Isabelle Milbert

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“Democratic decentralization at the crossroads. A case study of India.”

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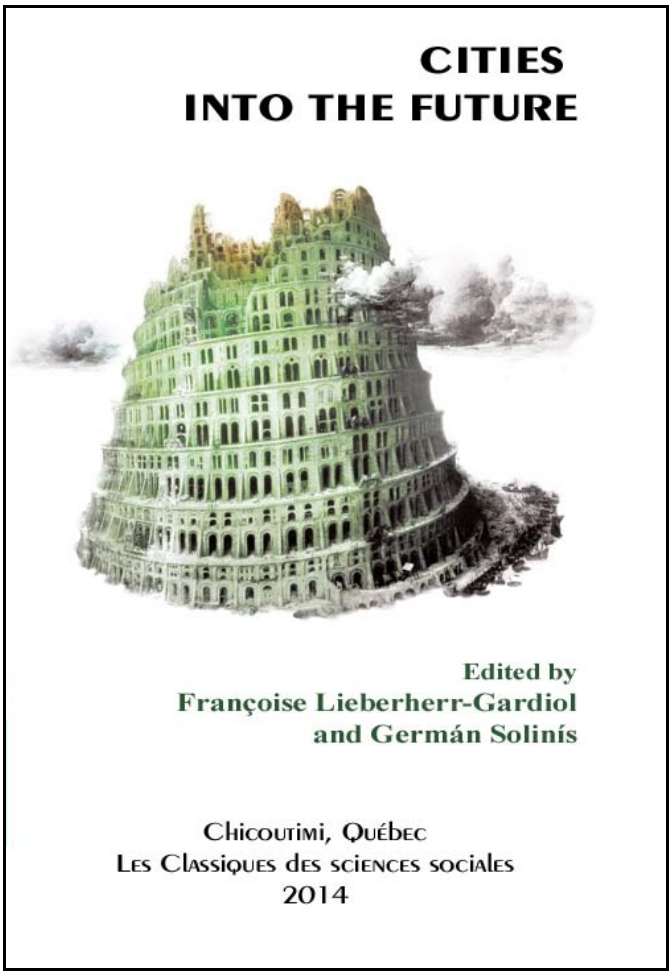

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VII

Democratic decentralisation at the crossroads. A case study of India

by Isabelle Milbert [1]

Introduction

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Public decentralisation policies have been at the core of the reform of government institutions in many developing countries during the last 25 years. These policies were supported to a large extent by multilateral and bilateral cooperation programmes, which were taken over later by major international conferences held under the auspices of the United Nations during the 1990s (Milbert, 2000), although the civil society demands prevailing at the time did not treat this reform as a priority. [2]

For 20 years there has been a strong consensus – based on widely differing perceptions and objectives – on the need for decentralisation and giving more power to town and city governments. Today, the benefits of these policies are as diverse as the steps taken in this re-

1 The author would like to thank the French National Research Agency and the CITADAIN project for its support.

2 For instance, decentralisation is not mentioned in African National Conferences reports (Ziegler, 1997).

gard. In most countries, decentralisation has been incomplete, keeping in view what has taken place in India. Our hypothesis, illustrated by a case study of this country, is that the legal measures related to decentralisation have had a strong impact on the democratic functioning of institutions and have contributed to a new definition of citizenship, even though the issue of an effective link between representative and participative democracy remains unresolved. However, at the technical level of the delegation of powers and sharing of financial responsibilities, a great deal of uncertainty and incomplete changes are noticed. Generally speaking, decentralisation policies have not received the financial and human resources required for the implementation of their objectives. Finally, decentralisation has had a strong impact on national space development and is responsible for many of the growing inequalities between various urban areas, in a context where privatized modes of urbanisation are developing rapidly.

