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Growth and Space in Urban India: Issues of Governance

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Growth and Space in Urban India: Issues of Governance

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For most citizens urbanisation is a series of irritants and deficiencies. Lack of basic services, crumbling infrastructure, congestion, pollution, slums, crimes - the list is endless. In any city, big or small, if the question is asked 'who is incharge of this city', the answer is painfully simple – 'no one '. Notwithstanding such irritation as a common thread, the issues of urban governance are as varied as the cities. In this paper an attempt has been made to provide the context and contours of urbanisation as well. The sections dealing with migration may not seemingly relate to a discussion on urban management but perceptions and attitudes about migration have determined for a long time, our policies in managing and guiding urban growth. Because of the considerable misconceptions about migration, I consider it necessary to dwell at some length on the subject so that we understand urban demography better.

2. Governance is not an end in itself. Its value to the society has to be considered in terms of its outcome. From that point of view, the requirements of urban governance may be discussed with reference to specific tasks. One is the provision of basic services for those living in urban areas. The paper gives a broad

indication of the magnitude of the problem and the responses so far. The second is the task of spatial planning. The characteristics and dimensions of urban growth, the impact of migration on this and maintaining mobility within the cities are vital aspects of planning. Thirdly the problems of urban governance cannot be perceived or solved within the limits of a given administrative jurisdiction. Setting the physical limits of urbanisation have always been difficult and municipal boundaries rarely reflect the shape and size of urbanisation. I have often said that while what is municipal may be urban, what is urban is not necessarily municipal. In the fourth part of this paper the existing institutional arrangements in particular the structure emerged in the 74th Constitution Amendment for urban management and their adequacy are discussed. Finally, some of the more detailed requirements of managing urban spaces are discussed.

The paper also contains several tables especially those relating to migration and transport. While the volume of this paper is thus increased, the tables have been included in the paper mainly because such data is accessed only through a variety of sources, but I believe it is useful to have this data presented as part of this paper for a better understanding of the issues.

3. After dormancy through the decades, urban governance has assumed some importance and urgency in the context of the Jawaharlal Nehru National Urban Renewal Mission launched recently with much publicity. While its success will be seen in the years to come, it has certainly provided an opportunity to the Ministry of Urban Development itself to merit its letterhead. Among the various organs of the Government of India, the Urban Development Ministry has been more 'Delhi centric' than others. Whether this is because of the hollowed land and

development office, the L&DO which came into existence soon after the imperial capital shifted from Calcutta or the Delhi Development Authority, which is the local variant of the Leviathan, the Ministry of Urban Development, for several decades, has carried Delhi's burden around its neck. The NURM gives it an opportunity to relate to the rest of the country.

Basic Services:

4. The popular perception is that urban areas are better served in regard to water supply and sanitation. To a fair measure this is true, but behind this perception there is the harsh reality of gross inequities. According to a 2002 NSS report on 'Housing Conditions in India', 22 cities with more than a million people, have slum populations ranging from 10 to 54% of their total population. Greater Mumbai, despite its high per capita income, tops the list. Even the new town of Faridabad has 46% of its population in slums (**see table 1**). That about 90% of the urban households have water supply within half a kilometer distance is no more than of statistical comfort. The frequency and duration of water supply and the quantum available for the majority of households is severely limited and the quality of water often unsatisfactory. Trans Yamuna residents in Delhi would dismiss as a joke the claim that Delhi's per capita water supply is more than 200 liters. Many cities in India have to contend with alternative days of supply, that too restricted. As for treatment of domestic wastes even in those cities where a sewage system exists, less than half the population is connected and usually less than half of the sewage carried in the system, is treated. To cite Delhi again, it manages to generate more sewage than the quantum of water it draws from Yamuna. Untreated sewage is the single largest riparian contribution that Delhi makes to Mathura and Agra. Providing such basic services is just not a matter of capital investment. Accumulated maintenance deficits and non-functioning treatment systems have lead to such a state of affairs that the Supreme Court of the country has to prescribe elementary lessons in keeping a river clean.

5. When it comes to infrastructure, little evidence is needed about the crumbling status. The rain-drowned cities of Mumbai, Chennai and Bangalore have

revealed that lives were lost and the city's economy ground to a halt not just because the clouds opened. Newspaper reports and postmortem analyses have been numerous but all agree that damage would have been much less if the natural drainage streams had not been interfered with. Chennai saw the spectacle of a large technical university, built to educate engineers, being bulldozed because it was built across the bed of a river serving the city's drainage. Road system and transport stand out as another formidable task. Connectivity is one major reason why a city exists. If that is affected, the economic purpose of the city is undermined. A more detailed analysis of the problem is contained later in this paper to show that the traffic and transport mess in the Indian city is more the result of a policy failure.

6. Is money the problem? Yes, but only partly. The sum totals of municipal revenues and expenditure of all urban local bodies as percentage of the totals for the respective states is less than 10% in most of the states. Exceptions are 22% in Maharashtra, 13% in Gujarat and 12% in Tamil Nadu. According to the 12th Finance Commission, the bulk of even the limited outlay on municipal services is financed by grants-in-aid rather than own revenues. On the other hand all the available data shows a steady rise in per capita incomes and expenditure in these cities. The paradox of rich cities and poor city governments continues to persist.

Urban Planning:

7. Spatial planning and providing for future growth is yet another important task of urban governance. Over the past five decades of 'planning', India has managed to confound the very meaning of the term. At one end of the spectrum at the national level is the nearly philosophical discourse on planning for economic development. At the other end, at the municipal level 'plan' only means a statutory land use master plan. Eventually this is further reduced to the exercise of passing building plans, usually by deceit and corruption rather than any simple and transparent system. Between these two extremes, planning as practiced by most government departments and agencies only means a collection of schemes and

projects, a largely opaque process of sanction and funding, and a spotty record of implementation.

