governed: Reflections on Popular Politics in Most of the World*. Delhi: Permanent Black.

Coelho K (2004) Of engineers, rationalities and rule: An ethnography of neoliberal reform in an urban water utility in South India. Unpublished PhD dissertation submitted to Department of Anthropology, University of Arizona.

Coelho K (2005) Unstating 'the public': An ethnography of reform in an urban water utility in South India. In: Mosse D and Lewis D (ed.) *The Aid Effect: Giving and Governing in International Relations*. London: Pluto Press, 171–195.

Coelho K (2006) Tapping in: Leaky sovereignties and engineered (dis)order in an urban water system. In: Narula M and Sengupta S, et al. (ed.) *Sarai Reader 06: Turbulence*. Delhi: Sarai Media Lab, 497–509.

Corbridge S, Williams G, Srivastava M and Veron R (2005) *Seeing the State: Governance and Governmentality in India*. Cambridge: Cambridge University Press.

Fuller CJ and Harriss J (2000) For an anthropology of the modern Indian state. In: Fuller CJ and Benei V (ed.) *The Everyday State and Society in Modern India*. New Delhi: DK Publishers, 1–30.

Holston J (2008) *Insurgent Citizenship: Disjunctions of Democracy and Modernity in Brazil*. Princeton and Oxford: Princeton University Press.

Matlala B (2009) The gender dimension of collective mobilisation for access to water. Unpublished Masters Dissertation submitted to the faculty of Engineering and Built Environment, University of Witwatersrand, Johannesburg.

Moore SF (1973) Law and social change: The semi-autonomous social field as an appropriate subject of study. *Law and Society Review* 7(4): 719–746.

Pinto M (2000) *Metropolitan City Governance in India*. New Delhi: Sage Publications.

Zainab Bawa is an independent researcher and PhD candidate at the Centre for the Study of Culture and Society, Bangalore, India.