Decentralisation has been defined and used in different ways by various institutions, researchers and experts. In its widest sense, decentralisation is a "creation of bodies, separated by law from the national centre, in which local representatives are given formal power to decide on a range of public matters […]" (Meenakshisundaram, 1996: 56). It includes the transfer of authority and responsibility by the central government and its various departments to subordinate governmental organisations, semi-autonomous and elected public bodies, including municipal bodies, or even the private sector. Cheema and Rondinelli's well known typology differentiates between deconcentration, delegation, privatisation and devolution (1983). I have identified in this paper the general insistence on the wider definitions of decentralisation such as, for instance, the tendency to equate decentralisation with deconcentration (United Nations, 1962, UNDP, 1993), or the intentional ambiguity between decentralisation, community development and privatisation (Manor, 2004) as the central problem in the theorization, implementation and assessment of decentralisation policies.

In this paper, decentralisation is therefore considered in a narrower sense as an extension of representative democracy and as a categorisation of the territorialisation of political power, transferring a part of the state's authority and functions to local elected bodies. In this sense, the election of municipal bodies is the key element that condi-

tions the transfer of public power to representative authorities at the local level (Michalon, 1988). But it is not the only condition, as demonstrated by Mawhood (1987: 9) when he describes the five fundamental characteristics of decentralised local bodies: they have a separate legal existence; they have their own budgets and the power to allocate as well as generate their own resources through taxes and earnings from services; they employ their own staff and have an administrative autonomy; a municipal council is elected by universal suffrage; they perform a certain number of specific functions.

Decentralisation is also a part of a general movement leading to the multiplication of actors and the redefinition of a multilevel governance through which the state apparently loses its prerogatives for the benefit of a global level (Jessop, 2004), lower levels (Le Galès 1995), as well as a number of stakeholders belonging to the civil society or the private sector (Kahwaja 2004, Agrawal & Ostrom 2001). Such a reconfiguration of global governance is bound to have a strong impact on the outcome of decentralisation reforms: these have taken place when "there is a movement from the central role of the official state apparatus in securing state-sponsored economic and social projects and political hegemony towards an emphasis on partnerships between governmental, para-governmental and non governmental organisations in which the state apparatus is often the first among equals". (Jessop, 2003: 5)

Launching of Decentralisation Policies

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In the late 80s, there was apparently a very large consensus on the need for decentralisation in which all stakeholders saw a great potential: governments would be more effective; ordinary citizens would have a greater sense of ownership of development projects; delays in decision-making would be reduced; local participation would increase; partnerships between government agencies and the private sector would be encouraged; government procedures would be more transparent for ordinary citizens; accountability of bureaucrats vis-à-vis elected representatives would be greater; overall corruption in the

political system would be reduced; programmes would be more responsive and better suited to local conditions; government would appear more legitimate in the eyes of its people due to greater transparency and accountability (Manor, 1999 : 99-100). A number of stakeholders hoped that as a result of decentralisation new forms of citizenship would take root (especially through the empowerment of minorities, women and poorer sections of the population), while others saw in it all the advantages brought by the privatisation of services.

It would be difficult to find such total unanimity on other public policies: 63 developing countries enacted decentralisation laws during the 1980s (World Bank 2000). This surge of public policies is therefore based on a "constructive misunderstanding": there was a consensus on these laws because every actor involved saw in them a means of realising specific goals which would, in fact, be contradictory to the goals sought by other actors. One could say that decentralisation became a "meta-norm" to be implemented at a global level under the auspices of international organisations and cooperation agencies (Finnemore & Sikkink, 1998 : 890).