8. In this medley of confusion the courts have come to our aid once again. In the celebrated Mumbai Textile Mills land case, the Mumbai High Court in its judgement of October 17, 2005, citing various sources has stated, “Planning has both social and economic aims. A proper spatial relationship between the communities in the region and the constituent parts of a town, compactness of development and an efficient arrangement of communication routes all result in human activities being carried on more efficiently and less wastefully and thus increases wealth.... Socially successful planning tends to make people’s lives happier because it results in a physical environment conducive to health, which allows convenient passage from place to place which facilitates social inter course....”

9. Several pages at the beginning of this lengthy judgement read like primers in planning schools but they merit repetition. Especially because in today’s Urban India, there is a virtual, though undeclared, abandonment of planning. This is not rhetoric. In the concluding part the same judgement reads “the learned Counsel for the MCGM (Municipal Corporation of Greater Mumbai) very candidly, after taking instructions from the officer present in court, stated that MCGM does not even have a single officer with qualifications in “Town Planning” though the MCGM is the “Planning Authority” under the Maharashtra Regional and Town Planning Act with an annual budget of over 7500 crores. MCGM prepares Draft Development Plan.... We direct the State to take immediate remedial measures.... as MCGM has completely abdicated at its basic functions”.

10. The anger of the Courts is not limited only to Mumbai. The past few months have seen several judgements across the country from Mumbai, Bangalore, Chennai and other courts. From counting violations of building bye-laws, ordering their demolition and keeping a tab on the path and progress of the bulldozer, the exercise has emerged as an important activity of the High Courts. The matter has

received significant attention from the Supreme Court as well. There has also been much public acclaim to such judicial actions. One newspaper carried a prominent cartoon with the headline, “the Courts kick start urban renewal” showing a Judge in robes and wig driving a bulldozer. The failure of the civic bodies and the citizens’ recourse to public interest litigation has been a major feature of urban India during the past two decades. Starting with the famous Ratlam case in 1979, the High Courts and from time to time the Supreme Court, have had to intervene repeatedly in holding the city corporations, municipalities and state governments accountable for not adhering to their statutory responsibilities, in a wide range of matters from the collection and disposal of garbage pollution from transport. Why is it that managing the cities has taken centre-stage in litigation? One important reason is the casual attitude, almost deliberate neglect of the issues of urban management. Urban is usually regarded as ‘municipal’ and what is municipal as unworthy of attention.

Locus of Responsibility

11. Yet another reason for the present state of confusion and controversy is the issue of where the responsibility for town planning lies. Town planning has always been regarded as a municipal function. Municipal Acts in British India and also subsequent years have listed town planning as an obligatory function of the Municipalities. Even when the Improvement Trusts were created in Bombay and Calcutta, the scope of these Trusts were limited only to specific areas where the Trusts undertook development schemes. The incursion of the State governments into the basic town planning domain of the Municipalities began with the setting up of development authorities such as the DDA during the 1950s and vesting them with land use planning powers. Prima facie, this resulted in a conflict of interest since the Development Authorities were also involved in land acquisition and development. There was a natural tendency to regard planning as rather subservient to the real estate needs. Another justification was that the jurisdiction of municipalities or municipal corporations was limited whereas the area to be planned went beyond their boundaries. In due course many of the powers regarding preparation, revision, or implementation of the planning provisions, even

in regard to existing municipal jurisdictions, have been taken over by the State governments. This in turn has led to the dilution of the municipal responsibilities.

12. Since discharge of planning functions by municipalities usually followed a committee system there was atleast an opportunity for some discussion and the process being comparatively open. Departments of state governments or a development authority are far less accessible. Though in the initial stages of preparing a plan including a master plan, a system of public hearings and suggestions is adopted, later on, very important changes are made in the master plan, by executive action on the basis of some committee recommendations or other. For example, in the case of Delhi, though the so-called master plan was prepared and finalized after public hearings, several changes such as mixed land use, additional floor space etc., have been allowed by special orders of the DDA. The frequent changes in Development Control Regulations by the State Government has been one of the major points of contention in the Bombay Textile Mill Land case. However, the basic responsibility for enforcing building bye-laws invariably rests with the urban local body, who have to face the wrath of the Courts. The present demolition disputes in the Courts are caused partly by this separation of authority and accountability.

13. Why have matters come to such a pass? India's expertise and experience in demographics, economics, geography and sociology are high and formidable. Yet the country lacks or avoids an understanding of the size, shape and determinants of its urbanisation. The Indian census system is probably one of the best in the world yielding vast data regularly. Yet we have problems understanding or accepting urban demographics.

Misconceptions on Migration:

14. Our articulate intelligentsia continues to believe and proclaim that urbanisation is caused principally by migration and that the thrust of public policy should be to keep the people in the villages and prevent them from moving to towns and cities. This is an extra ordinary perception defying all evidence. Across

the world the contribution of the primary sector to the GDP has been going down. Increase in agricultural production has itself created a demand for non-agricultural goods and services, which in turn creates non-farm and off-farm jobs, thereby increasing urbanisation. Some districts in India such as Sangrur, Patiala or Ludhiana in Punjab, Krishna or West Godawari in AP, Bardhaman in West Bengal or Chengalpattu in Tamil Nadu, which are in the frontline of rice and wheat production, have shown levels of urbanisation which are higher than the respective state averages [see tables 2(i) and 2(ii)]. This is not to say that rural distress is a thing of the past. There are disturbing reports that the Green Revolution has passed its peak and agricultural economy is beset with new problems of biotechnology, marketing, contract farming and globalized trading. Whatever the outcome it is clear that the shift to non-farm jobs and urbanisation will continue either because of rural distress or agricultural prosperity or both. Rural to Urban migration is therefore inevitable.

