



Urban Local Self Government in India

R. N. Prasad

A Mittal Publication

No Urban Local Self-governments are functioning in the notified towns/cities of Mizoram, Meghalaya, Nagaland and Arunachal Pradesh till date. So the urbanites of these states have no participation in the decision-making and implementing processes, though the urbanization in these states is at a faster rate creating urban human problems of complicated nature and the State Governments have not yet implemented the provisions of the Constitution (Seventy-Fourth Amendment) Act, 1992 for the set-up of the Municipalities which are not in keeping with the national goal—democratic decentralised governance and planning processes. The concept of democratic decentralised governance hardly operates in these states. The book suggests to implement the 74th Constitutional Amendment Act, 1992 for a set-up of the Urban Governance in the notified towns, to enable the urbanites to participate in decision-making and implementing processes of complicated urban problems affecting directly their daily lives. The book emphasizes people's empowerment, democratic, decentralised and participative civic governance which the 74th Constitutional Amendment Act envisages. The functions of State Governments and Urban Local Self-Governments as partners in a common endeavour to improve the living conditions of the urbanites are emphasised.

The volume is full of policy insights into the dynamics of urban local governance. The contributors to the volume have blended in their essays variegated perspectives; descriptive, analytical, logical, empirical and instrumental. The volume will be found useful to students and practitioners of political and administrative systems who are interested in not only understanding the dynamics of urban local governance system but also in identifying solutions to the issues and problems concerning effectiveness in the urban governance system.

Rs. 495



R.N. PRASAD (b. 1941) is Professor at the Department of Public Administration, Mizoram University (Central), Aizawl. He is a former Head of the Department of Public Administration and Dean, School of Social Sciences. He has been teaching Public Administration and Political Science for well over three decades.

He has participated in several local, regional, national and international seminars/conferences/workshops and contributed numerous scholarly and research papers.

He, being a prolific writer and devoted researcher, has to his credit more than 85 research papers and book reviews published in academic and professional journals of national and international repute and edited volumes. He has also authored, co-authored, edited and co-edited a number of books.

He is a member of different academic bodies of several universities, research institutes/councils/Boards and also a life member of professional associations/bodies.

He is an Hon. Secretary of the Indian Institute of Public Administration, Mizoram Regional Branch, and the editor of its annual journal, *Administrative Review*.

ISBN 81-8324-130-1

URBAN LOCAL SELF-GOVERNMENT IN INDIA

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URBAN LOCAL SELF-GOVERNMENT IN INDIA

—WITH REFERENCE TO NORTH-EASTERN STATES

Felicitation Volume in Honour of Prof. Arvind K. Sharma
Former Founder Vice-chancellor, Mizoram University,
Aizawl (Mizoram).

R.N. PRASAD



MITTAL PUBLICATIONS
NEW DELHI (INDIA)

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First Published 2006

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Published and printed by Krishan Mittal for Mittal Publications,
4594/9, Daryaganj, New Delhi - 110002, India.

Phone: 23250398 Telefax: 91-11-25351521

E-Mail : mittalp@ndf.vsnl.net.in Gram : Mittalbox

website : www.mittalbooks.com

PREFACE

Local Self-Government is based on the assumption that there are some basic human needs having direct bearing in the lives of individuals. These needs can better be fulfilled by a Government to which the individuals and the local communities have easy and direct access. These certain civic functions are garbage collection, cleaning streets, constructing drainage, water supply, fire services and health services which are entrusted to the democratically constituted local bodies. These appear to be of minor nature and important chores but these are certainly important for a healthy and comfortable civic life. So urban local government is of primary importance to the urbanites, as it is the closet, most accessible and most amenable to them. But its significance except in the event of a breakdown is lost resulting in the entire dislocation of social and economic life of the community. If these services are suddenly to cease, the urbanites will relapse into chaos. Moreover, the municipal institutions not only provide for the basic civic amenities for the safety and convenience of the citizens, but also mobilize local support and public cooperation for implementing various social welfare programmes. With the provisions of liberal democracy and welfare state in the Constitution of the post independent India, the urban local self-governing institutions are expected to assume an increasing role in the governance of the federating units of the country. It has now been progressively realized that the urban local self-governing institutions have to be essentially recognized as an organ of promoting grass roots of democratic decentralized governance and providing not only welfare services for the urban local people but also for carrying out the tasks including planning of the urban government.

