Metropolitan Governance in India

Legal-Institutional Challenges and Prospects

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Background

Metropolitan governance in India is fraught with intricate institutional relationships, which become particularly significant in situations of expanding urban areas and populations. A wider definition of 'governance' here involves looking not just at the manner in which governments function and exercise authority but also the relationships and interface between the state, institutions and various actors being governed.   Twenty-three years after the 74th Amendment to the Indian Constitution (that sought to empower urban local bodies), 'the management of urban affairs, in India, as elsewhere, is characterised by a multiplicity of actors, levels of action and interactions'.[2] This paper lays out some key institutional and legal challenges that typically characterise governance in metropolitan areas, and also illustrates possible approaches, drawing from some comparative experiences of institutional structures across a handful of prominent metropolitan landscapes around the world. The principal challenge, in every jurisdiction, remains one of finding an appropriate balance in the broad governance framework, which is effective and coordinated across scale—neighbourhood to metropolitan. This framework needs to take into account political economy considerations to ensure effective democratic decision-making that is well-coordinated and citizen-centric, with sensitivity to the needs of vulnerable and marginal populations. This paper infers that the discourse has to shift from government towards governance in a manner that looks at relationships between institutions and between various stakeholders, and is premised on a wider understanding of governmentality and politics. Metropolitan governance needs to be understood in light of such imperatives.

What is a 'Metropolitan Area'? Some Demographic Trends and Definitional Issues

'Metropolitan areas' are legally defined under Article 243P(c) of the Constitution of India as areas 'having a population of a million or more, comprised in one or more districts and consisting of two or more municipalities or panchayats or other contiguous areas, specified by the Governor by public notification to be a metropolitan area.'

The understanding of 'metropolitan area' and the nature of its real-time demographic growth would however be incomplete without an accompanying understanding of the term 'urban agglomeration' (UA) as defined by the Census of India. An 'urban agglomeration' as per the Census 2011 is 'a continuous urban spread constituting a town and its adjoining outgrowths (OG) or two or more physically contiguous towns together with or without outgrowths of such

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[2] Stephanie Tawa Lama-Rewal and Joel Ruet. 2009. *Governing India's Metropolises*. Chapter 1. p. 5. Routledge.

towns'. Contiguity is the basic condition of a UA and it features in the legal definition of metropolitan areas as well.

Demographic Trends

The Census 2011 data indicates concentration of population around larger UAs, with states such as Uttar Pradesh and Maharashtra taking the lead. Of the 53 'million-plus' areas (i.e., metropolitan areas, as legally defined) that have over 40 per cent of India's urban population, a majority belong to the category of UA, while six have been categorised as cities.[3] UAs predictably contain a combination of census towns, outgrowths, cantonment boards and so on within their territories.[4] In 1951, there were only five cities with a population greater than one million in comparison to the 53 million-plus UAs/cities currently in India. In terms of state-wise distribution, Uttar Pradesh and Kerala have the highest numbers (seven UAs), followed by Maharashtra (five UAs and one city). Uttar Pradesh incidentally also leads in terms of the number of cities having a population of more than 0.1 million (63), followed by West Bengal (61).[5]

The UAs of Delhi, Kolkata and Mumbai fall within the category of 'megacities' with populations more than 10 million each. Here again, as with the legal definition of 'metropolitan areas', population forms the primary basis for a UA's status as a megacity.[6] Megacities and larger metropolitan areas are significantly bigger in terms of their size, population and budgets, in comparison to other metropolitan areas.[7] 'Migration into these large metropolises was significant in the earlier decades with Greater Mumbai UA drawing about 2.49 million migrants, Delhi UA about 2.11 million migrants, Chennai UA about 0.43 million migrants, to name the largest three urban destinations in the country. This trend in migration contributed significantly to the rapid increase in population in these regions'.[8] However, it is seen that areas with population between 5–10 million, like Surat, Ahmedabad, Hyderabad, etc. are estimated to have grown at a faster rate than the larger metropolitan areas over the period

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[3] Ludhiana, Faridabad, Jaipur, Kota, Vasai-Virar City and Greater Vishakhapatnam Municipal Corporation. The Census of Indian defines 'UA' but does not explicitly define the term 'city'.

[4] Census of India 2011. Constituents of Urban Agglomerations Having Population of One Lakh & Above. http://censusindia.gov.in/2011-prov-results/paper2/data_files/India2 /Table_4_PR_UAs_1Lakh_and_Above_Appendix.pdf

[5] These also include the cities which are part of UAs that qualify as million-plus areas.

[6] While it is generally acknowledged that megacities consist of metropolitan areas having a population of 10 million or more, a number of other formal definitions set the population limits ranging from 5 to 20 million. For instance, UN-Habitat sets this limit at 20 million. UN-HABITAT. 2010. State of the World's Cities 2010/2011 – Cities for All: Bridging the Urban Divide. Press Kit.

[7] 'Greater Mumbai Municipal Corporation budget is larger than that of nine state government budgets while Municipal Corporation of Delhi's is larger than four state government budgets in India.' Rakesh Mohan. 2006. *'Managing Metros', Seminar #557* India 2005---A Symposium on the Year that Was, http://www.india-seminar.com/2006/557/557%20rakesh%20mohan.htm

[8] Census of India 2011. Migration. http://censusindia.gov.in/Ad_Campaign/drop_in_articles/08-Migration.pdf

2001–2011.[9] Of the 53 million-plus 'metropolitan areas'/UAs, 45 have population ranging from 1–5 million, five have population ranging between 5–10 million and three megacities have population greater than 10 million.[10]

Definitional Issues

Metropolitan areas are characterised by complexities of governance especially in terms of institutional structures as well as the inter-relationships and interactions created by the overlaps, contradictions and definitional ambiguities.

A concern with regard to metropolitan governance stems from the definitional ambiguity in classifying precisely what a metropolitan area is. There are varying interpretations of metropolitan areas that have evolved and are in use. Early conceptualisations focused on discussions of the metropolis identifying these as the '*mother city'[11]* or urban centres, or as a 'city which agglomerates major functions of coordination of complex activities and which fulfil these functions at a world scale' and consist of 'agglomeration, coordination, complexity'.[12]

The lack of clarity is reflected in the different approaches adopted by various countries in their interpretation and identification of metropolis or metropolitan areas. For instance, USA (similar to India) primarily uses demographic criteria as the basis for its definition. In contrast, European metropolitan areas use a variety of factors, not just demographic but also socio-economic in nature.

In India, where population forms the basic category for classification, definitional/classificatory ambiguities persist. The absence of a single common population yardstick used in the classification of metropolitan areas creates difficulty of interpretation. On the one hand, the use of a standard population size of one million as the basis for classification is common. As mentioned earlier, under Article 243P(c) of the Constitution of India, a metropolitan area refers to one which has a population of one million or more, comprised in one or more districts and consisting of two or more municipalities or panchayats or other contiguous areas, specified by the Governor by public notification.[13] While the Census of India also sets the same population level, it does not explicitly use the term 'metropolitan

[9] MoUD. 2013. Management of Urban Peripheral Areas. http://moud.gov.in/sites/upload_files/moud/files/04_Singh%20N_JS-Urban%20Peripheries-SP-26Augt13.pdf

[10] Indian Institute for Human Settlements analysis derived from the Census of India 2011.

[11] K. Momrak. 2010. *The Myth of the Metropolis: Colonisation, Cosmopolitanism and its Consequences. Electronic Antiquity.* Vol. 11. No. 1. pp. 169–190.

[12] L. Lepage and J. M. Huriot. 2005. *The Metropolis in Retrospect: From the Trading Metropolis to the Global Metropolis. Louvain Economic Review*. Vol. 71. No. 3.

[13] There are currently nine such metropolitan areas which are spread over more than one district.

area'. Instead, it provides for 'million-plus' urban agglomerations/cities.[14] Various NSS rounds have also adopted a similar approach by grouping cities with populations exceeding one million within a separate stratum. At the same time, while metropolitan areas are defined (in the Constitution), 'metropolitan regions' remain undefined and various state governments use their discretion to define and classify them. A metropolitan area/UA could form a part of the metropolitan region, and sometimes the two might overlap. The metropolitan region would in all likelihood have its own institutional arrangements.

Still further, other forms of classification are used by private sector groups, such as the McKinsey Global Institute Report.[15] As per the McKinsey Global Institute estimates, Tier I cities have a population greater than four million, Tier II cities have a population of one to four million and Tiers III and IV have populations of less than one million. The National Commission on Urbanisation (1988) classified metropolitan areas as those with a population of more than 0.1 million. It divided cities into six classes—C1 cities with a population of 0.1 to 0.5 million all the way to C6 cities with a population of 10 million or more.[16] In such classification, metropolitan areas would therefore fall within the categories C3–C6. Recently, the Urban and Regional Development Plans, Formulation and Implementation Guidelines, 2014 issued by the Ministry of Urban Development (MoUD) have adopted another set of criteria for classification and redefined areas, based on the Census 2011 Master Plan formulation in numbers and emerging agglomerations. Accordingly, 'Metropolitan City I' is an area which has a population ranging from one million to five million, 'Metropolitan City II' has a population of five million to 10 million, while a megalopolis has a population greater than 10 million.[17]

Significance of Metropolitan Areas

While definitions play their part, an exploration of metropolitan governance structures needs to take into account varied social, political, economic and cultural factors. These factors also impact the manner in which metropolitan areas emerge and expand.[18] Being hubs of economic

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[14] Census of India 2011. Constituents of Urban Agglomerations Having Population of One Lakh & Above.

[15] India Urbanisation Econometric Model. 2010. McKinsey Global Institute Analysis.

[16] D. Mahadevia and S. Sarkar. 2012. *Oxford Handbook of Urban Inequalities*. Oxford University Press. p. 16.

[17] MoUD. 2014. Urban and Regional Development Plans, Formulation and Implementation (URDPFI) Guidelines. Vol. 1.

[18] 'For instance, apart from the population, one approach in understanding the expansion and growth of Buenos Aires as a metropolitan area has been highlighted to include strong social and spatial inequalities, which have tended to consolidate and increase; processes of accumulation of political power and representation which are spatially fragmented; a fragmented supply of public services marked by a market orientation which excludes some of the population; a process of production of the built environment which obeys market principles, with a predominance of private planning and intervention; and a form of urban management and production of the urban environment that is guided by the search for growth rather than improvements in quality of life.' P. Pirez. 2002. *Buenos Aires: Fragmentation and Privatization of the Metropolitan City*. *Environment &Urbanization*. Vol. 14 No. 1. pp. 145–58.

and political activity, the pressures on land, real estate and service provisioning are significantly greater in megacities and larger metropolitan areas, leading to rapidly escalating prices and costs of living. As a result, these cities also have glaring inequality and socio-economic disparities. In addition, decentralisation may prove to be harder to implement within larger metropolitan areas because of the size of their population, and the complicated nature of institutional arrangements.

Metropolitan areas are estimated to produce about 32 per cent of the country's Gross Domestic Product (GDP), with 13.3 per cent of the total country's population and just 0.2 per cent of the land.[19] As per an IIHS study, the million-plus cities constitute around 267 million of the population. By 2031, it has been projected that six cities will have a population greater than 10 million, three cities with a population greater than 5 million, while a little more than 70 cities will have a population greater than one million[20]. The top 10 cities are estimated to produce about 15 per cent of the GDP, with 8 per cent of the population and just 0.1 per cent of the land area.[21]

The following table indicates the economic significance as well as potential of the 10 significant metropolitan areas in terms of contribution to GDP:

Table 1.1: Projections of City-wise Contribution to GDP

| Country	City	Population (Thousands)		Total GDP($ billion)		Per Capita GDP ($ thousand)	
India		2010	2025	2010	2025	2010	2025
	Mumbai	18,206	22,476	56	193	8	16
	Delhi	16,260	21,426	48	211	7	19
	Kolkata	14,019	18,033	28	113	5	12
	Chennai	8,454	12,074	17	77	5	12
	Bangalore	8,167	11,256	29	129	9	22
	Hyderabad	7,520	10,973	16	74	5	13
	Ahmedabad	6,140	9,084	12	67	5	14
	Pune	4,903	6,916	19	94	9	26
	Surat	4,366	7,498	14	84	8	21
	Jaipur	2,988	4,262	6	25	5	11

[19] Indian Institute for Human Settlements. 2012. *Urban Dynamics.* Indian Urban Conference. Third Edition.
[20] Ibid.
[21] Ibid.