15. The 2001 Census shows that out of the total population of 1.02 billion, migrants accounted for 307 million. This figure is for all migrants including those who moved 20 years or earlier. The intercensal migration i.e. the migrants moving in the period 1991-2001 was no more than 98 million. 'Rural to Rural' migration was more than half amounting to 53.3 million whereas 'Rural to Urban' was only 20.6 million. 'Urban to Urban' was 14.3 million. 'Urban to Rural' migration was also significant at 6.2 million. So, the notion that all migrants are flocking to the doors of all cities across the country is simply not correct. Again the bulk of rural to urban migration has taken place within the state. Inter-state migration from rural to urban areas in the period 1991-2001 is only 6.37 million whereas intra-state was 14.22. This is true for earlier periods as well.

16. Are all 'Rural to Urban' migrants heading for metro cities? Are some cities receiving more than others? What proportion of migrants are from within the state as compared to migrants from other states? Is migration the principal or dominant factor of urban growth for these cities? These questions are not mere matters of demographics but they pertain, importantly, to the economy of these cities and

policies for managing city growth. The migration data released recently by the Centres provides the answers.

17. Yes, it is true metropolitan cities are the major destination points for rural to urban migrants. The 35 cities in urban agglomerations with more than a million population accounted for about 12.5 million immigrants during the 1991-2001 period (**see table 3**). Migrants from within the state and migrants from other states were roughly half and half of this total. For some cities the share of out of state migrants was more such as Mumbai, Delhi, Ludhiana, Jamshedpur, Dhanbad and Faridabad. Migration as a component of the urban growth in these 35 million plus cities is indicated in **table 4**. Excepting Ludhiana where the migration component is 51.7% in Mumbai, Delhi and Faridabad, the component ranges from 40 to 45%, in all other million plus cities migration is not the dominant component. The frequently heard outcry about migrants flooding the cities is not warranted by facts.

18. Taking urbanisation as a whole, it is seen over the past few decades that migration is not the dominant component of urban growth. For the 1961-71 decade net rural-urban migration accounted for 18.7% of urban growth. It was 19.6% and 21.7% in the following two decades. For the last decade i.e. 1991-2001 the percentage has remained the same around 21%. Natural increase has been the principal component of growth at 60%.

19. The factors prompting migration are obvious. GDP growth which has been rising in many states is also reflected in cities. In fact in many cases it is economic growth of the cities, which has helped growth in the respective states. Figures on state-wise GDP increase are contained in **table 5**. City-wide GDP figures however are not easy to obtain. If GDP growth and migration inflows are taken together, it will be obvious that migration is a sensible and a positive response to economic change and is indeed a measure of that change itself. The census data on reasons for migration confirm this. Figures for the 35 million plus cities are given in **table 6**. Work is the single most important reason for migration, followed by shifting of the household. It is high time we gave up the notion that people move to cities

because of urban amenities, and if the same are provided in rural areas, migration would slow down. The case for providing basic services in rural areas, the so-called urban amenities has to rest on its own merits. Deflecting migration cannot be one of the arguments for the simple reason, migration is a conscious economic decision and is not one induced by amenities: atleast not for the bulk of the people. On the other hand, the economic growth of the destination cities may suffer if migration is stopped forcibly. Migrant flows are an important contribution to work force in certain categories e.g. construction, services. **Table 6(a)** contains data on occupational breakup of work force in some major urban agglomerations. It will be seen that the rise in labour force in some of these cities is also accompanied by significant increase in certain categories like casual labour, services etc. The frenetic scale and pace of construction, witnessed in many of our cities is dependent on the steady supply of migrant labour.

The Spatial Dimension

20. If urban growth as a manifestation of economic change is inevitable, the next question is whether we understand its spatial aspects. Increase in population, to some extent, leads to densification of existing urban areas but more often it brings about spatial expansion. Such spatial expansion is determined not only by the effects of economic growth but also environment factors, transport facilities and proximity preferences of the people. The CPR study on the Future of Urbanisation has brought out how in many parts of the country urban agglomerations are growing along transport corridors. In the state of Maharashtra, Gujarat, Karnataka, Andhra and Tamil Nadu which are the states studied, 70 to 90% of the urban population will be in these corridors (**see table 7**). Though corridors convey the impression of well knit urban settlements the experience in India shows these agglomerations are long and thin stretches along a transport artery, bulging only at places without a definite pattern of core and periphery. The Indian type of urban agglomeration (this is true for much of South Asia as well) is thus will be poly nodal, covering several administrative jurisdictions, posing frequent challenges infrastructure provisions and poor connectivity.

21. A recent World Bank study contains figures of population growth and spatial expansion for 9 cities in India over a 10 year period (**see table 8**). The study has relied principally on Landsat data. It will be seen from the table that in all the 9 cities the built-up area has significantly expanded. Compared to the annual rate of change of population, the rate of aerial expansion has been more than three times and in the case of Pune more than five times. As a result, average density calculated for the city as a whole has also come down. It is only in the case of Mumbai that expansion of the built-up area has been modest from 344.33 sq.kms to 450 sq.kms and the reduction in average density has been less than 1%. Obviously the scarcity of land in Mumbai has been a factor. In the case of the other cities, the built-up area has expanded using much of the available space in the city.