There are no as such urban local self-governing institutions functioning in the notified towns/cities of Mizoram, Meghalaya, Nagaland and Arunachal Pradesh till date. Instead, the Village Councils and indigenous institutions of cheifship meant for the rural

governance have been allowed to continue functioning in the notified towns by the state governments which are contrary to the objectives of the urban local self-governance, an essence of democracy. Infact, essence of democracy is, when all urban people irrespective of any discrimination participate in decision-making and implementing processes which affect them. But in the absence of such structures, the urbanites of the growing urban areas of these states have no participation in the decision-making and implementing processes of issues/complicated urban problems affecting directly their daily lives. Moreover, urbanization in these states is at faster rate, creating to urban human problems of complicated nature like, urban planning, community development, environment conservation and protection, pollution control, urban poverty, slums, housing, sanitation, traffic, water and electric supply and migratory pressures etc. The state governments have not yet implemented the provisions of the Constitution (Seventy Fourth Amendment) Act, 1992 relating to Municipalities which is not in keeping with the national goal — democratic decentralized governance and planning processes. Briefly, the concept of democratic decentralized governance hardly operates in these states.

Therefore, the book on *Urban Local Self-Government in India—With Reference to North-Eastern States* a first of its kind and relevant, which includes 20 scholarly and research papers is an imperative need for the urbanites of Mizoram, Meghalaya, Nagaland and Arunachal Pradesh, dealing objectively with a theoretical concept of local self-governance, various issues, problems, challenges and constraints concerning a set up of the municipal administration in the growing urban areas of these states. With a view to getting these growing urban problems resolved, the book emphasizes more thrusts and positive/objective suggestions on the implementation of the provisions of the Constitution (Seventy Fourth Amendment) Act, 1992 relating to a set-up of the urban structures/municipal governments—Nagarपालikas in the notified towns/cities by the state governments without which no urban development appears to be feasible. The extension of the 74th Amendment Act, 1992 strenghtens democracy and thereby involves a process of the decision-making body-politic which enables the most active political participation of urban people in dealing with the growing urbanization issues/problems. The opportunities created by this landmark Amendment should be availed of in these states in order to do away with organizational adhocism that has been going on all these years. Briefly, the 74th Constitutional

Amendment lays stress on people's empowerment, decentralization and participative civic governance. The Act also emphasizes the state governments and urban local self-governments to function as partners in a common endeavour to improve the living conditions of the urbanites.

When an urban structure comes into being, the constitutional provisions regarding financing these urban local bodies in the State, Finance Commission and the National Finance Commission will be provided into service in addition to domestic resources mobilization by the Municipalities themselves.

To set-up urban local self-government implies imposing trust in the urbanites, who will then take charge of their own quality of urban life. Self-Government is as much an investment in democracy as in authentic people centric local development. Articulation of local peoples full-throated demand is a necessary pre-condition of fashioning new institutions. Political institutions are embedded in politics; the shape of urban local self-government, alonglines of the 74th Constitutional Amendment Act, 1992 will, in the ultimate analysis, depend on the nature of the political process in this region in future.

The book, thus, attempts utmost importance to these lines of the thoughts and hopes that these will be acted upon by the State governments at the earliest.

The volume is useful to all those who are keenly interested in the dynamics of governance public systems more particularly owing to the emerging challenges emanating from the internal as well as the external environment. The essays included in this volume are empirical, analytical and instrumental in perspective, hence contain a substantial heuristic utility in promoting further research in the key areas of urban local self-governance.

I, am thankful to all the scholar contributors who responded with such sincerity to my request for this volume on the urban local self-governance in the north-eastern states.

Shri K.M. Mittal of Mittal Publications, New Delhi has been kind enough to bring out this volume with great care in a shortest possible time. I thank him too.

R.N. PRASAD

ACKNOWLEDGEMENT

This felicitation edited volume of original essays on the rationale, philosophy, thrust areas, strategy, significance and performance of *Urban Local Self-Government in India—With Reference to North-Eastern States* published in honour of Prof. Arvind K. Sharma is a tribute to a distinguished scholar of Public Administration and able and humane practitioner/administrator. Thus the combination of public administrationist and practitioner has made Prof. Sharma a unique personality. His sincere and profound interest in the enrichment/development of the discipline of Public Administration in both the north-east region and the country as whole has helped him to evolve/develop as a committed and sound teacher and researcher, who gets respect from the fraternity of Public Administration through out the country. He, being a most decent human personality, has in his distinguished academic career concerned with the issues of people's empowerment, democratic decentralized/participative civic governance and people centric local development in the north-eastern states in particular and the country in general. His thought process gives more importance to the people's welfare by getting them involved in decision-making and implementing processes through a sort of politico-administrative structure.