Source: McKinsey Global Institute. 2011. *Urban World: Mapping the Economic Power of Cities*. *Cityscope* Vol. 2.

Figure 1: Land, Population and Output of the 53 Metropolitan Areas in India
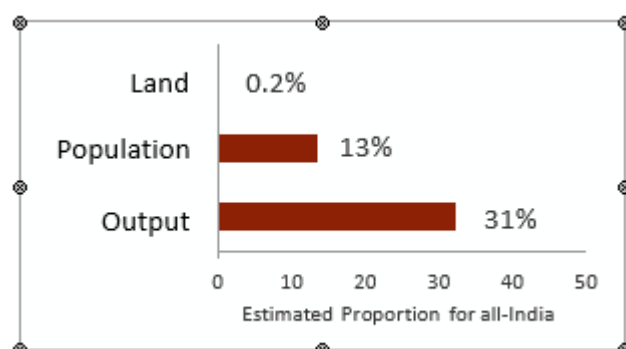
Source: IIHS Urban Dynamics. 2012.[22]

Apart from being political nerve-centres, metropolitan areas are also significant cultural melting pots. The larger metropolitan areas are likely to be characterised by more diversity, including linguistic diversity (even as India's states have been organised along linguistic lines). For example, Sivaramakrishnan notes that 'in Mumbai, Bangalore, and Hyderabad, though Marathi, Kannada, and Telugu are the mother tongues of a large proportion, they are not dominant. The proportion with three other mother tongues such as Hindi, Urdu, and Gujarati in Mumbai, or Tamil, Telugu, and Urdu in Bangalore is about the same. Literacy rates also exceed 70% in all the five regions.[23]

With increasing globalisation, questions of identity and multiple modernities are fought politically on metropolitan streets and inside metropolitan homes. At the same time, social inequality, spatial differentiation and inequality, and institutional disconnect at metropolitan scale continue to be difficult political, legal and institutional questions.

Challenges of Legal 'Carve-outs' in New Trends of Urbanisation

Partly arising from definitional ambiguities, a significant challenge within metropolitan areas relates to different boundary/area arrangements that exist within or around these areas, and the various institutional arrangements that could potentially exist within the same metropolitan area, with different jurisdictional claims.

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[22] Ibid.

[23] K. C. Sivaramakrishnan. 2013. *Revisiting the 74th Constitutional Amendment for Better Metropolitan Governance*. *Economic and Political Weekly*. 30 March. Vol. 86. No. 13.

Using the Census and Constitutional classification, any urban agglomeration which has a population greater than one million is classified as a metropolitan area. The combination of different Census-based area classifications such as census towns, cantonment boards, integrated townships, outgrowths, etc., that often exist within or around the boundaries of metropolitan UAs creates complexity, especially in the case of UAs with population exceeding one million. For instance, census towns could also encompass panchayats in addition to statutory urban authorities within a metropolitan UA area. Varanasi metropolitan UA, for example, in addition to having census towns (among other classifications within its area), also contains the Maruadih Railway Settlement which is identified as an industrial township.

Industrial Townships

Under Article 243Q of the Constitution, 'industrial townships' are carved out as an exception to municipal governance and do not fall within the jurisdiction of urban local bodies. Accordingly, the Governor is empowered to declare an industrial township based on two criteria, i.e., the size of the area, and whether industrial establishments within propose to or already provide municipal services. These areas do not require a municipal setup and instead have other types of authority constituted for the purpose of administration.[24] The Jamshedpur Utilities and Services Company (JUSCO), a Tata undertaking, has largely managed governance in Jamshedpur.[25] Similarly, the Electronics City Industries Association provides a variety of municipal services within its area located in Bangalore.

New initiatives such as the Delhi Mumbai Industrial Corridor (DMIC) become significant in this regard. The DMIC would be classified as an 'Urban Corridor', i.e., 'cities of various sizes linked through transportation and economic axes, often running between major cities. Urban corridors spark business and change the nature and function of individual towns and cities, promoting regional economic growth but also often reinforcing urban primacy and unbalanced regional development.'[26] The approach adopted towards establishing institutional governance arrangements and their subsequent linkages remains unclear, apart from the overarching authority created to administer DMIC. It is likely that municipal governance

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[24] For example, as per the Karnataka Municipalities (Third Amendment) Act, 2002, members of the authority may include owners of industrial establishments, representatives from the Ministry of Commerce and Industry, Urban Development Department, etc.

[25] 'The town recently voted against setting up an elected municipal corporation to run the city.' P. M. Apte. 2013. *Urban Planning and Development: An Indian Perspective*.
https://books.google.co.in/books?id=4Z_4g5Dd8RkC&pg=PA4&lpg=PA4&dq=urban+planning+and+development+an+indian+perspective+apte&source=bl&ots=Jz08VvUaBM&sig=sYd-Byt31yfuFKd492lxPsBPJF0&hl=en&sa=X&ved=0CCcQ6AEwAWoVChMI34_Cx9ayxwIVFo6OCh0K-QHv#v=onepage&q=urban%20planning%20and%20development%20an%20indian%20perspective%20apte&f=false

[26] http://www.unicef.org/sowc2012/pdfs/SOsWC-2012-DEFINITIONS.pdf (accessed April 2014)

would be absent or superseded by the authority. Similarly, for example, the new National Manufacturing and Investment Zones (NMIZ) and their governance structures require a critical look, from the point of view of the exceptions created under the definition of 'industrial townships'.

From a governance standpoint, decentralisation (based on a system of elected representatives) as a principle becomes difficult to implement in such a setup. In addition, so far as planning within such areas goes, such carve-outs also ensure that no Metropolitan Planning Committees (MPC) will be required to be established within these areas, thereby exempting regulation of planning permission and functions within these areas. These arrangements, if taken to scale, have the ability to significantly alter the nature of not just urban (as well as peri-urban and hitherto rural) governance, but also have federal/inter-state implications. Federal questions, including the relative ability of respective state governments to govern land under its jurisdiction as well as their ability to coordinate on critical governance questions across states, become relevant in such new forms of urban and inter-state corridor development.

In like manner, the governance of Special Economic Zones (SEZs) too requires attention. As per the SEZ policy, these are to be situated outside municipal limits and have their internal governance structures (primarily comprising private actors involved in the SEZ) as set up by the State Government.[27] Given their large size, the potential for establishing local governance with elected representatives within SEZs requires consideration. In addition, SEZs are 'largely concentrated around existing urban agglomerates'.[28] The jurisdictional interaction and functioning of governing structures between SEZs and surrounding metropolitan areas as well as other rural/peri-urban areas remains unclear.[29]

Even within existing urbanisation, various institutional arrangements in states such as Himachal Pradesh like the Special Area Development Authority (SADA) and New Townships (established under the New Township Policy for Himachal Pradesh) differ from standard municipal bodies. The New Townships for instance may be developed by private developers for specifically residential and tourism purposes. However, the HP policy also highlights the need for private developers to fulfil the role of ULBs within these areas (till some municipal structures are established).[30] The legality of such an arrangement could be contested, based

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[27] Department of Commerce. SEZ Division. 2009. Guidelines for Development of SEZ's. F. No. D-1/19/2009-SEZ.
[28] Draft Discussion Paper on Potential Reform of the SEZ Policy and Operating Framework, Department of Commerce, 2011.
[29] See India SEZ Politics Project administered by the Centre de Sciences Humaines (CSH, Delhi), conducted in association with the Centre for Policy Research (Delhi) and Hunter College (New York). http://www.indiasezpolitics.org/aboutus.php
[30] Department of Town and Country Planning. Government of Himachal Pradesh. Policy on Development of New Townships in Himachal Pradesh. http://admis.hp.nic.in/himachal/tcp/content.htm (accessed 16 December 2014)

on the spirit of the 74th Amendment of the Indian Constitution (which however exempts industrial townships from being administered by standard municipal structures). The thrust in terms of various state government initiatives on the promotion of industrial and commercial development also raises questions as to the administrative institutions that will be responsible for the management of areas where such development is undertaken. The link between the Urban Local Bodies (ULBs), District Planning Committees (DPCs), MPC and internal management authorities (if any) and coordination in terms of their roles requires greater clarity.

As indicated earlier, while metropolitan areas are located within larger metropolitan regions, there is no clear definition/classification for what constitutes a 'metropolitan region'. Respective state governments specify and expand such regions at their discretion from time to time. This often gives rise to a number of ambiguities in terms of the functional and jurisdictional organisation within metropolitan areas and metropolitan regions. For example, the Bangalore Metropolitan Region (BMR) consists of the Bangalore Metropolitan Area (BDA jurisdiction) as well as five Area Planning Zones (APZ) and six Interstitial Zones.[31] The areas of functioning of multiple planning authorities within the Bangalore Metropolitan Region and Area remain unclear and are likely to overlap with others. While the jurisdiction of the BDA extends to the following areas—Bangalore North, South, East, and parts of Anekal, Hoskote, Devanhalli and Nelamangala[32]—some of these areas, i.e., Anekal, Nelamangala, Magadi and Hoskote, also appear to have their own Planning Authorities.[33]

It is necessary to explore some of the historical reasons for such overlaps, since there is a running theme of multiple institutions with multiple (and sometimes, overlapping, and competing) jurisdictions.

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[31] Under APZs urban development is permitted subject to certain regulations while in the IZs urban activities are restricted with more emphasis on environmental issues.

[32] Bangalore Development Authority. http://www.bdabangalore.org/townplanning.html

[33] Bangalore Metropolitan Region Development Authority. http://www.bmrda.kar.nic.in/pro.htm

The Structural-legal Imperative: Key Institutional-legal Challenges

Constitutional and Historical Emergence of Municipal Governance

Some of the earliest municipal corporations were established in colonial times (Madras, formed in 1687; Calcutta and Bombay Municipal Corporations formed in 1726). The municipal structures that followed across the country inherited various aspects from this colonial legacy. After independence in 1947, there have been two phases in terms of the enactment of legislation in relation to urban local bodies. The first spans the period 1950–1970s, where structures were established. Odisha (1950), Delhi (1957), Madhya Pradesh (1956) and Uttar Pradesh (1959) were early movers, followed by Karnataka, Andhra Pradesh, etc., during 1960s–70s. The second phase took place after the 74th Amendment in 1992, when many states sought to revise or add additional legislation in the form of a municipal/municipal corporation Act as they deemed necessary. States such as West Bengal updated their respective municipal legislation (enacted in the pre-independence period) at this stage.

Even prior to the enactment of the 74th Amendment, there were various committees established and government initiatives undertaken in order to promote local self-government. The Centre Council of Local Self-Government, for example, sought to promote reforms that were perceived to be required at the time in relation to the various aspects of municipal government and administration.[34] The Rural-Urban Relationship Committee devoted itself to both functional and financial aspects in relation to rural-urban ties. The Central Government appointed the National Commission on Urbanisation in 1985, which submitted its report in 1988. This was the first commission in the country to study a wide-ranging set of issues relevant to urban management. Apart from these efforts made by the Central Government, the states themselves deliberated on how 'to improve the municipal organisations and administration' within their boundaries.[35] The Five-Year Plans also pointed to various issues in relation to municipal bodies, their finances and decentralisation.

74th Constitutional Amendment

The 74th Amendment is widely regarded as a landmark in terms of the spirit of devolution in urban areas enshrined in its provisions. However, on substantial matters, the actual implementation of the 74th Amendment has been slow. Recent estimates indicate that only eight states/UTs have successfully implemented the mandated reforms in relation to the

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[34] Ministry of Statistics and Programme Implementation. Local Bodies.
http://mospi.nic.in/Mospi_New/upload/SYB2013/CH-42-LOCAL%20BODIES/local%20bodies.pdf
[35] Ibid.