22. A few important issues arise from this. One is, instead of densification within built-up areas to accommodate population increase by conscious planning and renewal, the easier option of occupying un-built land with low density development has been preferred. This practice has also resulted in cities spilling over their boundaries and becoming a metropolitan sprawl. A recent study on Urbanisation comparing 2001 Census data draws attention to the phenomenon of declining core and growing peripheries in the case of some metropolitan areas (**see table 9**). Secondly because of combination of market forces and absence of area wide renewal planning, densification is mainly through commercial development resulting in congestion, severe pressure on infrastructure and rising real estate prices forcing out lower income people. Thirdly in some cases as in Mumbai the low income families may be further crowding into central parts of the city. The Chawls in Mumbai, the Havelis in Delhi, the Khatras in other north Indian cities and the Bustees within Calcutta city will illustrate. We need to know more about the location concentration and shifting of low-income settlements in the urban areas. Overall it can be asserted that most cities do not plan to accommodate migrants and the inflow of the poor. The initiative is left to the migrant and the city's responses are ex-post facto.

Urban Mobility

23. Mobility in urban areas is one of the more serious problems of urban management. Since mobility is a product of infrastructure as well as transport modes, investment in one or the other alone, does not help. The allocation of road infrastructure between different modes is an important aspect of mobility. It is estimated that per capita trip generation in Indian cities is about 0.8 to 1.1. The broad break-up of this transit volume for five mega cities among different modes is indicated in **table 10**. It will be seen that though buses provide a larger share of the transit volume, the road space available to them is not commensurate.

24. The situation is aggravated by the proliferation of private motor vehicles. While production of motor vehicles in general has been increasing in recent years the manufacture of private cars has gone up significantly. Compared to 2.34 lakhs vehicles in 1998-99, the production more than doubled in 2003-03 at 7.81 lakhs vehicles. Though automobile industry claims rise in export, the bulk of the production is sold within the country. The Ministry of Road Transport Research Wing brings out the Road Transport Year Book containing some very useful data. The two tables attached (**tables 11 and 12**) indicate the production of different types of motor vehicles as well as their sale over a six-year period. In a 15 year period between 1985-2000 the number of vehicles increased by 371% in Bangalore, 334% in Delhi, 229% in Kolkata and 116% in Mumbai. The population increase in the cities certainly does not warrant this. It is more the result of rising incomes and the consumption pattern. The increase in the total registered motor vehicles in 23 metropolitan cities as on 31.3.2002 and 31.3.2003 is contained in **table 13 (11 pages)**. The data is given in full because city-wide information is not usually known. In every metropolitan city, the increase in motor vehicles particularly non-transport vehicles has been alarming and rampant in a few cities. For instance, in this one-year period Delhi added 86,624 cars, which works out to 237 per day. It is reported during Calendar year 2005, the figure crossed 90,000. The number of two-wheelers increased by 1.63 lakhs or 447 per day. Chennai was not to be out done, with an addition of 86,260 cars (236 per day) and 2.54 lakhs two-wheelers, which works out to nearly 700 per day. Compared to this the

additions to buses was modest to say the least, with 2317 in the case of Delhi and 1292 in the case of Chennai.

25. While automobile production and sale are regarded as a positive feature in the country's industrial development and its economy, no attention is given to their impact on the cities. The automobile industry is quite content to demand that road space in the cities should be expanded, traffic facilities improved such as through flyovers, traffic managed better, slow moving vehicles banned etc. There are limits to road space expansion. Delhi is considered as one of the better endowed in this regard with about 16% of the land space. Other cities are not that fortunate. But even in Delhi with its passion for flyovers there is little relief to buses or pedestrians. Whatever benefits accrue from these flyovers, these are only temporary and rapidly used up by the increase in the number of vehicles.

26. While allocation of road space in many Indian cities gives little priority to public transport vehicles, in taxation the distinction are far worse. The revenue realised from taxes on private motor vehicles for 2002-03 is given in **table 14**. It will be seen that except in Andhra, Gujarat, Karnataka, Maharashtra, and Orissa these taxes do not account for the bulk of the revenue. In the case of Delhi, out of Rs. 3815 lakhs as road tax revenue, the contribution of private motor vehicle tax is no more than Rs. 470 lakhs whereas bus passenger tax came to three times i.e. Rs. 1071 lakhs. The rates and pattern of MV tax for private vehicles as well as buses are archaic, arbitrary and indicate no particular rationale of revenue yield or equity. The practices followed in some states are presented in **table 15**. The comparative incidence of motor vehicle taxes between private cars and passenger buses using Delhi as an illustration is given in **table 15A**. It is also common knowledge that in financing, a private car purchase is one of the easiest and quickest in India. Compared to this funding, the money at reasonable interest rate remains a time consuming and difficult exercise for taxis and buses.

27. In regard to mass transit much time is lost due to unwarranted controversies about choice of technology. The recent unseemly disputes in Bangalore amply

illustrates. On the other hand, in the case of Delhi though several years were lost in preparing more than 30 different feasibility reports once the construction of the metro rail commenced, it has demonstrated what can be achieved, if the will and direction are available. The impact of such a mass transit facility is also beginning to be apparent. Ofcourse, there are other transport options as well including those which are more cost effective. As the saying goes 'the cost of doing anything is high, but the cost of doing nothing is higher and is constantly rising. Delhi is not much of a model for the country but this is one of the rare instances where its example may be worthy of emulation.

28. As congestion catches up in city after city, public concern is becoming more vocal than before. A few leading newspapers have also carried editorials on the subject, unusual considering past experience. Priority for public transport has been a cry in the wilderness for long. The Jawaharlal Nehru Urban Renewal Mission has made urban transport an important component. The Minister for Urban Development has also been talking about 'viability gap funding' for urban transport projects. In the middle of all this there is also the disturbing news that some tax concessions for cars may be in the offing. If excise duties are to be cut to promote automobile export this can be done by a duty draw back scheme instead of further boosting of private car ownership. Drastic reductions in motor vehicle tax were also announced if the vehicles were purchased in one particular town in UP. Such measures do not reflect any understanding or concern for public interest.

