

DEMOCRACY IN URBAN INDIA

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An apt saying attributed to Tip O'Neil, former Chairman of the United States' Congress, is 'All Politics is Local'. Many countries aspire to the title of being a good democracy. A true test will have to bear out if democracy is alive and kicking, not just at the national or local level, but across the country. If this yardstick is applied, India has some distance to go. The much-touted 74th Constitutional Amendment and Democratic decentralisation have had an uneven course. The exercise to amend the Constitution to provide a constitutional status and mandate for local bodies was initiated by the late Prime Minister, Rajiv Gandhi, but the initial focus was on the Panchayats. Later, it was felt that the enlarged structure of representation should be provided for urban local bodies as well, but Rajiv Gandhi's amendment bills did not pass muster in Parliament. The succeeding government of V. P. Singh attempted a composite legislation for both rural and urban local bodies, but that government did not last long enough. Eventually it was left to the Narasimha Rao government and the two committees of the Parliament to rework the Amendments, which became law as the 73rd and the 74th Amendments in 1993.

The salient features of the 74th Amendment are briefly summarised. Urban settlements are classified as Corporations, Municipalities or Nagar Panchayats (a hybrid designed for settlements in transition from rural to urban). All these three categories, broadly labelled as Nagarpalikas, are to be constituted with representatives elected from territorial constituencies called wards. One-third of the seats as well as the chairperson's positions are to be reserved for women.

Elections are mandatory and are to be conducted by constitutionally created State Election Commissions. Each municipal ward or a group of them should also have ward committees. Additionally, District Plan-

ning Committees and Metropolitan Planning Committees are envisaged for dealing with issues common to municipalities and rural areas in a district as well as multiple municipal agglomerations.

The structure envisaged by the 74th Amendment is elaborate. For a total of 101 City Corporations and 1,430 Municipalities and 2,091 Nagarpalikas in the country, elections have now been held two to three times across the country. The number of elected representatives for all the urban local bodies is about 70,000. Of the 3,640 chairpersons of these bodies at least one-third are women. The All India Council of Mayors is also presently headed by a woman. These are all visible signs of a significant arithmetical change in the representative structure of the Nagarpalikas. The question is whether they amount to a functioning or effective democracy. Available evidence indicates several deficits.

The first may be described as the 'decentralisation deficit'. In the Indian Constitution, the powers of the state are described in three lists: the Union List pertaining to the Government of India, the State List and the Concurrent list. Local government is an item falling within the State List. If the domain of a state government is regarded as complete in respect to the items in the State List, then the domain of the local bodies can only be subsidiary or delegated from the State List. Though the 74th Amendment identifies as many as 18 functions in the 12th Schedule of the Constitution as pertaining to Nagarpalikas, by and large the state governments regard that the assignments of these functions are not mandatory but discretionary. Debates about this view have taken place within as well as outside the courts. The factual position is that the functional domain of the Nagarpalikas is largely decided by state governments and therefore highly uneven across the country. Even a service like water supply, considered as a basic municipal function, is

performed by state governments or parastatal agencies in several states such as Uttar Pradesh, Tamil Nadu, Karnataka and Kerala.

To cite another example, urban planning (including town planning) is mentioned as the very first item in the 12th Schedule to the Constitution. Yet this function is rarely performed by a city corporation or a municipality. Invariably, a development authority set up as parastatal body performs this function, and in recent years town planning has become a highly contentious matter occupying significant time of the High Courts and the Supreme Court.

Even where some functions are devolved, government control is pervasive. The state government reserve's administrative deficit is a result of the financial deficit. The sum total of municipal revenues and expenditure are less than five per cent of the government's as a whole.

The role of the municipal chairpersons or the mayor is also unclear. While the Municipal or City Council has a tenure of five years under the Constitution, the term of the mayor or the chairpersons varies from one state to another. In most of the states, the mayors and the chairpersons are elected by and from amongst the elected councillors. In Tamil Nadu, Uttar Pradesh and Madhya Pradesh they are elected directly by voters, though this does not entitle them to any significant power. In fact, most municipal laws vest the executive powers in an appointed official.

A major casualty of this situation is accountability. Although the structure envisaged by the 74th Amendment is elaborate, the provisions with regards to decentralisation within a city are vague. At the municipal ward level, the Constitution provides for a committee of one or more wards but the composition of such a committee is left to be decided by the state government except in Kerala, where members of a ward committee are elected by various groups. The allocation of responsibilities between the city and the ward levels are also not specified. Ward committees, where they exist, have not emerged as effective platforms for local participation. Similarly, in large cities the Constitution envisages an intermediate level for groups of wards. Here again, the arrangements are left to the state governments.

In a few states such zonal formations or committees do exist but they are comprised almost exclusively of Municipal Councillors. Since the ward committees do not have adequate participation and the zonal committees virtually exclude representatives from the public, lack of proximity between the elected representatives and the people has become yet another deficit.

In a globalised world where the limits of national sovereignty are strained daily, demands of local autonomy raise doubts and fears about state or national integrity. Yet it has long been understood that even the most powerful of the national or state governments is not powerful enough to deal with its cities. Similarly even the largest city, with all its resources, cannot superimpose itself as a substitute for the state. Power sharing between the centre and the state has been a difficult process in India. The 74th Amendment has introduced a new dimension of power sharing between the states and the local governments.

Finally, one should also take note of the readiness of the people to participate in matters of city management or development. Many Indian cities are blessed with numerous community-level and non-government organisations, although there is a significant hiatus between them and the elected representatives. Structures can indeed facilitate or restrict participatory processes. And that is an issue crucial in addressing the deficits in a democracy.

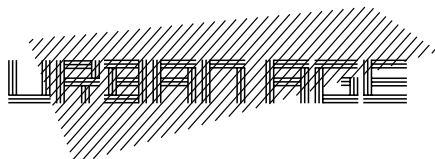
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