Amendment. There has also been a failure to ensure the substantive transfer of 12th Schedule functions as per the 74th Amendment to confer greater powers to local bodies with 19 states yet to fulfil this objective.[36]

An aspect that requires consideration is the process by which municipalities are constituted. Under Article 243Q, the Governor is empowered with the discretion to identify areas as 'transitional areas', 'small urban areas' and 'larger urban areas' based on which the respective municipal bodies are to be constituted. However, there is no clear procedure or criterion that has been laid down in this regard. In other words, the establishment of a municipal body is based primarily on the Governor's (i.e., in effect state government's) discretion depending on the population, density of population, revenue generated, percentage of employment in non-agricultural activities, and economic importance or any other factors as s/he may deem fit. This point assumes relevance for peri-urban areas. There have been instances of municipal authorities creating bigger municipal bodies to account for widening jurisdictions.

Emergence of Development Authorities

While different municipal authorities across states were set up during the two stages as discussed earlier, in 1971, at a conference of Ministers for Housing and Urban Development, it was decided that a 'common authority should be set up for the development of Metropolitan Cities'.[37] The period spanning the 1970s and 1980s is also marked by a rise in a number of development authorities under various state legislations, such as the Haryana Urban Development Authority Act, 1977, the Karnataka Urban Development Authorities Act, 1987, and so on. This accompanied the supersession of municipalities in certain areas. The development authorities are not democratically elected bodies, but are instead headed by senior bureaucrats in respective states. The tussle between the municipally elected administration and the development authority creates interesting questions on political and administrative accountability. While state governments are responsible for issuing notifications in terms of the establishment of these development authorities and delineation of their boundaries, the criteria and basis for which this takes place have not been clearly laid out in each case. Development authorities also extend their jurisdiction (or create bigger bodies) based on expanding areas under metropolitan 'regions', which remains undefined and subject to state government discretion.

On a parallel scale, states also set up their respective town and country planning legislation, with their own authorities, which remain very significant especially on questions of change of land use, and whose planning powers require coordination with the development authorities.

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[36] Ministry of Urban Development. 2014.
[37] BDA vs Aircraft Employees Cooperative Society and Others. 2012. 4 SCR 881.

In addition, there is differentiation as a result of the formation of various parastatals assigned to control and provision different services/utilities within the municipal framework. The rationale for creation and functioning of such bodies is similar to those that created development authorities. It has been argued that 'the implementation of urban plans in Indian cities is hampered by the fact that water and sewerage systems, power and telecommunication services, roads and public transport, housing and slums, are controlled by other parastatal bodies or line departments of central and state governments'.[38] The recent emphasis has been to establish Special Purpose Vehicles as a further means to ensure more efficient service delivery, including use of private utilities for such provisioning.

Creation of MPCs within the Existing Framework

The 74th Amendment contains an important provision in relation to the establishment of Metropolitan Planning Committees (MPCs) within metropolitan areas. This was based on a policy articulation where 'the development of metropolitan areas in the country could not be relegated as a mere municipal concern or the responsibility of the state government.[39] Most state MPC legislations tend to replicate the text of Article 243ZE of the Constitution. However, most of the states have failed to revamp other associated legislation (including, significantly, their earlier Town and Country Planning Acts) to reflect this important change. The critical issue is not just how and if MPCs are constituted but what powers they have, and what relations they are bestowed with, vis-a-vis the other existing authorities in the state. The relative inability of state governments to constitute MPCs indicates a divergence from the spirit of the 74th Amendment.

Various approaches have been adopted in the establishment of MPCs within different states. Three of these approaches are briefly described below:

a. **Specific MPC Legislation**: Maharashtra, West Bengal and Tamil Nadu have enacted specific MPC Acts. These legislations have mandated that the allied provisions in their respective Town Planning, Municipal Authority and Development Authority Acts be suitably amended for MPCs to be set up and function accordingly.

   o For example, the Maharashtra Metropolitan Planning Committees (Constitution and Functions) Act in its Schedule, makes provisions for amendments to be made in Section 4 of the Maharashtra Regional and Town

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[38] S. N. Suri. 2007. *Making Indian Cities Livable: The Challenges of India's Urban Transformation*. ISOCARP Review. p. 23.

[39] K. C. Sivaramakrishnan. 2015. *Governance of Megacities: Fractured Thinking, Fragmented Setup*. Oxford University Press. p. 50.

Planning Act, 1966, as well as Section 2 of the MMRDA Act, 1974. Under such amendments, the provisions relating to the regional planning board would not apply to the metropolitan area. Further, the MMRDA Act was to be amended so that the regional plan shall also mean development plan under MPC Act Maharashtra. The MMRDA is also to 'assist' the MPC in the preparation of development plans. This indicates that development plans in metropolitan area of Maharashtra would be made by MPC. It is unclear if the relevant amendments have indeed taken place.

o It seems that West Bengal, unlike Maharashtra, has not indicated specific amendments to be made in other existing legislation.

o In Tamil Nadu, as per the MPC Act, the MPC 'shall perform such functions relating to planning and co-ordination for the metropolitan area' as the Government may by notification assign. Further, under the MPC Act, it is stated that respective clauses under the Chennai City Municipal Corporation on definition of metropolitan area and constitution of metropolitan planning committee are to be omitted.

b. **MPC under Rules and not a separate Legislation**: Bihar and Haryana have established Metropolitan Planning Committees by declaring rules under existing Acts without enacting any separate MPC related legislation.

o For example, the Bihar Metropolitan Planning Committee Rules, 2008 have been made under Section 291 of the Bihar Municipal Act, 2007. These Rules have adopted various elements from the UDPFI Model Law for MPC in metropolitan area such as composition of MPC, metropolitan area development plan, perspective plan (including specific elements within such plan), development plan etc. 'Generalised land use in metropolitan region', 'development of special areas if any, such as new towns, industrial townships etc. are part of the MPC's powers and functions.

o For example, the Haryana Metropolitan Planning Committee Rules 2011 were declared under Section 417(2) of the Haryana Municipal Corporation Act, 1994. Haryana, unlike Bihar, does not specify various details for MPC, while it does mention that the MPC shall prepare the draft development plan.

c. **MPC through amendment of the Municipal Act:** Karnataka has diverged slightly from the above approach by directly introducing an amendment in the

Karnataka Municipal Corporations (KMC) Act, 1976 without prescribing any corresponding rules or allied legislative changes/enactments (as described above). Section 503B of the KMC Act, 1976 states that the MPC shall be constituted to prepare a draft development plan for Bangalore Metropolitan Area. In preparing the draft development plan, the MPC shall have regard to *inter alia:* plans of local authorities in the metropolitan area, matters of common interest, overall objectives and priorities of the Government of India and the State Government, extent and nature of investments likely to be made, and also consult such institutions and organisations to be specified. The case of Bengaluru is elaborated in a following section.

Progress on Establishment of MPCs

One of the mandatory reforms under the JNNURM requires that Metropolitan Planning Committees be set up in accordance with the 74th Amendment in order to carry out planning related functions within metropolitan areas. The process of establishment of MPCs serves as an illustration to highlight the shortfalls/overlaps which occur in the functional domain of urban bodies. While being one of the reforms under JNNURM, as many as 12 states are yet to constitute MPCs.[40]

The following table indicates the stages at which different states are in terms of the actual establishment of MPCs.

Table 1.4:   Status of MPC's in various States

S.No.	Name of State	Metropolitan City	Status of MPC
1.	West Bengal	Kolkata	Constituted
2.	Maharashtra	Mumbai	Constituted
3.	Maharashtra	Nagpur	Constituted
4.	Maharashtra	Pune	Constituted
5.	Andhra Pradesh	Hyderabad	At initial stage of constitution.
6.	Karnataka	Bengaluru	At initial stage of constitution.
7.	Madhya Pradesh	Bhopal	Necessary legislation is yet to be passed
8	Uttar Pradesh	Kanpur	State Government is considering to issue a notification under Section 57 A of UP Municipal Corporations Act, 1959 for constitution of MPC
9.	Gujarat	Ahmedabad	To be constituted
10.	Rajasthan	Jaipur	To be constituted
11.	Haryana	Faridabad	Constituted

Source: IIPA

Source: Ministry of Urban Development. 2014. URDPFI Guidelines.

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[40] Ministry of Urban Development. 2014.

MPC: The Case of Bengaluru

The Bangalore Metropolitan Planning Committee Rules, 2013 were drafted under Section 503 A and B of the Karnataka Municipal Corporations Act, 1976 with their final notification on 4 January 2014. Accordingly, the institutional structure, powers and procedural aspects in relation the functioning of the MPC are laid out. The powers conferred under the Rules are a combination of powers and functions listed in the Constitution of India and those provided for in the UDPFI Guidelines, 1997.

Despite the notification of the aforementioned Rules as well as a notification from the UDD, Karnataka dated 8 January 2014 regarding the constitution of the MPC, no concrete steps were taken in terms of the de facto establishment of the MPC in Bangalore. The Karnataka High Court by its order dated 20 June 2014 directed that elections be held in order to constitute the MPC for Bangalore and 'until such time, the State is restrained from making any changes either in the form of permissions or change of land use or regularisation of unauthorised constructions or land use and of the line, in the Bangalore metropolitan area'. [41]

MPC as Subordinate to Development Authorities

In order to work around the overlaps and subsequent ambiguities that are likely to arise upon the establishment of MPCs, one opinion is that Metropolitan Development Authorities assume a subordinate role and function within the MPC as the Technical Secretariat in order to facilitate preparation of Development Plans. This is very difficult to implement politically, given the clout of the development authorities, especially on matters relating to planning and regulating land.

It is not surprising that a different approach is seen in Hyderabad. The Hyderabad Metropolitan Development Authority (HMDA) was established in 2008 with considerably expanded powers in comparison to other development authorities. Accordingly, the HMDA is responsible for carrying out all planning and development functions within the metropolitan region. Here, the MPC (though not constituted yet) is expected to play only a consultative role in terms of planning while the discretion to accept the MPC's recommendations vests largely with the HMDA.

The role played by District Planning Committees (DPC) also requires consideration, especially with increasing urbanisation along the rural-urban interfaces. DPCs are required to be set up with the function of consolidating plans as developed by the panchayats and municipalities as a whole. However, the delineation of functions on the ground between the DPC and MPC remains unclear. To illustrate this point, Bangalore urban district consists of 112 gram

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[41] High Court of Karnataka. Case Number WP 21436/2005.

panchayats (Government of India, 2008)[42] and nine municipal corporations as well as SEZs.[43] The manner in which each of the governing authorities will coordinate with the DPC remains to be explored. In addition, the establishment of DPCs has been predictably slow. So far only 10 states have introduced provisions for the establishment of DPCs while the number of committees that have actually been established remains unclear.[44]

Possible Overlaps/Contradictions with other Authorities Once Constituted

Various development authorities within the metropolitan area are generally responsible for planning functions. For example, under the Karnataka Town and Country Planning Act, the Bangalore Development Authority (BDA) has been identified as the Local Planning Authority for the City of Bengaluru.[45] The Draft Bangalore Metropolitan Planning Committee Rules, 2013 also specify the jurisdiction of the MPC as Bangalore Metropolitan Area, which is currently under the jurisdiction of the BDA. Similarly, the status of the BMRDA once the MPC is constituted remains unclear.[46] While the KMC legislation had earlier mandated the dissolution of the BMRDA on the formation of an MPC, a recent amendment to the Karnataka Municipal Corporation Act, 1976 has ensured that the BMRDA will not be dissolved.[47] However, this amendment contains no reference to the specific roles that each Authority will be mandated to play (KMC Amendment Act, 2013).[48] With the establishment of the Metropolitan Planning Committee, the status of the two bodies in terms of their jurisdictions may overlap as the BDA also identifies itself as the Planning Authority for Bangalore Metropolitan Area.[49] The draft Bangalore Metropolitan Region Governance Bill, 2010 sought to establish an MPC which consists of a representative member from the BMRDA in a possible move to harmonise the functions of two authorities. However, the Bill did not pass political and legislative muster.