29. It is appreciated cutting back on vehicle manufacture is neither feasible nor desirable but the vehicles have to pay the taxes appropriate for their use in the city. Whether it is additional road tax, congestion pricing, area taxation, realistic parking fees or other measures, several methods have been tried out elsewhere in the world. Most notable are in Singapore in our neighbourhood, where a licence nearly equal to the price of a car has to be paid before purchasing one. In other words a car cannot be bought in that city unless there is a slot available, determined on the basis of the total number permitted for the city. Singapore has been a frequent point of pilgrimage for many urban policy makers and officials in

our country, only to visit, shop and forget. Singapore has the advantage of being an island and therefore the limits to its growth are more easily appreciated by its people. But the Indian city also cannot afford to live in its own illusion. Urban transport issues have been dealt with at length in this paper because our responses over the years reflect gross policy failures. If we do not deal with congestion in a forthright manner, congestion will deal a serious blow to the city's economy.

Other Programme Responses

30. We may now consider the country's responses to urban growth in the past two decades. When the National Commission on Urbanisation was set up in 1986 and the States were invited to think about the issues, the response was largely passive. The general expectation was that the Government of India would formulate some kind of national urban development or management policy and also prepare a number of schemes dispensing both money and ideas to the States. That did not happen. A few schemes like the Integrated Development of Small and Medium Towns (IDSMT), mega cities etc., were formed. None of them matched the scale or complexity of the problem. When an exercise was launched in 1989 to amend the Constitution to make the panchayats and urban local bodies as institutions of self-government Jawahar Rozgar Yojana and the Nehru Rozgar Yojana for promoting wage employment and other poverty alleviation measures were launched. "Rural Jawahar" - "Urban Nehru" was the reaction from the Press, which summarizes all these responses as expressions of tokenism. In later years the schemes were relabelled again and again but the scale has remained small and irrelevant to the magnitude of the problem (**see chart**). The recently launched Jawaharlal Nehru National Urban Renewal Mission promises to make available Rs.50,000 cores over a 7 year period to as many as 63 cities across the country with the hope that a like amount would be raised by the cities and the states concerned. The Mission is also contingent on a set of reforms to be undertaken.

Decentralisation and Urban Governance

31. Effective implementation of decentralisation measures as envisaged in the 74th Amendment is one of the mandatory reforms prescribed in the NURM. If this is not to remain a mere exhortation, several things need to be done.

- (1) Firstly it has to be ensured that elections to the Municipalities are held regularly. Even this minimal requirement of the Constitution continues to be flouted. The most recent example comes from UP where the five year term of all the 11 corporations expire on various dates in January and February 2006 but elections have been deferred and the UP Municipal Act has been amended to enable District Magistrates to function as administrators of these corporations.
- (2) Article 243-S also requires that in all cities with a population of 3 lakhs or more Wards Committees are required to be set up, consisting of one or more wards depending on the ward's population size. It is not enough if decentralisation stops at the state or the city level. Given the size of the city and the variety of its needs, there has to be a platform to enable public participation at the neighbourhood level. The committee can also serve as a platform of accountability of the Ward Councillor concerned. The NURM reform is proposing a new law for community participation. When this is already provided for in the Constitution, its adherence has to be ensured before seeking more legislation.
- (3) Article 243W deals with powers, authority and responsibilities of urban local bodies. The actions to be taken by a state in fulfillment of Article 243W are four fold:
 - (i) First the powers and authority necessary to be devolved to the Municipalities should be made by law. The rationale for this is simple. What is devolved by law can be changed only by law. The yardstick for devolution is to enable Municipalities to function as institutions of self-government. In spite of this clear requirement, many state municipal laws prefer to deal with devolution by rules and executive orders which can be changed at will.
 - (ii) Devolution has to include the preparation of plans for economic development and social justice. This is not a mere philosophical

requirement. It confers on the Municipality a clear responsibility and assigns to it the primary responsibility for planning

- (iii) Devolution is also to include performance of functions and implementation of schemes in relation to the matters listed in the 12th Schedule. The 12th Schedule itself lists 18 subjects. Subjects as such cannot be devolved but tasks relating these subjects should be. Most state laws are content with repeating the 12th Schedule. Unlike the Ministry of Rural Development which has undertaken a conscious exercise called 'activity mapping' where the tasks to be performed by the Panchayats at different levels such as village, intermediate and district panchayats have been identified. The Ministry of Urban Development has made very little progress. Ofcourse a model municipal legislation has been prepared with technical assistance from a USAID funded project but prescriptions of this model municipal law are ambivalent.

32. Let us review what has been achieved so far. The progress regarding the Ward Committees is the poorest. Article 243W also requires the State by law to endow the committees i.e. Ward Committees to be set up under Article 243S (please see the definitions Article 243P) with such powers and authority. An extensive review of the creation and functioning of the Wards Committees in the States of West Bengal, Maharashtra, Karnataka and Kerala carried out by the Institute of Social Sciences brings out clearly the patent reluctance of the State governments to accept wards committees as an important forum of public participation at the local level. Most of the State governments and the city administrations prefer a loose and informal arrangement for public participation rather than formal systems of empowerment and public accountability. Kerala and West Bengal are the only exception.

33. The Constitutional Amendment does not stop at the city level. It provides for institutional arrangements for agglomeration, city regions and a city's hinterland as well. Articles 243ZD and 243ZG dealing with District and Metropolitan planning provides an important framework for regional planning. Under Article 243ZD four-

fifths of a District Planning Committee will comprise elected members of the panchayats at different levels and of the municipalities in the district, in proportion to the rural-urban population ratio. Specifically the Constitution envisages that in preparing the development plan for the district, the District Planning Committee should have “regard to matters of common interest between the Panchayats and the Municipalities including spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation, the extent and type of available resources whether financial or otherwise”. Such a mandate is indeed comprehensive and forward looking. It also provides a common framework where elected representatives from the rural and urban local bodies can come together for purposes of planning and development. The language of Article 243ZD was not something invented by legal draftsmen but derived from the long discourse in the country about rural-urban interface and interactions.