Prof. Sharma is committed and devoted to the cause of learning, teaching and research of Public Administration, purpose, self confidence and building up of academic institutions with his broad vision, practical wisdom and hard works. He is a bearer of institutional dynamics. Besides, he possesses a sense of friendliness, integrity, persuasiveness, expressiveness, perseverance, pleasantness, cheerfulness, geniality, enthusiasm, endurance, responsibility and intellectual capacity. He has the capacity to know the strength and the weaknesses of the people

one works with and how to obtain their maximum usefulness to an organization.

It is through his untiring and ceaseless efforts that out of nothing, Department of Public Administration, Indian Institute of Public Administration, Mizoram Regional Branch and Mizoram University are now on a firm footing. Prof. Sharma is thus, ever remembered by his being a founder Professor of the Department of Public Administration, a founder, Hony. Secretary, IIPA, Mizoram Regional Branch and a founder Vice-Chancellor, Mizoram University, Aizawl. By his selfless devotion and dedication to the cause of higher education, learning and humble manners, he has carved a niche in the hearts of the people of Mizoram.

This edited volume is a modest tribute to a hard working and loving humane man and fine scholar.

R.N. PRASAD

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CONSTITUTIONALLY MANDATED MUNICIPAL PLANNING

MOHIT BHATTACHARYA

Municipal Government is looked at as government at the door step of the people. Apart from 'accessibility', the 'democracy' aspect has always been emphasised in support of municipal government. There has been yet another strong point in favour of municipal government. It may be least cost and local needs-satisfying and support-based organisation. These three aspects: accessibility, democracy and efficiency are important resources of local government that need to be sustained and expanded.

Against this background, the two (73rd and 74th Constitutional Amendment) Acts of 1992 mark a watershed in the evolution of local government in India, and their impact on local infrastructural planning needs to be carefully considered. For the first time the Panchayati Raj institutions in rural India and the Municipalities and Municipal Corporations in urban India have been accorded constitutional status in these two Amendments. They have been raised to the status of 'governments' at the local level like the Union Government at the national level and the State Government at the state level.

The other significant development is the bestowal of Constitutional status to 'planning' at three levels:

- (a) the panchayat and municipal level;
- (b) the district level; and
- (c) the metropolitan level.

The National Planning Commission, it may be recalled, was established on executive fiat. It has no Constitutional status. But, local and regional (district) level planning has now been accorded

constitutional status, which underscores the signal importance of 'decentralised' planning and at the same time, calls for methodological innovations to draw up multi-level plans.

Municipal Development Planning : A Constitutional Compulsion

The intent of the CAA is to induce the state legislatures to make such laws as would lead to devolution of power and responsibility to the Municipalities in respect of preparation of plans for economic development and social justice (Art. 243 W(a) (1). While this is what the Constitution desires the state legislatures to do, a more specific and obligatory provision in this regard is contained in Art. 243.ZD (1) which reads as under:

“There shall be constituted in every State at the district level District Planning Committee to consolidate the plans prepared by the Panchayats and the Municipalities in the district and to prepare a draft development plan for the district as a whole”.

By implication, each municipality shall be required to prepare its development plan, which will get integrated in the Draft District Development Plan.

The obvious interpretation of the aforesaid provisions taken together is that, the 'constitutional' municipal plan is not purported to be a mere 'town plan', but something far beyond that. Connotations of the terms 'development plan' and 'social justice' have special significance, requiring clear comprehension and perceptual clarity about the nature and content of the constitutional municipal development plan. Imperatively, a municipal development plan, at the first instance, will address a micro-economic development agenda taking into consideration the distribution aspects (social justice); this will be followed by an infrastructure development plan for supporting and sustaining economic development including social sector development. Undoubtedly, both will be constrained by externalities, which is but natural in micro level planning. Such externalities are to be taken as given parameters. Land use planning and control, building regulations and like things are parts of regulatory regime that are to be worked out after the development plan is drafted.

It is a hard reality that the task involved in preparing the municipal development plan as the Constitution wishes, cannot be performed by the Municipalities all by themselves. The reason lies not in municipal institutional debility, but lack of organisational capacity. Reality being what it is they will not grow into such level

of expertise in foreseeable future as is required for the kind of micro level planning as the Constitution envisages. For, given their fiscal constraints the Municipalities will remain incapacitated from bearing the financial cost of internalising the required planning expertise. For the same reason, availing of services of private consultants by individual Municipalities may not be a workable proposition, even the State may not be able to afford to meet such expenditures either.