The principle of 'subsidiarity' has not been fully implemented in the case of urban decentralisation due to a number of reasons. First, power has not been completely divested to the local bodies by the respective state governments. Most powers are often vested in executive

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[42] Ministry of Water Resources. 2008. Groundwater Information Booklet. Bangalore Urban District. Karnataka.
[43] Complete list: http://pppinindia.com/pdf/karnataka/District%20Profiles/Bangalore%20Urban.pdf
[44] URDPFI Guidelines. 2014.
[45] Karnataka Town and Country Planning Act, 1961. Section 81-B.
[46] To overcome this, the Dr Kasturirangan Committee has recommended that the BMRDA be subsumed into the MPC as its permanent secretariat. Dr Kasturirangan Report. 2008. Governance in the Bangalore Metropolitan Region and the Bruhat Bangalore Mahanagara Palike.
[47] This is similar to the Bangalore Metropolitan Region Governance (BMRG) Bill, 2010 which mandates the coexistence of the two bodies but mandates that the Commissioner of the BMRDA be included within the MPC.
[48] Karnataka Municipal Corporation Act, 1976 amendment passed in 2013.
[49] Bangalore Development Authority. 2013. http://www.bdabangalore.org/townplanning.html (accessed June 2014)

functionaries leading to compromised devolution. The state government often exercises influence in terms of the functioning of local bodies. The dynamics of power differentials between various actors in metropolitan areas tend to inhibit progress in terms of the devolution of powers and actions. For instance, the Municipal Commissioners (MCGM, BBMP, etc.) who function as executing authorities are appointed by the State government rather than elected by the urban local population. The circumstances surrounding the setting up of the Greater Hyderabad Municipal Corporation (GHMC), and the need for consultation with elected councillors before the notification/order to set up the GHMC was announced, is a case in point.[50] Gaps in public discussion with elected officials seemed to fuel hostility towards the relevant Government Order.[51]

The shortage of revenue generation possibilities coupled with the limited functional roles assigned to local bodies (with the exception of cases such as Mumbai) creates difficulties in the execution of decentralized functioning. Even in cases where there is scope for such implementation, the State Government often assumes control. The relative failure to implement fiscal devolution has resulted in local bodies being reliant predominantly on State funding.[52] In 2001-02, aggregate revenues of urban local bodies amounted to only 0.76 per cent of the GDP with about one third of this amount coming from transfers.[53] There exists a vertical imbalance i.e. mismatch between division of the expenditure liabilities and revenue raising powers of the Union and the States, and the States and Local Bodies.[54] There exist spaces of contestation even within UAs in relation to the access of funds. Within the Kolkata Metropolitan Area for example, the Municipal Corporation tends to obtain a larger share of the finances in comparison to smaller municipalities and panchayats.[55] This has serious implications in terms of the balanced development of the metropolitan area as a whole. Lately, the question of uneven financial allocations and disparities have also surfaced in the face of

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[50]R. Jha and J Chandirmani. 2012. *Perspectives in Urban Development: Issues in Infrastructure, Planning and Governance.* Conclusion. Capital Publishing Company.

[51] L. Kennedy. 2007. *Regional industrial policies driving peri-urban dynamics in Hyderabad, India, Cities.* Vol. 24. No. 2. pp. 95–109.

[52] 'The Committee is of the view that municipal entities need to be strengthened as local governments with "own" sources of revenue, predictable formula-based transfers from state governments as part of revenue-sharing arrangements, and other transfers from the Government of India and state governments to help them discharge the larger responsibilities assigned to them by the Constitution.' High Powered Expert Committee (HPEC). 2011. Report on Urban Infrastructure and Services. p. 25.

[53] P. K. Mohanty et al. 2007. Municipal Finance in India: An Assessment, Development Research Group Study. No. 26.

[54] Ibid.

[55] N. Sridharan, I. S. A. Baud, J. de Wit. 2008. *New Forms of Urban Governance in India: Shifts, Models, Networks and Contestations,* New Forms of Contestation and Cooperation in Indian Urban Governance, Chapter 11. Sage Publications.

trifurcation of larger municipal corporations into smaller bodies (examples include Delhi, as well as current discussions to trifurcate BBMP in Bengaluru into three corporations).

i. *Differences within the Mayoral System*

There is an absence in 'consistency about term, powers and method of election of mayors. In some states, mayors are elected directly whereas in most states there are elected indirectly'.[56]

a. *Different Types and their Emergence/Presence in Different Metropolitan Areas*

There are differences in the manner in which urban local bodies are structured in different states with reference to the status and powers of the mayor.[57] There are two general models in terms of the administrative structures within urban areas in India.[58] The first model is currently adopted in Kolkata and consists of the Mayor in Council System. The second, adopted in most other Indian cities consists of a system of civic administration headed by a Commissioner.[59] Municipal Corporations are generally divided into the administrative wing (headed by the Commissioner) and elected/determinative wing (headed by the mayor).[60]

b. *Roles/Powers of the Commissioner vs Mayor Within the System*

Unlike Kolkata, most Indian states confer a greater degree of power to the Commissioner. While the Mayor exists as an official within this framework, the Mayor's power is considerably restricted. In addition, the manner in which the Mayor is appointed differs for different states. In states such as Madhya Pradesh, Rajasthan, Tamil Nadu and Himachal Pradesh, the Mayor

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[56] MoUD. 2010. *Strategic Plan of Ministry of Urban Development for 2011–2016.* p. 8.
[57] 'A possible explanation in relation to this fragmentation relates to the manner in which colonial rule was set up in the country. 'Owing to the emergence of pressure from the city-based Indian middle classes, urban governance was among the first legislative spaces in which 'native Indians' were allowed to participate by Viceroy Ripon in 1882. But this participation remained symbolic... Instead, the executive wing headed by a civil servant who reported to the regional and central governments retained true control.' However, this does not specifically address the differences in the Kolkata system. P. Priyadarshi. 2012. *How Does India Govern its Cities,* India at LSE.
[58] R. Nallathiga. 2008. *Metropolitan Urban Governance Approaches and Models: Some Implications for Indian Cities,* Third international conference on Public Policy and Management on Urban Governance and Public-Private Partnerships at Indian Institute of Management–Bangalore. Also see, C. Nagaraja Rao and G. Sai Prasad. *Constitution of Urban Local Government.* Accountability of Urban Local Governments in India. Atlantic. Chapter 9. pp. 133–139.
[59] Ghosh et al. 2009. *A Comparative View of Urban Governance in Delhi, Hyderabad, Kolkata and Mumbai.* Chapter 2. Joel Ruet and Stephanie Tawa Lama-Rewal. 2009. *Governing India's Metropolises.* Routledge. And K. C. Sivaramakrishnan and A. Maiti. 2009. *Metropolitan Governance in India: An Overview of Selected Cities*, Centre for Policy Research. *Governance of Megacities: Fractured Thinking, Fragmented Setup.* Oxford University Press.
[60] Based on City Development Plans of Pune, Ahmedabad and Mumbai under the JNNURM.

is elected directly in contrast to the being elected by and from among the elected councillors of the Municipal Corporation.

c. *Differences in Politics at the State and Local Levels*

In terms of electoral politics, parliamentary constituencies comprise various assembly constituencies. These assembly constituencies are further subdivided based on various territorial divisions such as outgrowths, rural/village areas, municipal areas etc., each being governed by separate authorities/institutions. At each level, representatives from different parties and different affiliations are elected or appointed. For instance, in Mumbai, 'When there are different parties in power at the state and the local level, it would be in the interest of the state-level party to have a bureaucrat at the MCGM who is loyal (which is ensured 'politically' by leveraging his career ambitions) to them'.[61] For example, there have been instances where the MCGM has been primarily under the leadership of the BJP and Shiv Sena while the Congress has been the helm at the state.[62]

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[61] In addition, it has been noted that, 'A dominant cause of conflict between the MCGM and MMRDA has been the rivalry that exists among the political parties at the local and the state government level.' A. Pethe, S. Gandhi and V. Tandel. 2011. *Assessing the Mumbai Metropolitan Region: A Governance Perspective*, Department of Economics, University of Mumbai. http://mpra.ub.uni-muenchen.de/39354/1/MPRA_paper_39354.pdf

[62] M. Pinto. 2008. *Urban Governance in India*. In I. S. A. Baud and J. de Wit. *New Forms of Urban Governance in India: Shifts, Models, Networks and Contestations.* Sage Publications.

Some Key Illustrative Impacts of Differentiated Institutional Functioning

Land Governance

Land ownership usually forms the basis on which rights within the metropolitan area are determined. It also tends to determine the extent of access to services for different sections of the population. Given the large amount of the population without access to land, a guarantee of basic rights (especially with reference to informal arrangements) and services is lacking. Where 'settlements are seen as transitory or impermanent, officials have no incentive to provide services', whether these are situated in the centre of the metropolitan area or on the periphery.[63] While schemes like the Basic Services to the Urban Poor (BSUP) have been initiated with the objective of promoting integrated development through projects for providing shelter, basic services and other related civic amenities, progress has been slow. The institutional arrangements governing land and service delivery in metropolitan areas are fraught with complexities in terms of their mandates and the politics surrounding them. For example, the multiplicity of legislation such as the Town and Country Planning Acts, the various legislation on land acquisition, land use, and control, as well as other legal instruments such as the Development Control Regulations create a complicated and sometimes contradictory legal landscape within urban and peri-urban areas.[64]

Different aspects in relation to the governance of land are distributed across the three Lists under the Seventh Schedule of the Indian Constitution. The institutions and functions performed by functionaries in charge of land, its recording and the processes governing transactions are not always clearly defined. For instance, while property tax falls within the domain of urban local bodies, the maintenance of property records in urban areas remains ambiguous. Similarly, conversion of land and changes in land use especially at the periphery are other contested and unaddressed issues. The failure to link land conversion processes with planning, and the procedural delays, multiplicity of laws and institutions have exacerbated the complexity of the situation.[65] The specific roles of the Revenue Department vis-à-vis the Town Planning Authorities need to be clearly delineated.

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[63] F. Marshall, L. Waldman, H. MacGregor, L. Mehta and P. Randhawa. 2009. *On the Edge of Sustainability: Perspectives on Peri-urban Dynamics*. Working Paper. STEPS Centre. http://www.ids.ac.uk/files/dmfile/PeriurbanSTEPSWorkingPaper.pdf

[64] A. Ravindra. 1996. *Urban Land Policy: Study of Metropolitan City*. Concept Publishing. p. 180. For instance, refer to the Arkavathy Layout case in Karnataka. This deals with the jurisdictional powers of the BDA in terms of its control, acquisition and development of land within the Bangalore Metropolitan Area.

[65] JNNURM. 2011. Simplification of Legal and Procedural Framework for Conversion of Agricultural Land to Non Agricultural Purposes. JNNURM Primer. Optional Reform under JNNURM.

Since there is no clear definition of what constitutes the peri-urban, the inclusion of 'transitional areas' within the urban assumes relevance, along with implications in terms of governance structures and land use. These are 'under fast transformation resulting into haphazard growth of "slums", unauthorized colonies, piecemeal commercial development, intermixes of conforming and non-conforming uses of land coupled with inadequate infrastructures, services and facilities'.[66]

Various forms of negotiation and cooperation exist alongside the relationships of conflict and contestation within land and property rights in metropolitan areas. The manner in which different groups of the spectrum assert their interests within the prevalent economic and political climate requires attention.

It is suggested that 'metro cities have consistently better access to urban facilities as compared to non-metros' though quality is questionable.[67] However, this does not imply the guarantee of complete services even within metropolitan areas. Functional overlaps, limited autonomy, lack of incentives, weak links to citizens, lack of financial resources and insufficient funding have all been cited as roadblocks to efficient service delivery.[68] Fragmentation in terms of infrastructure and socioeconomic arrangements leads to 'great inequality in the distribution and finance of public services, problems coordinating services and an inability to address regional problems'.[69]

Recent reports suggest that India spends $17 per capita per year in urban infrastructure, whereas most benchmarks suggest a requirement $100. The investment required for building urban infrastructure in India over the next 20 years is estimated at approximately US$ 1 trillion.[70] The current scheme provides for a system of property taxation and user charges in order to generate revenue. In addition to these, various other revenue instruments are available to local bodies in the form of building license fees, other land-based levies such as betterment levy/valorisation/impact fee/exaction, stamp duty, advertisement fee, octroi, hawker/vendor fee, public-private partnership, tolls, taxes on entertainment, etc. However, local governments have been unable to mobilise these to effectively generate substantial

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[66] Department of Land Resources (DOLR). 2013. Draft National Land Utilisation Policy.