34. The rationale for the DPC is more than obvious. The 2001 Census indicates that out of 593 Districts in the country (as enumerated then) in as many as 171, the level of urbanisation is more than 27.8%, which is the national average. Out of these, nearly 58 districts are fully or predominantly urban. In another 94 districts the level of urbanisation is between 20 to 28%. Current levels of urbanisation in the remaining 328 districts is less than 20% but many among these are in transition. In the past, urban growth has been perceived as prompted principally by distress induced migration from stagnant rural areas. But this is not the case any more. As observed earlier in many parts of the country agricultural growth and prosperity are also bringing about urbanisation. In such cases, rural-urban integration becomes a critical and urgent need. Allocation of water for irrigation, drinking or industry and utilization of land are already contentious issues in many districts. Dealing with each other’s wastes is another serious problem.

35. While most states have made enabling acts to constitute District Planning Committees, only 14 states have actually constituted them. This is because of both bureaucratic problems and political apprehensions. In the first few years after the

Amendment came into existence the creation of the DPC became a turf issue between rural and urban development departments in the different states. Since Article 243ZD is in Part IXA under the title Municipalities rather than Part IX under the title Panchayats, rural development or panchayat departments in the states felt the DPC was not their concern. The municipal or urban development departments in the States were also not inclined to deal with the item since the DPC itself had a significant element of elected panchayat representatives. The result is that the item became orphaned between disinterested departments. Added to this is the political apprehension of the DPC emerging as a dominant body deciding on public investments and thus reducing the influence and patronage of state level political leaders and Ministers. Two Parliament Committees have examined the matter in some detail and have repeatedly pressed for creation of the DPCs. As of now only 14 states have set up this committee.

36. Very recently the responsibility for ensuring the establishment and functioning of the DPCs has been given to the newly created Ministry of Panchayati Raj. The Ministry of UD however cannot forsake its responsibilities. City Development Plan, for most of the 28 cities, with less than a million population identified in the NURM, have to be set in the economic and physical context of this respective duality. The DPC as a principally elective body, has a critical role to perform.

Metropolitan Planning

37 Most of the metropolitan cities are urban agglomerations comprising several municipal jurisdictions. These urban agglomerations have reached their present dimension and configuration over a period of time. Growth has overrun traditional boundaries. Managing growth in such agglomerations is not just an inter-municipal issue but also involves several departments and agencies of central and state governments. The suburban railways or metropolitan transport systems as in Kolkata, Mumbai or Chennai for example, are handled by the Ministry of Railways. The ports in these cities have a separate set-up. Because of the variety of tasks, multiple organisations are inevitable. These agglomerations, however, need a

metropolitan wide vision, planning, advocacy and action. Sources of water, disposal of waste, traffic and transport, drainage, abatement of air pollution etc., are examples where one city corporation or a municipality alone cannot achieve much in isolation. That is why, article 243ZE in the 74th Constitution Amendment provides for the Metropolitan Planning Committee (MPC). It defines a metropolitan area as 'an area having a population of ten lakhs or more, comprised in one or more districts and consisting of two or more municipalities'. The multi-municipal character is, therefore, an essential requirement of a metropolitan area. There are thirty-two urban agglomerations according to the 2001 census, with a population of ten lakhs or more which fulfilling this criteria. For these areas, the MPC is a constitutional requirement. However, as in the case of the DPC, while conformity legislation or enabling laws have been passed by more or less reproducing the language of the Constitutional Amendment, only West Bengal has set up an MPC for Kolkata.

38. Confusion about the purpose and role of the MPC, lack of political interest and most importantly, the fear of the Development Authorities of losing power, once MPCs are set up, appear to be the main reasons for the failure to set them up. Most of the development authorities in the various cities were inspired by the Delhi Development Authority model of large-scale land acquisition, real estate development and housing construction. The Calcutta Metropolitan Development Authority or for that matter the BDA and HUDA in Bangalore and Hyderabad were brought about in special circumstances-more for mobilizing funds and coordinating implementation. Eventually these bodies became conspicuous empires of public works and patronage and have been most reluctant to yield domain to where it originally belonged – the city governments. State Governments have been rather apprehensive about the large staff which these development authorities have acquired over a period of time, which would become surplus in the event separate Metropolitan Planning Committees are established. These are totally mistaken perceptions. The Metropolitan Planning Committee is a high level, democratically set up body, which will bring a constitutional mandate to the whole exercise of metropolitan development planning. The development authorities could serve

these Metropolitan Planning Committees as their technical secretariat as in the case of Kolkata MPC, the first MPC to be set up in the country. In the past two years the Kolkata MPC has been successful in securing a fair amount of participation from the elected representatives of the Corporations and the Municipalities in the metropolitan area cutting across parity lines. The Chief Minister is the Chairman of the MPC. The UD/Municipal Affairs Minister and the Mayor of Kolkata are actively involved. If the development authorities and the state governments so chose they can continue to execute projects as well, as agents of municipalities and city corporations

39. Another misconception is about the possible conflict of jurisdiction between MPCs and DPCs. Since metropolitan areas are predominantly urban, the rural or the Panchayat component in the MPCs would be rather small. Where the urban areas are co-terminus with revenue districts, such as Bangalore, Chennai or the Calcutta urban district, the problem does not arise at all. In such cases, a DPC is not necessary. Where a part of a revenue district is included in a metropolitan area, state governments can suitably redefine the functional jurisdiction of DPC and MPC work.