Another reason behind this swell of reforms that would severely modify internal balances in the states concerned is the consensus between the different cooperation agencies which also saw a large number of varied and distinct advantages in the implementation of decentralisation policies. A common point that the various agencies agreed on was that decentralisation would facilitate the struggle against poverty: "Decentralisation directly promotes the empowerment of local actors and, as far as possible, of the most underprivileged, the participation of local actors in decision-making and the appropriation of reforms by their beneficiaries. Taken together, these conditions provide greater access for the most underprivileged to public services that satisfy their needs and are within their means." (Raess, 2007: 247, regarding Swiss Development Cooperation projects). Each cooperation agency thus weighed its influence in the countries where its aid was concentrated so that it could participate in this massive transfer of public policies (Ayres, 1999) and make sure that these decentralisation laws were enacted and implemented. External funding for cooperation has often to covered the initial costs of decentralisation (setting up city councils, organising elections, etc.) and has made it easier to hold elections (in West African countries), train elected members,

reorganize local finances and set up services (Latin America), promote local development (Bolivia, Burkina Faso, etc.) and set up multi-level institutions including cities (Cities Alliance) (Milbert, 2000, Satterthwaite 2001).

Internal contradictions in decentralisation procedures became apparent in the 1990s. To begin with, the initial vagueness of the definitions of decentralisation had severe consequences at the ground level: what some called "decentralisation" was in effect no more than deconcentration or privatisation, which was in direct conflict with the implementation of democratic decentralisation, particularly at the time of transferring functions to municipalities. On the other hand, the initial expectations about decentralisation, based on reflections in the field of public administration, concentrated only on the technical aspects related to the deficiencies of public services and implicitly equated decentralisation with procedures connected with privatisation while, at the same time, elected representatives and citizens elaborated new types of democratic action. Very soon, there arose grave doubts whether decentralisation would really lead to better management and greater administrative and financial efficiency (Prud'homme, 1995).

However, criticism and disappointment (mentioned by Baud and de Witt, 2009: 9) did not stop decentralisation reforms from coming into force. This eventually led to demands, this time from civil society, for a second wave of decentralisation measures that would rectify the defects and limitations of the earlier laws and would finally allow greater efficiency and local democracy to take root (Arvind, 2008, Ramanathan, 2007).

India seems to provide a very good illustration of the wave of decentralisation reforms launched in the 1980s and 1990s: identified as a priority by Prime Minister Rajiv Gandhi in 1986, decentralisation was implemented and pursued at the same time as economic liberalisation. However, decentralisation was far from being a new concept in India: several laws instituting urban local bodies had been passed during the British rule particularly in 1870 (Lord Mayo's Resolution), 1882 (Lord Ripon's Reforms) and 1916 (Milbert 1986). However, these measures were considered very disappointing by the leaders of the Congress Party who felt that the British colonial rulers had cheated them by doling out no more than a few crumbs of democratic self-government.

After Independence, Indian urban local governments were organised on the basis of the "ultra vires" principle. Hence, in this federal system, the state governments had more freedom in the management of their affairs in the absence of constitutional provisions. Urban local bodies were in fact subjected to controls exercised *ex ante* by administrators and "supersessions" while elected representatives, under direct administrative supervision, were likely to be suspended *sine die* for the slightest deviation.

The result was far from satisfactory: "In many states, local bodies have become weak and ineffective on account of a variety of reasons, including the failure to hold regular elections, prolonged supersessions and inadequate devolution of powers and functions. As a result, urban local bodies are not able to perform effectively as vibrant democratic units of self-government." (Statement of Objects and Reasons, Indian Constitution (74th Amendment) Act, 1992)

As a consequence, a constitutional amendment appeared as a prerequisite for a reform to strengthen local urban bodies. The objective was to grant a constitutional status to municipal government in India for initiating a process of participative and decentralised democratic government of urban areas. Two constitutional amendments were eventually voted in 1992 concerning rural and urban decentralisation. This process was undertaken at the national level with close coordination between the central government and a number of Indian experts. In the federal context, the states would continue to bear heavy responsibilities regarding the implementation of the 74th Constitutional Amendment Act (CAA), especially in matters of legislation and implementation. All the state legislatures subsequently passed conforming legislations in order to implement the CAA, though the exercise has been perfunctory in a number of cases (Sundaram, 1996).