[67] D. Mahadevia and S. Sarkar. 2012. *Oxford Handbook of Urban Inequalities*. Oxford University Press. p. 139.

[68] Currently property tax regimes and dependence on transfers from the State level are the primary sources. M. Govinda Rao. *Financing Urban Services: User Charges and Local Taxation*; In order to tackle the problem of financing service delivery, various innovative approaches that have been contemplated such as municipal bonds, PPP arrangements etc. C. Vaidya. 2009. *Urban Issues, Reforms and the Way Forward in India*. Ministry of Finance;
India Infrastructure Report. 2006. Infrastructure Development Finance Company.

[69] J. Davies and D. Imbroscio. 2009. *Theory of Urban Politics,* 2nd Edition. Sage Publications. p. 107.

[70] Planning Commission. 2012.

revenue.[71] The adoption of such revenue instruments is not uniform, with different states imposing these in varied forms.[72] In comparison to other states, Punjab, Haryana and Rajasthan have curtailed their revenue base by abolishing property taxes on residential properties.[73] Additionally, while all such instruments could possibly be at the disposal of local bodies for revenue generation, not all of them are actually utilised. For example, only a few states like Kerala and Andhra Pradesh collect entertainment tax.

With reference to land, for instance, certain authorities perform multiple roles which often leads to conflicted or fragmented decision making. For instance, the BDA acts as a land developer as well as a regulator of land use.[74] In many cases, various urban bodies themselves tend to hold and control large amounts within metropolitan areas. Often, these lands are not put to optimum use. For instance, the Government of Mumbai, Government of India Bombay Port Trust, BEST, MCGM and Railways Authorities (Central and Western) are the major landholders in Mumbai.[75] However, the extent to which lands held by these authorities have been put to effective use has been called into question.[76]

The networks of cooperation and contestation within metropolitan areas require consideration. The growing 'builder-politician nexus', which prevails in many metropolitan areas, tends to influence the manner in which land is distributed and controlled.[77] The involvement of the private sector, either directly or through public private partnership arrangements, in leveraging interests for the creation of 'world class' or 'global cities' by means real estate and infrastructure development expansion is also significant.[78] To illustrate, the vision of Mumbai First sought to 'turn Mumbai into a world class city, one of the best places

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[71] For factors that hamper progress in the effective collection of various revenue instruments. MoUD. *Strategic Plan of Ministry of Urban Development for 2011-2016*. p. 21.

[72] Mohanty et al. 2007. *Municipal Finance in India: An Assessment*. Development Research Group Study. No. 26. Table 11. For a detailed description of revenue instruments used by specific states.

[73] G. R. Rao. 2011. *Financing Urban Services: User Charges and Local Taxation*. India Urban Conference.

[74] Dr Kasturirangan Report on Governance in the Bangalore Metropolitan Region and the Bruhat Bangalore Mahanagara Palike. 2008.

[75] The Brihanmumbai Electric Supply & Transport Undertaking (BEST).

[76] For a detailed account of the nature and extent of land use by urban local authorities in Mumbai. G. S. Pantbalekundri. 2010. *Restructuring and Revitalizing Land use in Mumbai*. *Revisioning Mumbai: Conceiving a Manifesto for Sustainable Development*. The Asiatic Society. pp. 110–116.

[77] To highlight this, Chandrashekar Prabhu, the President of MHADA 2005, Chairman, Advisory Committee, Department of Housing, GoM, was quoted as stating that 'At every opportunity, more land is created in Mumbai city… to be allotted to the builders and more money made (for the builders and for the minister).' D. Mahadevia and H. Narayanan. *Shanghaing Mumbai: Politics of Evictions and Resistance in Slum Settlements*. Inside the Transforming Urban Asia: Processes, Policies, and Public Actions. Concept Publishing.

[78] With reference to infrastructure expansion, the case of Shanghai may assume relevance. 'In Shanghai, the mayor, well known for cutting through red tape, led the opening up and development of Pudong, Shanghai's hinterland, between 1987 and 1991… As a result, Shanghai grew at 8–10 per cent per annum in the 1990s and Pudong at 16–18 per cent.' Asian Development Bank. 2008. *Managing Asian Cities: Sustainable and Inclusive Urban Solutions*.

in which to do business'.[79] This was modelled on the London First initiative, which sought to bring about the reconstruction of the city of London. In addition, the rise of Resident Welfare Associations and movements for city beautification etc., within the context of large informal settlements are reflective of the increasing influence of the middle class on governance in metropolitan areas. On the other hand, the degree of informality in terms of property rights and lack of access to land within these areas has often created informal governance arrangements.[80] Such informality has also created reciprocal relationships between informal settlements and local politicians where informal settlements rely on local politicians for mobilisation and access to resources and politicians in turn depend on these groups as significant voting constituencies.[81]

Service Delivery: Water and Sanitation

Water and sanitation are state subjects under the Indian Constitution. However, the Centre is also often a significant actor. While Government of India has been largest funder of the Urban Water Supply and Sanitation (UWSS) sector, it does not play a direct role in planning and implementation of projects. However, it exerts influence through a range of indirect means. Through the Central Public Health and Environmental Engineering Organisation (CPHEEO), the technical wing of the Government of India, it establishes norms and technical standards for design and construction of infrastructure. The Detailed Project Reports for various projects are approved on the basis of norms laid down in CPHEEO. In addition to these, CPHEEO also works with the Bureau of Indian Standards (BIS) in creating various standards and specifications related to public health and environmental engineering.

Under the 74th Amendment, urban local bodies were placed in charge of Water Supply and Sanitation (WSS). Here again, the situation is marked by overlaps and multiplicity at various levels. For instance, in some metropolitan cities, the planning and implementation is sometimes done by statutory/parastatals at the city level, for example, Delhi Jal Board, Bangalore Water Supply and Sewerage Board, and, in other cases, by ULBs.

Various stakeholder arrangements exist within the space of WSS service delivery. Such relationships range from government-private sector interactions to private sector-community

[79] Mumbai First Brochure, 2009.
[80] India's Urban Development Minister, Ajay Maken, has described this as '*prima facie* illegal'. *The Battle for Golibar: Urban splintering in Mumbai*. India at LSE. http://www.opendemocracy.net/opensecurity/matt-birkinshaw/
battle-for-golibar-urban-splintering-in-mumbai
[81] John Harris. 2007. Antinomies of Empowerment: Observations on Civil Society, Politics and Urban Governance in India. *Economic and Political Weekly.* 30 June 2007. pp. 716–724.

based interactions or those between local governments and CBOs/NGOs.[82] Within these, however, the state and urban local bodies have assumed the primary role in the case of water supply and management, especially with reference to funding.[83] The general trend is that the responsibility for carrying out capital works in most cities rests with a state-level agency and the operation and maintenance function in relation to water services is with the local government.[84] Besides this, the areas of functioning of parastatals is not clearly defined. For instance, the BWSSB jurisdiction lies primarily within the BBMP boundary. The agencies/sources involved in water provisioning for areas extending beyond this boundary, i.e. to the larger BDA and BMRDA areas, therefore remain unknown.[85] With reference to waste management, the fundamental lack of coordination between urban local bodies and neighbouring panchayats, coupled with fragmented land use and acquisition, has often created a waste management crisis in various metropolitan areas. Recent cases in Kerala and Bangalore are indicative of this.[86]

In Kerala, for instance, the dispute between the Thiruvananthapuram Municipal Corporation, which purchased land in Vilappil panchayat in order to set up a waste treatment plant, and the local panchayat regarding the failure to maintain such plant and its subsequent degradation into an open dumping ground led to widespread protests and litigation. The lack of coordination and tussle between the two bodies caused contamination of water sources, health hazards, pollution, etc. The difference between political parties in power at the state and panchayat levels (Congress-led UDF) and the party at the municipal corporation (CPI-M LDF) could also have been a factor in lack of adequate coordination.

Access to services is also highly skewed within each metropolitan area, with informal settlements adversely affected. It has been observed that 'in Delhi's National Capital Territory, the affluent areas of Jorbagh and Chanakyapuri receive more than 500 litres per capita per day and slum dwellers comprising 40 per cent of Delhi receive only 30 litres per capita per day against the norm of 350 per capita per day'.[87] Even toilet blocks from Municipal Corporation

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[82] I. S. A. Baud and R. Dhanalakshmi. 2008. Governance in Urban Environmental Management. *New Forms of Urban Governance in India: Shifts, Models, Networks and Contestations.* Sage Publications.

[83] World Bank. 2011. Trends in Private Sector Participation in the Indian Water Sector: A Critical Review, Water and Sanitation Programme.

[84] MoUD. 2005. Status of Water Supply, Sanitation and Solid Waste Management in Urban Areas, Central Public Health and Environmental Engineering Organisation (CPHEEO).

[85] Centre for Study of Science Technology and Policy (CSTEP). 2011.

[86] *Stench in my Backyard. Down to Earth.* September 2012. Mavallipura waste dumping: http://www.thehindu.com/news/cities/bangalore/ put-your-money-where-your-mouth-is-mavallipura-residents-tell-bbmp/article4102773.ece

[87] Marshall, F., Waldman, L., MacGregor, H., Mehta, L. and Randhawa, P. (2009) On the Edge of Sustainability: Perspectives on Peri-urban Dynamics, STEPS Working Paper 35, Brighton: STEPS Centre, based on analysis in Hazards Centre (2004) Yeh Delli Kiski Hai? New Delhi: Hazards Centre

of Delhi, Sulabh International and other NGOs may not be used because they are too expensive'.[88] A possible explanation has been that 'In India, only half of nearly 50,000 slums are notified or recognised by the government. Until recently, local municipal bodies were not mandated to provide non-notified slums with any services'.[89]

In order to address such deficiencies in service delivery, the MoUD sought to introduce a system of service-level benchmarking initiated through the JNNURM and UIDSSMT. However, its success has been extremely limited.[90] It has been noted that the 'absence of a carefully drawn City Development Plan along with its attendant financial plan' has resulted in the failure to achieve its mandate.[91]

Comparative Illustrations of Governance Structures in Prominent Metropolitan Areas across the World

Given the complexity of institutional arrangements in metropolitan areas of India, comparative perspectives help, even as the extent to which patterns of governance prevalent in other metropolitan areas of the world may be 'applied' in India remains unclear, and is a question that needs further assessment. Some illustrative insights are as below:

i. **Mayoral system:** With reference to the administrative setup, there seem to be four systems identified in the context of local government: strong mayor systems, committee leader, collective system and council-manager.[92] One of the current debates revolves around the merits of shifting to a system headed by a strong directly elected mayor (example, New York). However, such instances depend largely on the political ability and relative autonomy provided to capable elected mayors to make changes within the democratic metropolitan setup without

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[88] F. Marshall, L. Waldman, H. MacGregor, L. Mehta and P. Randhawa. 2009. *On the Edge of Sustainability: Perspectives on Peri-urban Dynamics*. STEPS Working Paper 35. Brighton. STEPS Centre.
[89] Dasra. Forbes Marshall. 2012. *Squatting Rights: Access to Toilets in Urban India Report*.
[90] Some examples of the level of implementation: Karnataka: http://karbenchmarking.gov.in/sites/ karbenchmarking.gov.in/files/pdf/RANKING_2009-10.pdf. Surat: In the year 2011, had only 86 per cent of its area was connected with civic water supply network, 87 per cent with drainage connectivity. It had a sewage treatment capacity of 93 per cent and solid waste collection at 97 per cent. See: http://www.dnaindia.com/india/1515422/ report-surat-municipal-corporation-sets-benchmark-for-providing-basic-amenities, Pune Water Supply: http://www.punecorporation.org/pmcwebn/informpdf/PMC_SLB_WATER_PPT%201.pdf
[91] Arun Maira Committee. 2012. *Report of the Committee on JNNURM-II: Clean bastis, safe communities and peoples cities.*
[92] Mouritzen and Svara. 2002. In S. Greasley and G. Stoker. 2009. *Urban Political Leadership*. Chapter 8. Theories of Urban Politics. eds. J. Davies. D. Imbroscio. Sage.

external pressures/influence of higher ranking agencies or authorities. An alternative system exists in London where the mayor is directly elected along with an assembly. In this case, the mayor's powers are subject to scrutiny and the assembly has the power to reject strategies and the budget of the mayor.[93] An example which highlights the extent of mayoral power and initiative, especially in terms of building a sustainable city, is Curitiba. Here, the mayor was responsible for creating green spaces, an improved transport system, as well as initiating improved recycling and waste management practices. An insightful approach to ensuring accountability (under the Mayoral system) has been adopted in Johannesburg. The heads (chief executives) of municipal service delivery enterprises sign memorandums of understanding with the mayor to ensure performance.[94] The merits of each of these approaches require further exploration.

    ii.   **Constitutional/Legal Mandate:** The following illustrations indicate how the overall constitutional mandate of a country creates various arrangements within metropolitan areas. In Brazil, for example, according to the Federal Constitution of Brazil, states have the right to create metropolitan governance structures. The Constitution explicitly lists the following urban arrangements: 'metropolitan regions, urban agglomerations and micro regions' which may be by supplementary legislation. There are three levels of government identified: federal, state and municipal. Municipalities once created are not deemed subordinate to states.