40. In the composition for MPC it is envisaged that two-thirds of its members are to be elected by and from amongst the elected representatives of urban and rural local bodies in the metropolitan areas. The others are to be nominated, representing Central Government agencies and various State Government agencies, other organizations and institutions responsible for various services in the metropolitan areas. More importantly, the nomination also enables representatives of the private sector and community at large to be mobilised. The manner of choosing the Chairperson of the MPC, and the planning and coordination functions to be entrusted are left to the State Legislature.

41. Given the present trends of liberalisation, investments in and around metropolitan areas is largely in the hands of the private sector. Involving the sector in metropolitan issues and obtaining their support to a common strategy evolved

not in isolation but with the participation of different stakeholders, is an important issue. Instead of addressing this issue squarely some states have tried alternative arrangements for interaction with business and industry in metropolitan affairs on a rather exclusive basis. The Bangalore Agenda Task Force is an apt illustration. The advent of this Task force under the leadership of the then Chief Minister, the enthusiasm with which the local industry, in particular, the captains of IT industry participated in the effort, the significant progress in the analysis and improvement of some specific municipal problems such as financial management in the Bangalore City Corporation, the virtual non-involvement of the political elements in the City Corporation and adjoining municipal areas and eventually the abandonment of the Task Force after a change in the chief ministership have all been documented and discussed in several articles and newspaper stories. Though the BATF succeeded in rousing the interest and mobilising support of several professionals and NGOs in the metropolitan area, its base was tenuous. While Janaagraha as an important offshoot of the BATF process has helped mobilise civic interest and participation at the neighbourhood level, a broad political and representative base for metropolitan level initiatives is yet to emerge.

42. More recently the locus-standi of parastatal bodies like the Bangalore Development Authority, or departments of the state government itself as in Maharashtra vis-à-vis the elected urban bodies and committees established under the provisions of the 74th Amendment have become contentious issues before the Courts. In April 2005, the Bangalore High Court declared that the Bangalore Development Authority had no locus-standi in matters of metropolitan wide planning in the absence of the District Planning Committee or the Metropolitan Planning Committee. In November this decision was partly reversed by a Division Bench. In Mumbai the utilization of the lands of the derelict textile mills brought the issues of planning infrastructure, open spaces and public interest to the fore. In three judgements in three separate cases delivered by the Bombay High Court on the 17th of October 2005 the virtual abandonment of planning, the abdication of the municipal authorities of their responsibilities in this regard and the frequent incursions and infringements of the plan by the State government agencies at the

behest of vested interest disregarding public interest were highlighted and condemned in these judgements. The textile mill lands case is currently on appeal before the Supreme Court and the absence of a Metropolitan Planning Committee is one of the issues for adjudication. Attempts have also been made to expand municipal jurisdictions to cover as much of the metropolitan areas as possible. Despite previous failures such attempts are being made still in Bangalore and Hyderabad. On the other hand, there is also the strongly expressed view in Delhi that the 1400 sq.km area of the Delhi Municipal Corporation is too large for participation and accountability and should therefore be split. At any rate no metropolitan area is likely to remain under a single municipal jurisdiction. In reality metro cities or agglomerations are inter-government entities.

43. It is unfortunate that inspite of clear evidence across the world, the search for simple answers to deal with multi municipal, multi jurisdictional metropolitan cities continues. The United States has adopted with reasonable success the system of Councils of Governments for metropolitan areas. Cities like Los Angeles, Chicago, San Francisco Bay area, or Washington DC and its surroundings have used the COG for addressing a variety of metropolitan issues like, water, waste disposal, transport, environmental management etc. The Greater London Council, the Tokyo Metropolitan Government, and Metro Manila are also instances of such intergovernmental arrangements. The Metropolitan Planning Committee envisaged under the Constitution is a participative and politically representative platform, which would enable such an arrangement. The NURM's call for City Development strategies may well be a non-starter in the absence of the required institutional arrangements.

44. What sets an urban space apart from the space of any other settlement, say a village settlement?. In essence it is connectivity. Any community, neighbourhood or a village relates to space and that relationship has its own features and presents its own issues. But when settlement spaces are connected to each other some inter relationships develop and the city emerges. It is the juxta-position of spaces which provides the urban context. Can these spaces still be viewed as self-

contained parcels? How does the city determine the character of the parcels it comprise and therefore its governance?

45. When the purpose of the city was well understood and that purpose was dominant, the character and needs of the individual spaces also related to that dominant purpose and the manner in which they were used and managed. For instance when the purpose of a city is imperial that dominant regal character determines the allocation of spaces in the city. The temple cities also provide such dominant purpose. For instance cities like Madurai, Srirangam or Puri have been built on conscious designs determined by the principal purposes of the temples. Srirangam is organised in a series of rectangular spaces. Inner most is the temple and the other rectangles are organised for specific uses connected with the temple, and the proximity required for that purpose. The first line is for purposes connected with worship such as the Parikrama, the second would be for items of daily ritual, third would be for food, fourth for clothing, fifth for materials for the upkeep of the temple complex etc. The circulation pattern, density and character of the houses, were all controlled in relation to the dominant purpose of the temple. In Puri, the right of way of the main roads was determined by the width of the chariot of Jagannatha. No permanent construction would be allowed to encroach on its right of way. The Lord's Chariot was probably the most important tool of land use regulation. Similarly in cities where the dominant purpose is defence this led to a set of land use configurations and regulations. Keeping clear lines for cannon fire was a land use regulation for Baron Haussman as well as the British rulers of Delhi. The industrial city also had a dominant purpose from which the character of all urban spaces were derived. The Chawls of Bombay, the Bustees of Calcutta and the Ahattas of Kanpur were not accidental but conscious decisions to create and use spaces proximate to work and therefore economically useful to industry.