The implementation of the 74th Amendment was intended to change the urban landscape in three ways: create a local democracy, provide guaranteed representation for the weaker sections of society, devolve urban functions together with a sound financial devolution procedure corresponding to these functions, and create an institutional framework which would strengthen the urban capacities for planning and managing the city such as District Planning Committees, Ward Committees, Metropolitan Planning Committees, State Finance Commissions and regular auditing of accounts (CRISIL, 2008 : 3)

This has now created a great variety of situations throughout India, where states have dealt differently with the problems of fiscal decentralisation and urban management (Fernandes, 2004). From the beginning, the elected members of State Legislative Assemblies (MLAs) were reported to have certain reservations regarding this reform. A commonly accepted explanation is that they saw this new scale of political activity as a direct threat to their own influence and constituency. This initial institutional twist, where decentralisation was perceived as an initiative of the Centre rather than the states, has had many practical implications.

Nevertheless, decentralisation has enabled urban local bodies to regain in some measure the autonomy that they had lost completely. The 74th Constitutional Amendment has provided for the regular and fair conduct of elections to urban local bodies by statutory Election Commissions. It secures the territorial jurisdiction of urban local bodies by clearly defined criteria, designated as *nagar panchayats*, municipal councils and municipal corporations (for large urban areas). It aims at giving an adequate representation to women and weaker sections of society in municipalities and Wards Committees, and to the offices of chairpersons. It foresees the constitution of Wards Committees for a number of wards in large urban areas, in order to ensure popular participation in civic affairs and decentralised governance. There is also the specification, through a separate Schedule provided in the Constitution (12th Schedule), of the powers and functional responsibilities to be entrusted to municipal bodies and their committees, to be confirmed by state laws. The 74th CAA also foresees that there will be a specification, by state laws, of provisions for the mobilisation of local finances through taxes and revenue sharing and assignment, and the appointment of Statutory Finance Commissions every five years for reviewing the financial position of local bodies, for making recommendations on local taxes and transfers by way of assigned taxes and grants-in-aid. There are also provisions for setting up committees, predominantly composed of elected representatives, for comprehensive district planning and metropolitan planning by integrating urban and rural plans for land use, resource use and environment, and limitations on the state's power for the dissolution of elected local bodies.

The implementation of constitutional amendments aimed at decentralisation was intensified after 2005, when a tardy but genuine effort was made to give top priority to urban policies through the Jawaharlal Nehru National Urban Mission (JNNURM). In fact, one objective of this policy is to ensure that decentralization is completely operational in the 63 large cities concerned. One of the conditions to be eligible for receiving funds from the Centre under JNNURM is to have fully implemented the provisions of the 74th CAA (JNNURM, 2005).

JNNURM thus aims to fulfil the conditions of full accountability as described by James Manor (Manor, 1999, 11): adequate funds, adequate powers, double accountability.

Democratic Assertion of Decentralisation

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The aim of decentralisation is to transfer to the local level all the elements already present in the democratic system, including popular sovereignty, equality and political freedom. H. Blair describes the local government body as the "meaningful authority devolved to local units that are accessible and accountable to their local citizenry, who enjoy full political rights and liberty" (Blair, 2000:21). The underlying aim of decentralisation is to ensure that local elected representatives pay more attention to the demands of their fellow citizens by strengthening public participation and making local bodies more accountable to the public.

Decentralisation has led to the creation of municipalities or, in other words, entities exercising authority in a demarcated space. The very delimitation of municipal boundaries often triggered an extensive democratic debate and a lot of interaction between people, traditional authorities and political leaders (Jacob, 1998). It also led subsequently to the regular holding of local elections which are closely followed up by the citizens because of the concrete, tangible issues at stake. (Utomo, 2009)

The introduction of decentralisation in urban areas has brought about a profound change in city governments: it has increased the number of actors and altered the nature of their interactions (Le Galès,

1996). It has given a sense of belonging to the local citizenry (Ruet, Tawa Lama-Rewal 2009), created new levels of political action (de Wit, 1997), opened new modes of access to political life (Utomo 2009) and created a new class of local politicians (Baud & Nainan, 2008). In many countries, including the European countries, decentralisation has made it possible to delocalise cultural and economic activities, thus facilitating local development and putting an end to the capital's ascendancy.