The Constitution of Argentina recognises the city of Buenos Aires as an 'Autonomous City of Buenos Aires' which is equivalent to a province. The Metropolitan Area of Buenos Aires (AMBA) consists of the Autonomous City and 24 other municipalities (which fall under a different province of Buenos Aires).

Local bodies in Japan enjoy special autonomy conferred under the Local Autonomy Law (1946) which is based on the provision of local autonomy as provided by Chapter VIII of the Constitution of Japan. It specifies the types and framework of various bodies at the local level.

    iii.   **Devolution:** An interesting experiment in terms of the devolution of land use and development decision-making has been carried out in Shanghai. The area has been identified as a municipality. Theoretically, it has three levels of local government bodies: the municipal government (*shizhengfu*) governed by the Mayor and Office of the Mayor, 16 urban districts (*shiqu*) within the municipality as well as counties,

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[93] Localism Act 2011. http://www.legislation.gov.uk/ukpga/2011/20/section/229
[94] McKinsey Global Institute. 2010.

and street offices (*jiedao banshichu*) within an urban district. Urban districts (rather than municipal governments) were devolved with decision-making powers in relation to land, supposedly leading to greater efficiency in terms of land development and fiscal stability.[95]

Another example of devolution is in relation to elected representatives at the lower levels. In London, for example, while 28 boroughs use a governance system in which the councillors elect a council leader from among their numbers, four boroughs (Lewisham, Newham, Hackney and Tower Hamlets) have a different system, in which a mayor is directly-elected by the voters to lead the council.[96]

The existence of multiple municipal divisions (municipalities, corporation areas, etc.) and authorities within metropolitan areas, such as Sao Paulo, could provide useful insights into the manner in which a more decentralised system of municipal governance may be implemented in larger metropolitan areas in India. At the same time, questions of divisions in relation to boundaries, demographics, finances, service provisioning etc. will still need to be determined based on specific city-level requirements and contexts.

   iv.   **Hierarchy of Local Bodies:** In terms of the hierarchy of urban bodies, a number of arrangements prevail. These could perhaps include attempts towards adopting an elected mayoral system combined with a single (as in the case of Shanghai, Beijing) or two-tiered (London) administrative structures.[97] Metropolitan areas such as Santiago and Manila, on the other hand, operate with a two-tier system. The municipal corporation handles services that are spread over the entire metropolitan area while municipalities within the corporation deal with services specific to their geographical areas.[98] While this two-tier system is prevalent in various metropolitan areas in India, the lack of clearly delineated functions and adequate financial resources has proved to be an impediment.

Box 1: Institutional Structure of Johannesburg

[95] T. Zwang. 2007. *Innovation in Chinese Urban Governance: The Shanghai Experience.* In *Governing Cities in a Global Era*. eds. R. Hambelton and J. Gross. Palgrave. UK. pp. 113–24. http://www.shanghai.gov.cn/shanghai/node27118/ and http://english.gov.cn/links/content_25073.htm#1
[96] http://www.londoncouncils.gov.uk/londonfacts/elections2010/results/mayoralelections.htm (accessed August 2014)
[97] K. C. Sivaramakrishnan. 2009. Megacity Governance. *Business Standard.* 8 March. http://www.business-standard.com/article/opinion/k-c-sivaramakrishnan-megacity-governance-109030800019_1.html
[98] R. Bird and G. Rao. 2012. *Coping with Change: The Need to Restructure Urban Governance and Finance in India.* ICPP Working Paper. January 2012. pp. 12–03.

Johannesburg:[99]

Johannesburg is a metropolitan municipality which is divided into seven administrative regions. The city is governed by a Council which consists of two arms–the Executive and Legislature. The Executive consists of the executive mayor, city manager and mayoral committees. The executive mayor is assisted by a mayoral committee consisting of 10 councillors.

In addition, there are various other committees which are set up to perform various functions and report to the council. There are portfolio committees with an oversight role over various departments and standing committees deal with relevant council matters (e.g. municipal public accounts). These standing committees do have certain delegated decision-making powers but do report ultimately to the council. Finally, there are 15 agencies/municipal owned entities which deal with water, electricity, fire, health and land use management with the metropolitan municipality area. Some of these are:

City Power, Johannesburg Water, Pikitup, Joburg Theatre, Joburg Tourism Company and City Parks.

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[99] Compiled from: http://www.joburg.org.za/

Figure 1: Organizational Structure of Johannesburg Metropolitan Municipality
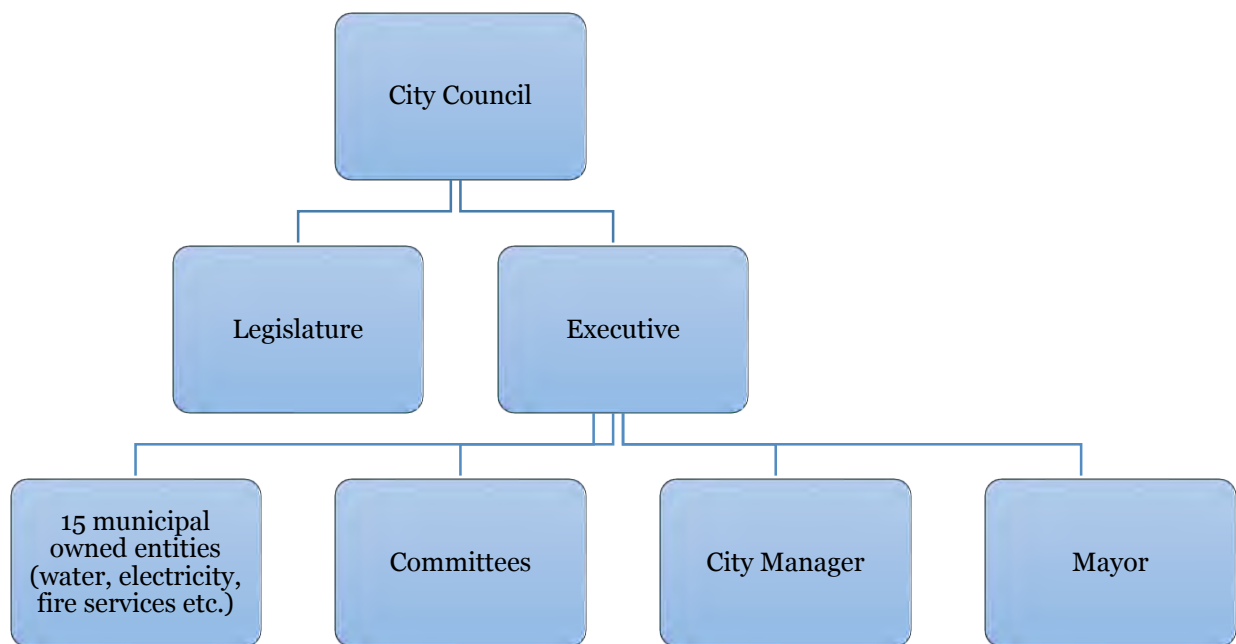
Strengthening Democratic Governance of Metropolitan Areas

Any rethinking of the current institutional arrangement needs to keep in mind the characteristics of 'good governance' as identified by UNESCAP: participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and subject to the rule of law.[100] A city specific combination of options will have to be adopted depending on conditions that would best suit each city in order to ensure greater equity and sustainability.

With the emergence of new metropolitan cities, a holistic view of the factors that constitute and characterise a metropolitan area (other than the size of population) needs to be taken into account, while paying attention to the specific needs of each metropolitan city.

The current institutional set up has to be understood in light of political economy factors such as the governing politics (party based as well as other forms of associational politics) and civic engagement. Such questions are in turn dependent on the nature of land and property rights in metropolitan areas, and the political economy surrounding such issues. A debate on institutional change in metropolitan governance has to recognise the intricate difficulties inherent in the current practices surrounding land and property, as well as service delivery in urban areas, while taking into account differences between and among metropolitan areas.

The Role of the Judiciary

It has been suggested that 'the challenge for urban management in informal settlements is not to create a city of owners, but to understand that safety and the right to the city cannot be reduced to private property.'[101] The entitlement approach is reinforced by the Indian Supreme Court on questions of the right to housing/shelter, right to water, right to livelihood, right to a clean environment and so on, within the scope of the Right to Life under Article 21 of the Indian Constitution. Environmental issues, while being included in various cases under the ambit of Article 21 filed in the form of series of PILs before the courts, have not generally addressed the issue of sustainability as a whole, or arrived at a clearly nuanced and balanced position where environment is pitted against livelihood and informal settlements. The use of CNG in Delhi, restrictions on noise pollution, ban on the use of plastic bags, segregation of waste in Bangalore, etc. are some outcomes of the initiatives of various civil society/citizens organisations to push for more sustainable cities. At the same time, notions of environmental

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[100] UNESCAP. 2009.
[101] Association of Major Metropolis. 2011.

justice, and the nature of adverse impacts on poorer populations, need more sensitised understanding.

Moreover, such judicial recognition of rights has rarely translated into an effective legal framework for the implementation of related policies, partly because of the inadequate institutional structures. The lack of functional and institutional clarity coupled with the lack of resources has ensured that any progress under the Constitutional scheme remains slow. The Judiciary remains a very significant institutional actor, including in metropolitan areas in India.

It has been suggested that 'the livelihood and survival of those poor who are living at subsistence level are normally harmed whenever land use, water access or urban space are in dispute'.[102] There is therefore a need to create a framework which provides some form of guarantees and safeguards to enable better access to amenities. In this regard, the Delhi and Karnataka administrations have enacted the Delhi (Right of Citizen to Time bound Delivery of Services) Act in 2011 and the Karnataka Guarantee of Services to Citizens Act, 2011 respectively in addition to various other states. However, these legislations primarily deal with ensuring timely delivery of services. They fall short of providing any guarantee/right in terms of access to services for all (formal and informal) or assured quality of services. In this context, a useful lesson with reference to the use of the rights approach could be learnt from Brazil which has enacted the City Statute, 2001. The Statute recognises the 'social functions' of a city and seeks to promote equity by conferring various rights on its urban population. It may also be useful to operationalise access/service delivery based on the criteria of 'residence' and 'intent to reside' as judicially interpreted.

At the neighbourhood scale, efforts aimed at promoting decentralisation in the form of the establishment of 'ward committees' and 'area sabhas' could be an effective means to encourage greater citizen participation and accountability, within the framework of the 74th Amendment. However, the establishment of such area sabhas has progressed at a slow pace with only a few municipal corporations, such as Greater Hyderabad Municipal Corporation, taking interest. In addition, the actual involvement and extent of participation of citizens within such ward committees and area sabhas remains uncertain and skewed across different metropolitan areas. In larger metropolitan areas, ward committees often have large populations within their jurisdiction, which creates difficulties in terms of decentralised participation and improved responsiveness. While Delhi had an average population of 0.8 million people per ward

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[102] H. Dembowski. 2001. *Taking the State to Court: Public Interest Litigation and the Public Sphere in Metropolitan India*. Asia House.

committee, Thiruvananthapuram had an average population of 7,000.[103] The processes of decentralisation and democratisation have not kept pace with one another. A positive development in this regard however relates to initiatives taken by the Municipal Corporation of Greater Mumbai (MCGM) which, in August 2014, has used ward level public consultations during the preparation of the City Development Plan.