A cost effective and workable alternative could be preparation of model development plans for a municipality in each size class—small, medium and large— by a multidisciplinary expert group. Such model plans will be used as guidelines by other Municipalities of respective size classes. What is being suggested is an exploratory study in the preparation of micro-level planning in close association with the urban governments at the local level. Here, the institutes of local government (NIUA, Regional Institutes at Lucknow, Hyderabad, Bombay and Kolkata) has a major role to play. They can act as the nodal agencies for the preparation of municipal plans on experimental basis. Once the methodologies and techniques are worked out after through debates and discussions, and the planning blueprints are accepted for model towns, the practice can be sharpened and disseminated for use by towns and cities all over India. This is not, however, being suggested that there are standard blueprints for 'planning' for different kinds of urban situations in a vast country like India. Obviously, there will be many local variations in micro level planning. What can be done on pilot basis as a rudimentary exercise is translating the constitutional directive into a workable and implementable format.

Municipal Legacy

It has to be acknowledged that our municipal bodies have not been 'development' oriented. Their attitude has been to "muddle through", in the context of perpetual financial shortage for which their own 'mismanagement' is greatly responsible. Also, politicisation has been such that 'management' has taken a backseat: nor have the Municipalities been able to attract qualified personnel (planners, financial managers etc.) due mainly to fund crunch and partly due to the attitude of day-to-day survival. The overall culture to municipal administration has been to govern politically; and there has been a tendency to relegate 'technical' knowledge to the background.

It is against this background that a planned strategy has to be adopted to turn the municipal institutions into viable administrative and financial organisations. Planning for infrastructural development

has to start after their survival exercise. Poverty amelioration and distributive justice are basically non-local functions. Municipal involvement in this area will be possible only when the higher level governments (Centre and State) make specific allocations for the purpose. Urban area-level anti-poverty programmes, specially in large cities and towns, require a good deal of expert handling. Survey of poverty population on the basis of certain indices, identification of specific vocational groups (e.g. cobblers, tailors etc.) their input supply analysis and training, networking with banks and other credit institutions—all these need specialised knowledge and careful handling of the target groups. The experience of some of the towns in the successful management of Urban Basic Services Programme may be helpful in organising new anti-poverty management programmes. In other words, Municipalities have to develop new organisational formats and management skills, if poverty-amelioration programmes have to be successfully run for any length of time. The newly formulated "Swarna Jayanti Sahari Rozgar Yojana", which seeks to integrate the earlier schemes such as NRY and UBSP has, thus, to be carefully planned and implemented at the urban area level. And, of course, the Municipalities have to be rehabilitated first at viable institutions, capable of making both ends meet by mobilising adequate resources and by the introduction of a system of regular grants-in-aid for "committed purposes". Plan funds need to be integrated with the national plan funding exercise along with State Plan proposals, of which "urban development" should constitute an essential component.