Today, in most countries, local elections depend a great deal on the prestige enjoyed by various political parties at the national level but also, and above all, on the quality of local candidates and their social networks as well as the quality of their urban management. Political conditions linked with local elections rarely concentrate only on the municipal team's efficiency in the area of urban management. In many cases, in the North as well as the South, party politics at the national level also play as important a role as the individual charisma or managerial efficiency of mayors. One also has to take into account the identity and the status of the different voters and the patronage exercised by elites (for example, big landlords, former feudal chiefs). In many cases, ethnic, religious, linguistic and regional identities are likely to condition the voting results more than the assessment of the efficacy of municipal management. (Bako-Arifari, 2002, Blundo, 1998)

In India, the primary objective of the 74th CAA was to reinforce democratic governance and create a three-tier system of democracy. City and town dwellers would thus be able to elect their local government representatives in the same regular and uncontested manner in which they elect members of the state and central legislative bodies.

The above objective has been attained in a vast majority of Indian states. Urban local bodies have been constituted and reinforced. Several rounds of regularly conducted municipal elections have been a spectacular political phenomenon in most Indian states (cf. Bercegol on small towns in Uttar Pradesh, 2012).

State Election Commissions have been created in accordance with the provisions of the Act. They oversee the entire election process and guarantee the adherence to democratic rules. The 74th CAA also specifies that the electoral system should provide for the specific rep-

resentation of the "weaker sections of society", namely women in addition to Scheduled Castes and Tribes (SC/STs). The implementation of these measures has led to significant changes in local politics, especially in North India (Jeffrey, Jeffery, Jeffery, 2008, Ciotti 2009). From the beginning, weaker sections were well represented both among local councillors and in Municipal Committees and also at the Mayors' level. Women, for instance, were appointed Mayors very soon after the enactment of the 74th CAA (Tawa Lama - Rewal 2005). However, "the decision of which seats are reserved need not follow any set criteria and could be used for political purposes by the ruling party. This situation undermines the effort to broad-base participation by women and SC/STs [3]" (UNDP, 2001:24).

The Difficulty in Building an Urban Citizenry through Decentralisation

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Political decentralisation has now taken root, hence decision-making mechanisms have become more complex, as demonstrated by the setting up of most international urban projects. Local actors, including mayors, action groups, citizens movements, cannot be ignored anymore: most international UN Conferences since the 90s have highlighted these new urban dynamics. Decentralisation is well established, but it certainly has not been able to solve all the issues linking representative and participative democracy, that is the electoral process on the one hand, and citizens' action on the other hand.

This distinction between representative and participative democracy has logically taken shape in Latin America first (Marques-Pereira, 1998). The Bolivian legal system (Kohl, 2002) is undoubtedly one of the most complete systems as it incorporates the two processes: the citizen votes at the local level, but they also continue to take part in public affairs through social activism, the election of neighbourhood representatives and participation in meetings and decisions related to the running of the district and the city. There is explicit pro-

[3] SC : Scheduled Castes ; ST : Scheduled Tribes.

vision for links between these local action groups and municipalities in Bolivian laws, through the creation of "vigilance" and "neighbourhood" committees (*comites de vigilancia, organisaciones territoriales de base*). In many Latin American countries, participative budgets have also been successful in mobilising the population in the area of urban management (Cabannes 2004).