Possible lessons/insights and approaches

It is clear that the overarching definition of metropolitan area needs to change to encompass the various differences in population and other criteria, in order to govern metropolitan areas better. A possible classification could be as follows, based on projected trends for the future: a) megacities with more than 15 million population; b) megacities more than 10 million, c) metropolitan areas between 5 and 10 million population, d) metropolitan areas between three and five million population, e) metropolitan areas between one and three million population. Apart from the population criteria, these areas would vary on economic, social, infrastructure, and other indices, as well as historical and political factors, including the nature of state government disposition towards such regions. The governance structures would be shaped by each of such factors. The nature of metropolitan scale would accordingly vary.

Some possible approaches based on existing realities along with potential benefits and challenges are as follows:

a) Institutional re-organisation with legal and executive actions: An important development towards improving the current fragmented institutional situation would be with reference to the constitution of MPCs in metropolitan areas especially in respect of planning functions (from the other authorities). The MHUPA in its 12th Plan approach has recognised this need and suggested that such changes be made in order 'to revise Town and Country Planning, Urban Development and Municipal Acts to respond to the challenges of urbanisation and to policy thinking appropriate to the times based on principles of urban strategic planning'.[104] The legal framework needs amendment for better implementation.

While such recognition has been reiterated at multiple levels, there seems to be lack of initiative on implementation. It has been contended that 'the stipulations about the composition of the committee have been flawed and have totally failed to galvanise the

[103] J. de Wit et al. 2008. *Urban Decentralisation in Indian Cities*. *New Forms of Urban Governance in India: Shifts, Models, Networks and Contestations.* eds. I. S. A. Baud and J. de Wit. Sage Publications.
[104] MHUPA. 2011. Report of the Working Group on Urban Strategic Planning. 12th Five-Year Plan. Steering Committee on Urban Development & Management.

state governments towards compliance'.[105] In addition, the absence of actual citizen level participation within the planning process has not adequately been accounted for.

b) Metro governance by Executive action and consensus/coordination: In certain cases, such actions have led to primary municipal institutions taking the lead while others have been provided specific roles in terms of functional assistance (as illustrated by examples such as the GHMC in Hyderabad and VHMC in Vishakhapatnam with service provisioning assistance and implementation by respective parastatals). While allowing a form of democratic authority at metropolitan scale, issues of coordination in terms of the delineation of powers (de facto and de jure) will need to be addressed. A stronger institutional commitment will be required in order to ensure that such efforts and changes, whether directed or by default, are implemented.

c) Metropolitan governance led mainly by the state government, where subsidiary delegated functions for parastatals and development authorities are clearly identified with some residual functions entrusted to municipal level bodies. This approach reflects the existing scenario in various metropolitan areas (whether these fall within either of the aforementioned categories), with the primary influence of the state government in the politics and finances of these areas. However, in terms of the argument for decentralisation and devolution of powers to urban local bodies as per the 74th Amendment, such arrangements may not necessarily be tenable. In addition, the scope for the participation of private and community groups and interests may not be accounted for. The respective state governments continue to be primary actors in actually carrying out devolution, as per the decentralised federal system that India seeks to uphold as per the 74th Amendment.

d) Metro Governance through utility compacts with municipal government: A useful insight into encouraging decentralisation and reform of service delivery may be seen in South Africa. The central government has implemented a conditional grant aimed at 'providing incentives for reform of urban services for large cities after having devolved powers to city governments'.[106] This requires more exploration.

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[105] K. C. Sivaramakrishnan. 2015 .*Governance of Megacities: Fractured Thinking, Fragmented Setup*. Oxford University Press.

[106] J. Ahmad et al. 2005. *Decentralization and Service Delivery*. World Bank Policy Research. Working Paper 3,603.

Conclusion: How would the transition shape out?

The overall complexity in terms of the lack of functional clarity and definitional ambiguities will continue to hamper ground level management and provisioning until such issues are clearly identified, acknowledged and addressed. Greater clarity, especially at the state level, in terms of legal enactment might be a possible step in this regard. A one-size-fits-all approach will be difficult to implement given the varied conditions and characteristics of different metropolitan areas in the country.

Devolution of power, and coordination across scale (neighbourhood to metropolitan) is therefore an essential step in order to ensure democracy, efficiency and accountability. This could be done in various ways. First, it includes further decentralisation by establishing ward committees and area sabhas under the Community Participation Law in order to take a step towards ensuring some form of citizen participation. [107] In terms of fiscal devolution, there are various developments that once initiated could prove to be useful. The expansion of the property tax base, clear identification of taxable properties, simplification of the system of property taxation based on public discussions and consultations, online payment and grievance redress, use of alternative revenue instruments in the form of fees/other charges would be useful in encouraging greater independence of local bodies.[108] Recent developments on Goods and Service Tax (GST) reform holds promise if urban local bodies get a share of the resources. Finally, some form of incentivisation needs to be identified to promote institutional commitment to the implementation of better governance and management within metropolitan areas. These approaches are to be read in conjunction with entitlement frameworks that exist in current legislation and judicial determination.

State governments will, in the short to medium run, continue to be the most significant actors in deciding the extent of devolution, while newer forms of urbanisation such as inter-state urban corridors, taken at scale, could pose interesting challenges and opportunities to the very rubric of federalism. The possibility of implementing the 74th Amendment, in a substantive manner, hinges on the ability of metropolitan areas to leverage political and economic influence, and partly on the manner in which state governments find it useful to devolve power further, within the constitutional frame of decentralised federalism as it currently stands in India. A further Amendment to amend the 74th Amendment to make it mandatory for states to devolve powers and create overarching governance structures at metropolitan scale remains distant on the political horizon. What is however possible is the ability of certain metropolitan

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[107] The Draft Nagar Raj Bill drafted during the JNNURM was an example. Some states, such as Karnataka, Kerala and erstwhile Andhra Pradesh, had initiated reforms based on the model legislation. http://www.uclg-cisdp.org/
sites/default/files/India%20Nagar%20Raj%20Bill_2010_en_final_0.pdf

[108] Rao and Bird. 2012. *Coping with Change*.

areas to leverage greater influence and work in tandem with state governments on matters that require coordination along political, legal and institutional action. On this question also hinges some of the political transitions around India's urbanisation. The need for a more effective and coordinated democratic institutional structure, across multiple institutions and across different scales, in India's metropolitan areas will continue to be deeply felt.

Appendix

Institutional Structures and Functioning of Metropolitan Areas in Various Countries:

London:

The main authority within this area is the Greater London Authority (GLA) which consists of the Mayor and the London Assembly (25 members). While the Mayor is the in charge of the GLA in general, the London Assembly does hold the Mayor accountable by examining his policies and plans. The London Assembly is also responsible for approving the Mayor's Budget. In this sense, while the Mayor does have a significant portfolio covering areas such as transport, housing, planning, economic development and regeneration etc., he does not exercise very strong powers as he is accountable to the Assembly. The area of London consists of 33 local authorities (32 boroughs and the City of London Corporation) whose representatives are elected by the citizens. These are responsible for education, social services, housing, planning, environment and waste management etc. at the local level. They also have the power to collect council tax at this level, a part of which is given to the GLA. The boroughs are further divided into wards consisting of elected councillors.[109]

Figure 1: Organizational Structure of the Greater London Area

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[109] Compiled from: http://www.london.gov.uk/mayor-assembly/gla
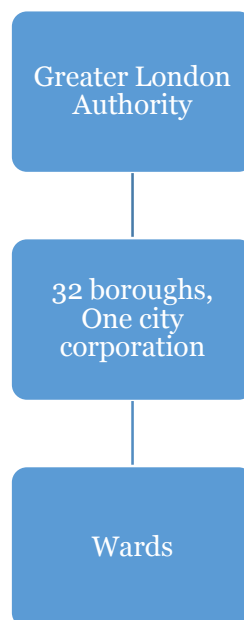
Figure 1b: Functions of the Greater London Authority
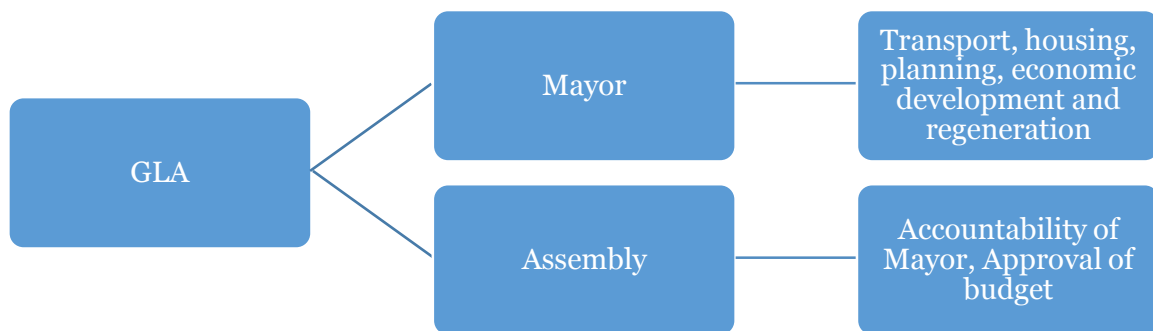
Sao Paulo

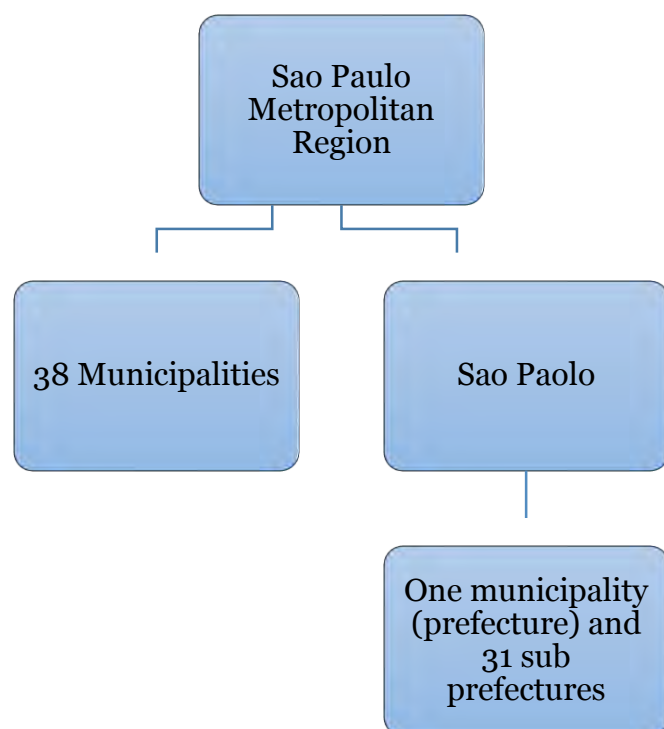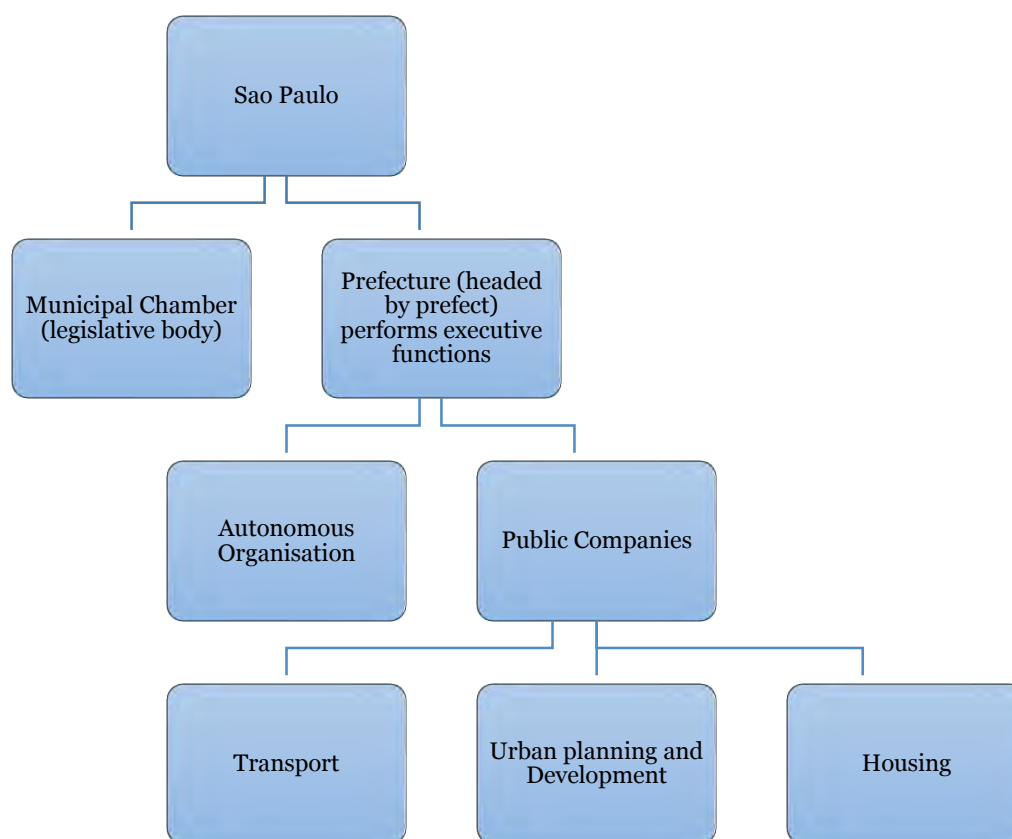Figure 2a: Sao Paulo Metropolitan Region Structure:

Figure 2b: Functional Structure of a Prefecture:

The Sao Paolo Metropolitan Region consists of 39 municipalities in which the area of Sao Paolo is included. Sao Paulo is further divided into one municipality (prefecture) and 31 sub prefectures. It provides an insight into inter-institutional cooperation, the ABC Region, created by a subset of cities in the metropolitan region in the 1990s and consisting of seven cities with population around 2.4 million. The metropolitan region does not have a consolidated political organisation.[110] Instead, it consists of various arrangements. The first is a Development Council which consists of representatives from the municipalities and members from the State nominated by the Governor. Second, there is scope for the views of civil society within the region to be taken into account. The third consists of technical groups that provide information and views on various specific topics which may be relevant. There is a regional enterprise which is linked to the Secretariat of the Metropolitan Development which collects various charges and fees along with elaborating and overseeing plans and their execution. Finally, the Regional Development Fund consists of four members of the Development Council and two from the regional enterprise.[111]

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[110] Compiled from: http://metropolis.org/sites/default/files/metropolitan_regions/387_eng-004_sao_paulo.pdf
[111] Compiled from: http://info.worldbank.org/etools/docs/library/238536/13_Summary_Sao_Paulo.pdf

Buenos Aires:

Within the AMBA area, there are two autonomous institutional arrangements, the Autonomous City and the 24 municipalities under the Province of Buenos Aires. While the Autonomous City area is governed by a Governor and legislature (60 members elected by the proportional representation system), there is no specific entity which governs the entire AMBA region. Instead, there are four common institutions which address various services/functions: the State Company for Ecological Coordination of the Metropolitan Area, Tripartite Entity for Health Works and Services, Metropolitan Area Transport Coordination Organisation and the Metropolitan Urban Planning Forum. These consist of a combination of representatives from the Autonomous City and the province municipalities.[112]

Figure 3: Organisational Structure of the Metropolitan Area of Buenos Aires

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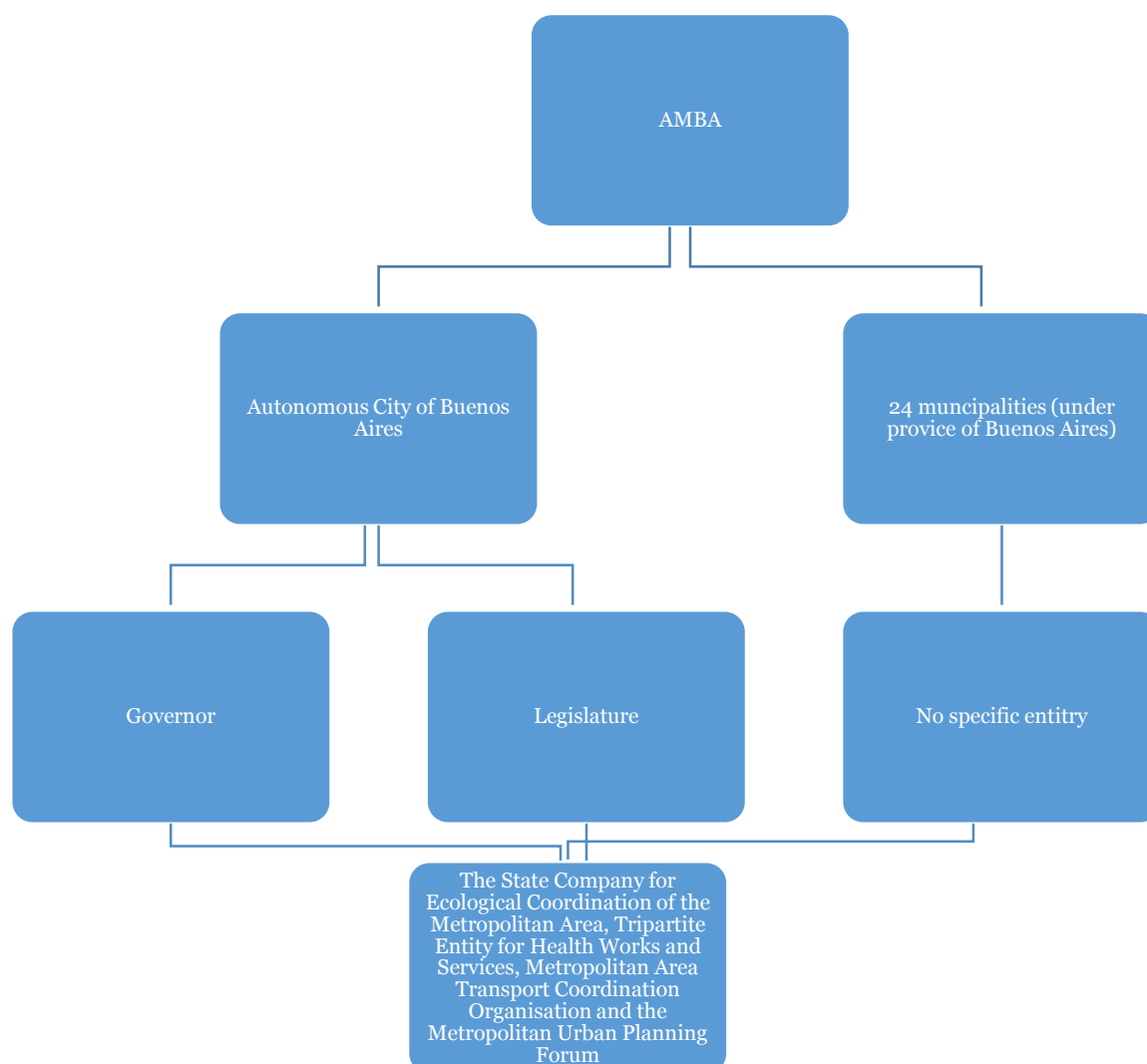
[112] Compiled from: World Association of the Major Metropolis. 008. Buenos Aires.

The Metropolitan region of Buenos Aires has not been explicitly defined and does not exist as a particular political and administrative body and is loosely defined by the areas which includes the Autonomous City of Buenos Aires and its 32 surrounding municipalities. In 1994, Buenos Aires obtained an autonomous structure equivalent to a province with an elected mayor and council with formal responsibilities. However, here too, the multiple actors and mandates including the involvement of the central government has interfered with complete devolution to the local provinces.[113]

Tokyo:
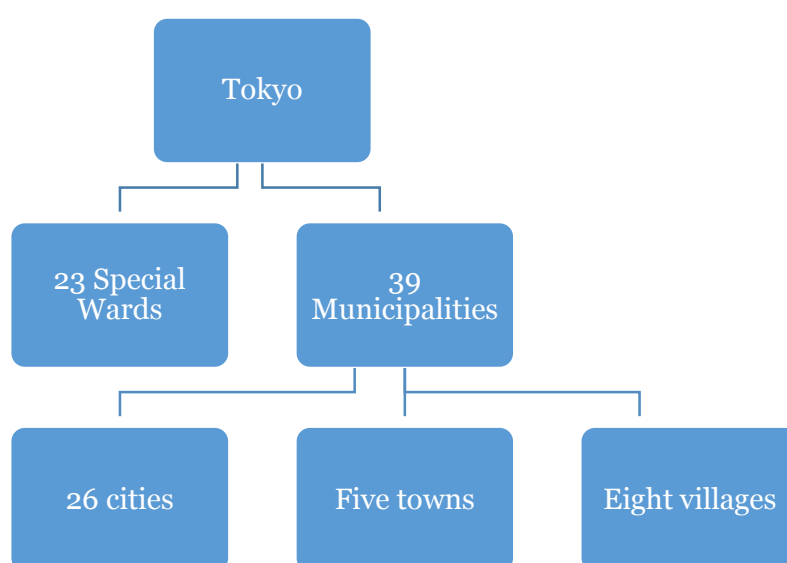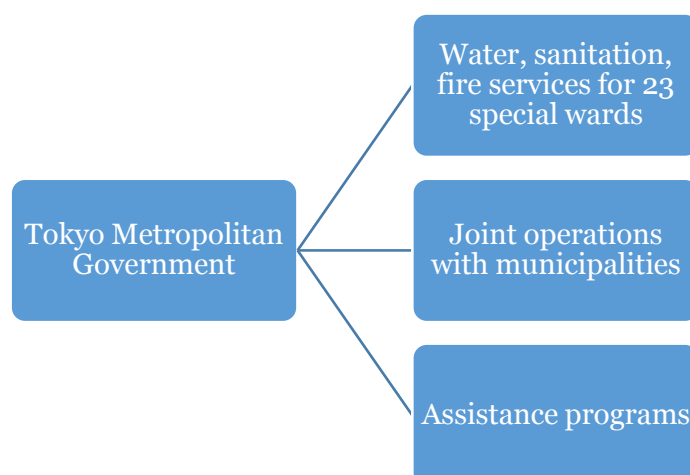
Figure 4a: Tokyo Regional Divisions:

Figure 4b: Activities the Tokyo Metropolitan Government:

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[113] J. Klink. 2008. *Recent Perspectives on Metropolitan Organisation, Functions and Governance*. *Governing the Metropolis: Principles and Cases*. eds. E. Rojas et al. Inter-American Development Bank. David Rockefeller Center for Latin American Studies. Harvard University.

Tokyo is a regional government which consists of 23 special wards, 26 cities, five towns and eight villages. The setup of both Tokyo as a whole and the special wards is a system of dual representation made up of an assembly and a chief executive. Both the chief executive (metropolitan governor, chief executives of the wards) and the members of the assembly are chosen in direct public elections by the residents. The Tokyo metropolitan government takes on administrative responsibilities with reference to water, sanitation and fire services similar to that of the 'cities' within the 23 wards to ensure uniformity. However, the wards are independent with respect to other affairs such as housing, education, welfare etc. Tokyo also contains 39 municipalities—26 cities, five towns and eight villages—that are ordinary local public entities. The Tokyo metropolitan government and its municipalities work on equal footing in performing their respective functions. The broader administrative work is generally handled by the metropolitan government while the daily affairs/services are handled by the municipalities. In some cases, such as fire services or as part of joint operations/assistance programmes, the metropolitan government often takes responsibility depending upon particular circumstances.[114]

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[114] Compiled from: http://www.metro.tokyo.jp/ENGLISH/PROFILE/overview07.htm

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