46. But when this dominant purpose changes or is diffused over a period of time, the pattern and configuration of urban spaces itself undergoes a change. In the contemporary city, there is a variety of purposes, not constant but shifting and changing, Delhi is no longer a mere administrative centre but has been vastly

transformed to a city of services, transport and manufacture. Bangalore is not a retirement town any more but a significant manufacturing centre and a hub of a service industry with world wide connections. Bhubaneshwar and Chandigarh are no longer state capitals only. It is this complex set of varying purposes that determine the character of urban spaces and their inter-relationship. Understanding these complexities and devising a frame for the mutually beneficial use of these multiple spaces is the crux of spatial planning and management.

47. How do we categorise urban spaces in a city? Can it merely be in terms of the conventional land use classification such as residential, commercial, industrial etc.? If such a classification adequate at all for any scheme of governing urban space? Alternately or additionally, can the community, city zone, city itself, agglomeration or metropolitan region provide a convenient classification? Urban spaces cannot also be classified on the basis of administrative jurisdictions only. The municipal construct in India started with concerns of sanitation and health. There was also a broad segmentation in many of the cities during the British Indian period such as the cantonment, the railway colonies, the native towns etc. The Municipalities themselves were derived as a platform for raising some money for the upkeep of the city and so the 'rate payers' became the base. A combination of all these classifications may be necessary for spatial governance. Both agglomeration and disaggregation are needed.

48. In addressing the issues of space and governance, we also need to recognise and accept some organising principles. One is that in whatever way space is classified, there is a need to plan and develop that space, regulate its use, service and maintain it including the funds needed for that purpose and in renewing that space if the circumstances so warrant. The second principle is that all these activities require a measure of public participation: the users (or stakeholders in the contemporary language) are the potential guardians of urban spaces. The third is the platforms for such participation have to be democratic and

have to be related to the political structure. Finally, it should be asserted categorically that urban space like any other space in any human settlement, is a public asset to be used for public good. This is not to exclude private ownership or private gain but in the governance of urban spaces public interest should be the prime determinant and not the market.

49. The quality of life in Indian cities is determined mainly by the quality of life in the neighbourhood, the mohalla or the locality. In municipal language this would correspond to a ward. Even in British India, the Ward was an important constituent of the municipal structure. After independence as the municipalities and city governments themselves got undermined, the ward lost its significance. The 74th Constitution amendment is an attempt to bring the ward back into some focus. The experience of the past few years in implementing the relevant part of the Amendment has already been discussed earlier in this paper. A major deficiency in the constitutional prescription may be the composition of the Ward Committee itself which has been left to the discretion of the State governments. They have preferred a nominated and therefore inherently sub-servient groups rather than elective arrangements. It has also been argued that the absence of a 'ward sabha' or an 'area sabha' comprising all the citizens is another deficiency.

50. Whatever the reason in the absence of an elected ward committee at the neighbourhood level the substance of the 74th Amendment does not go beyond municipal elections once in five years. The citizens after voting once in five years are expected to be somnolent and leave the running of the city to the elected

councillors if they are inclined to do so. Furthermore, there is really no platform of accountability which the ward committee was intended to be. Once the ward committee is recognised as an important component of the municipal structure various activities of governance can be entrusted to them such as execution and maintenance of locality based services, participation in the planning of land use for the ward, monitoring the plan and tracking its violations, conservation of local community resources such as parks playgrounds etc. Depending on public interest a ward committee can also take on more functions like being involved in tax mobilization. The PROOF programme initiated by Janaagraha in Bangalore is an example.

51. The next level of aggregation could be a collection of wards. This could be a Borough as in Calcutta or a zone or an Administrative Ward comprising several municipal wards as in Mumbai. The Calcutta Corporation has a programme whereby the planning, execution and maintenance of some services common to several municipal wards is handled by the Borough Committee. In large cities there is certainly a need for an intermediate structural level between the city and the Ward.

52. Next will be the city level itself. The locus and responsibility for spatial planning has been taken away from city governments by a variety of interventions over the years such as Improvement Trusts, Development Authorities, parallel bodies etc. The very first item in the 12th Schedule of the Constitution is Urban Planning, including town planning". The second item is the "Regulation of land use

and construction of buildings". As mentioned before even in British India these closely related tasks of spatial planning were regarded as falling well within the domain of city governments. There are several judgements in recent years of different High Courts which have clearly endorsed this position. Nevertheless several state governments have been reluctant to recognise this position so patently provided in the Constitution itself, on the interpretation that a city development plan is something larger than what it is. Various the State governments have interposed themselves in the process bypassing or compromising the interests of the city. The changes in the development control regulations in Mumbai and in Delhi are ample evidence of this. The city region or the agglomeration is yet another level of aggregation. Here again, the DPC and the MPC envisaged in Articles 243ZD and 243ZE are farsighted provisions. The reluctance of the State governments to yield powers and responsibility to these constitutionally mandated bodies has been discussed earlier in this paper. It remains to be seen whether the lure of central funds can persuade state governments to restore city planning to city governments.

53. Finally, there are limits to which the approach of using land as a financial resource can be pushed. It needs to be stressed again and again that if urban space is treated only as a marketable commodity, the market will contrive its best to enhance its scarcity value. This in turn will bring about various distortions whereby the allocation and use of urban space is determined not by public interest but only by private affordability. Manipulation of land values and maximization of profit is discussed in the theme paper on space and infrastructure. What results is

the commodification of the city, not its livability. The cumulative effect of these deliberate distortions on the environment have been revealed with dramatic sadness in city after city.

54. Defining public interest and defending it against pressures has never been easy. The design and instruments of urban governance are also subject to pressures. Urban India has been pushing, perhaps unconsciously, the limits of endurance. The society has to be constantly reminded about the strain and the consequences of crossing the limits. It is only an informed society that can understand and reverse its own excesses. That is a principal cause for a professional to pursue. The other alternative is for a calamity to run its course and a city to be re-built from its ruins. That is what seems to have happened in Bhuj.