Generally speaking, political control over municipalities has become a major issue in the power struggle, giving rise to various degrees of hybridisation between traditional and emerging leadership (Bako-Arifari 2002, Chatterjee 2004) and giving rise to debates around what Appadurai calls "deep democracy"

In India, municipal sub-levels are expressly provided for in the big cities (with a population over 300,000), through the creation of Ward Committees, which should facilitate interaction between citizens, civil society organisations, councillors and ward personnel (Singh 2012). But they have not yet been set up everywhere. It is true that the 74th CAA is quite imprecise on this subject: as a result, their duties, financial resources and mode of functioning vary considerably from state to state and from city to city. Also, their access to funding and their responsibilities are not necessarily co-related (Wit, Nainan, Palnitkar, 2009: 65). Similarly, institutionalised citizens' groups for every ward in the big cities are yet to be fully developed and in some cases (Bangalore and New Delhi), they have been taken over by the middle class and elite groups (Zerah, 2007, Harriss, 2006). Since Ward Committees have not been set up as initially planned, the Indian government framed a law envisaging the participation of citizens and the community in local government as explicitly foreseen also in the JNNURM. But very few states have implemented this type of legislation so far.

There are still many different interpretations concerning the institutional setup of municipal bodies, the powers of mayors and the mechanics of their election. Claiming that citizens in all parts of India do not enjoy uniform rights to elect their representatives and that the functions and financial means are not identical in all urban local bodies, some researchers conclude that "the democratic power of an Indian citizen regarding local bodies varies widely across states. This is contrary to the uniformity that exists in her democratic power towards the national and states governments" (CRISIL 2008).

Local democracy also suffers from several biases detrimental to the poorer sections of the population (Narayanan, 2003): as migrants and illegal squatters, they often cannot vote, nor run as candidates for election, especially when they are slum-dwellers. Giving out election cards has therefore been a key instrument of party clientelism in urban low-income neighbourhoods (Milbert, 2009). In many cases, it is the elite in charge of urban management, acting in response to demands emanating from middle-class citizens groups, who actually maintains poor urban dwellers in marginal situations, refusing land tenure regularisation and poor neighbourhoods servicing, and insisting on slum clearance (Dupont, 2010). In recent years, in depth research surveys demonstrated how, instead of facilitating a better accountability, decentralisation has not been able to reduce corruption (Veron et al., 2006), communalism, urban social fragmentation (Harriss 2007), land speculation (Fernandes, 2004) and elite capture (Bardhan & Mookherjee 2000).

Uneven Transfers of Functions

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When structural adjustments policies were implemented, the accompanying institutional policies prescribed a strict model for services to be provided by local bodies. They were aimed at depriving cities of the responsibility of providing redistributive goods and services which, it was felt, belonged more to the sphere of the private sector. They therefore considered limiting municipal responsibilities to the provision of goods and services serving the interest of the city's well-being, thus maintaining a competitive rate of taxes in relation to other metropolises. A little later, W.Dillinger pointed out the importance of clear and well-defined links between each government unit and its specific services so that the voters could hold the local government responsible for each of its functions. This clarification of the definition of responsibilities was, according to him, necessary to improve the accountability of local institutions to voters (1994:25).

In reality, the results of decentralisation are very uneven as regards the real power conferred on urban local bodies. Only in some coun-

tries have the numerous functions and a sizeable portion of financial resources been actually transferred to local bodies. This process, at times, has encouraged separatist movements instead of neutralizing them (cf. the case of Bolivia and Colombia).

In many countries (e.g. Argentina and Bolivia), decentralisation has made it possible to eliminate the responsibility of public policies at the central level regarding a number of subjects that are both costly and difficult to manage, especially urban services related to human development (health and education), and services demanding heavy investment and costly maintenance (water supply, sanitation and transport). At the city level, this decentralisation came as a shock since no organisation had the ability or the means to undertake these new tasks and treat them on a priority basis, in a context where the existing functions were already quite onerous and the tax base was very weak.

Over the years, the sharing out and allocation of functions have remained unclear, contrary to the initial recommendation of W. Dillinger. One of the first pitfalls has been leaving out some key elements of urban development (slum upgrading, services maintenance, public urban transportation) in an uncertain financial and regulatory framework.