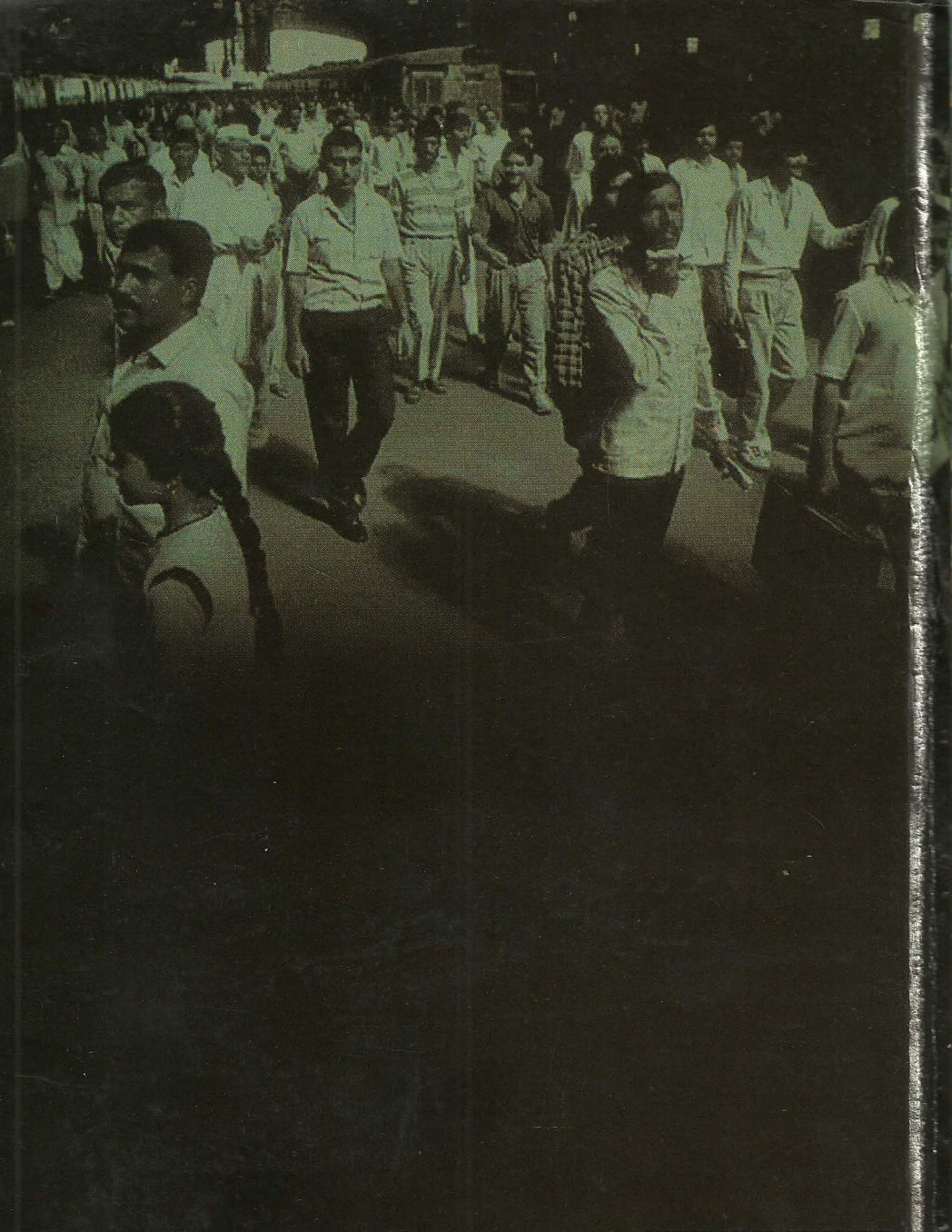
Special Purpose Bodies

As earlier stated, major urban infrastructural development programmes have been conventionally entrusted to special purpose authorities such as development authorities, improvement trusts etc. These authorities are usually nominated bodies functioning under the control of the state governments. So far, in most of our large cities and towns, the practice has been that the major capital investment works are planned and executed by the urban development authorities: and the assets so created are either maintained by these authorities or handed over to the Municipalities for regular maintenance. The planned investment proposals are formulated and executed without any consultation with the Municipalities. Nor are these proposals in any way related to the financial capacities of Municipalities who are later asked to take over the assets maintenance responsibility.

This sort of institutional disjunction has created problems both in terms of assets development and local municipal institutional growth and development. As Rakesh Mohan, one of our noted urban development experts, has observed. "Since the trend over the last two or three decades has been a steady erosion of the functions, powers, and prestige of local government, the prognosis for their regeneration has not been optimistic until the recent constitutional amendment for devolution of powers to local bodies....Local authorities need not be seen as unnecessary stumbling blocks in programme formulation and execution. Urban development authorities could be subsidiaries of the local authorities rather than of the state governments but with appropriate checks and balances such that the local authority can indeed be held responsible for the funds placed at its disposal and for execution of programmes planned. The local authority, e.g. a municipal corporation, should then be integrated into the national and state capital budget process. Urban development planning exercises would then be subject to the discipline of national, state and local resource constraints automatically".

Most state governments have enacted enabling laws to translate the constitutional mandate into a reality. It is expected that micro-planning at the level of individual municipality will be drawn up in such a way that infrastructure development will be considered both in local and supra-local terms (where a project spills over local jurisdiction). Also, horizontal coordination between a municipality and a neighbouring local body or a para-statal agency, or even a government department will be taken care of in course of the planning exercise.

The 73rd and 74th Constitutional Amendments have usually been looked at as magna carta of local government—the constitutional recognition of local self-government being considered a landmark in local government history. No doubt this is true; but more importantly, now is the time to think of institutional capacity-building at the municipal level. Otherwise, autonomy alone is not enough to carry the municipal bodies forward. Managerial efficiency which has traditionally been absent in our municipal institutions must be geared up to prove that they are capable to behaving autonomously.



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Tel.: 23250398, 25351493, 25351976

Telefax : 91-11-25351521

E-Mail : Mittalp@ndf.vsnl.net.in, Website : www.mittalbooks.com

ISBN 81-8324-130-1



9 788183 124130 4