

The missing tiers

Twenty-five years ago, the Constitution underwent what is arguably its most significant transformation with the passage of the 73rd (mandating the creation of panchayats) and the 74th (creation of municipalities) Constitutional Amendments. While the 73rd Amendment came into force on April 24, 1993, the 74th Amendment came into effect on June 1, 1993. As the Central Government's Smart Cities mission completes three years this month, it's the right time to examine India's tryst with municipal governance.

Much has been written about the failure of States to implement the provisions of the 74th Amendment. However, it is important to examine concerns in the underlying constitutional design of urban local governments and the politics impeding this Amendment's operation. The "implementation failure" narrative tends to focus on how local governments are financially constrained and do not have the administrative capacity to carry out its functions. It is also important to explore how urban local governments are actively disempowered and depoliticised as an institution.

The disempowerment and depoliticisation has happened in multiple ways. First, elected representatives at the city-level are rendered powerless by making them subservient to the State government. In most municipal corporations, while the mayor is the ceremonial head, the executive powers of the corporation are vested with the State government-appointed commissioner. This disjuncture in municipal governance has been exploited by State governments to ensure that no city-level politician challenges their control over a city.

Municipal corporations are further denied their political role by the continued operation of various parastatal agencies created by the State government. These may take the form of urban development authorities (which build infrastructure) and public corporations (which provide services such as water, electricity and transportation). These agencies, which function with a certain autonomy, are accountable only to the State government, not the local government. Even urban planning and land-use regulation (globally a quintessential local government function) is with State government-controlled development authorities.

While parastatal agencies and unelected commissioners are pre-74th Amendment legacies that have not been undone, what is also worrying is the further depoliticisation of local government in recent years. Central government programmes such as the Smart Cities Mission seek to ring fence projects from local government. This programme mandates the creation of special purpose vehicles (SPVs) for Smart Cities which will have "operational independence and autonomy in decision making and mission implementation". It further "encourages" a State government to delegate "the decision-making powers available to the ULB (urban local body) under the municipal act/government rules to the Chief Executive Officer of the SPV".

The creation of parallel institutions that disempower the elected local government shows how higher levels of government distrust local politics and craftily retain control of a city's reins. Even for performing functions that are within its purview (such as levying local taxes or undertaking civic projects above a certain budget) the local government requires State government permissions. Hence, municipalities are not yet autonomous units that can be genuinely called as the "third tier" of government in India's federal system. Even after the 73rd and 74th Amendments, India has effectively only two levels of government — Union and State.

While the 74th Amendment has become a lodestar for civic activism in many cities, it has certain

inherent limitations. Many of its key provisions are not mandatory for the State government. The functions listed under the 12th Schedule — which a State government is expected to devolve to the local government — do not include essential civic issues such as urban transportation, housing or urban commons. The 74th Amendment also contains an industrial township exception whereby a municipality need not be constituted in areas which are declared as industrial townships. These provisions have been employed by State governments to keep local governments weak.

Civic activism has often been focussed on the creation of two bodies mandated by the 74th Amendment — ward committees and metropolitan planning committees. However, an over-reliance on such semi-representative bodies does not augur well for creating a genuinely democratic city government. In fact, civil society's fixation with nominating its members into ward committees can further depoliticise local governments and make them captive to the interests of certain elite resident welfare associations. Instead of distrusting them, we must acknowledge that local governments are inherently political spaces where multiple interests compete.

As cities struggle to meet the basic needs of their inhabitants, we must re-examine the existing modes of organising power in urban India. Unlike the 73rd Amendment which provides for three levels of panchayats (village, taluk, and district levels), power in urban areas is concentrated in a single municipal body (whether it is a municipal corporation, municipal council or town panchayat). However, as Indian cities have grown exponentially over the last 25 years, with some crossing the 10 million population mark, we must rethink the present model of urban governance that vests power in a singular municipality. While urban governance reforms can take multiple shapes, they must be foregrounded in the political empowerment of local government that furthers local democratic accountability.

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