The second pitfall is the delegation of some difficult tasks requiring considerable expertise to local urban bodies with hardly any guidance or funding from the central government. For instance, urban local bodies in developing countries proved to be too weak to take complete charge of functions such as the management of natural disasters, risk prevention or heritage conservation, while in Europe, these tasks are backed by considerable support from the central governments (while local governments still often lack accurate expertise). Even the task of promoting the economy (through local development and job creation) often has to be backed by external institutions to be successful, as demonstrated in several interesting cases (e.g. Bolivia, Thévoz, 1999).

The third pitfall is the superimposition of competencies at the different levels of government. In many countries, including India, town-planning, environmental protection and even the fight against poverty are a case in point.

In India, the 12th Schedule of the Constitution introduced by the 74th Amendment does not envisage a framework for linking municipal functions with the corresponding financial instruments. The 12th Schedule, which establishes the list of 18 functions, is not really mandatory: it is up to the state governments to decide which of the 12th Schedule functions are to be devolved to urban local bodies. "A comparison of the state legislations with the Central Act reveals that few state governments have availed of the opportunity presented by 74th Constitutional Amendment to clarify municipal functions listed as 'mandatory' and 'discretionary', and avoid overlapping institutional, functional and geographic jurisdictions" (UNDP, 2001: 24). Maharashtra undertook the most comprehensive amendments to municipal laws in respect of the functions of the municipal body and the Wards Committees, annual reports on environment and the extent of subsidisation of services, and the constitution of district committees. Many other states adopted a more restrictive approach.

TWELFTH SCHEDULE OF THE INDIAN CONSTITUTION

(Article 243W)

1. Urban planning including town planning.
2. Regulation of land-use and construction of buildings.
3. Planning for economic and social development.
4. Roads and bridges.
5. Water supply for domestic, industrial and commercial purposes.
6. Public health, sanitation conservancy and solid waste management.
7. Fire services.
8. Urban forestry, protection of the environment and promotion of ecological aspects.
9. Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.
10. Slum improvement and upgradation.
11. Urban poverty alleviation.
12. Provision of urban amenities and facilities such as parks, gardens, playgrounds.
13. Promotion of cultural, educational and aesthetic aspects.
14. Burials and burial grounds; cremations, cremation grounds; and electric crematoriums.
15. Cattle pounds; prevention of cruelty to animals.
16. Vital statistics including registration of births and deaths.
17. Public amenities including street lighting, parking lots, bus stops and public conveniences.
18. Regulation of slaughter houses and tanneries.

This illustrative schedule of functions seeks to widen the municipal operative sphere in four new areas: economic and social planning, care of the weaker sections, urban poverty alleviation and protection of the environment.

The central government was too optimistic when it left the devolution of functions to the discretion of the states. Actually, the functions envisaged in the 12th Schedule and in the laws of the various states were only partially transferred to the municipalities (Bandyopadhyay et al, 2011). Government agencies and high civil servants have continued to trespass on the functions of municipalities. On the other hand, some functions transferred to municipalities are too ambitious, redundant and, therefore, impossible to implement at the local level, given the human and financial resources at their disposal.

This is true, for instance, of the built heritage conservation: Gujarat is a significant example of municipal action, since considerable efforts have been made in the capital, Ahmedabad, thanks to the goodwill of a non-profit organisation, the backing of international heritage bodies and its original institutional set-up in conjunction with the state and municipal authorities (Nayak, 2003). But in all other cities of Gujarat, such as Jamnagar, Bhavnagar or Junagadh, historic buildings and neighbourhoods are decaying and urban local bodies do not have the specialised staff, the financial means and the popular or elite support that would enable them to deal with their built heritage. Slum rehabilitation, environmental protection or, sometimes, even primary education (cf. the case of Jaipur city) meet with the same absence of concern and capacities within urban local bodies' staff.

Programmes to fight urban poverty are managed by the states and sometimes delegated to urban local bodies. But the responsibility is not fully entrusted to them, leading to considerable gaps in the implementation, aggravated by the lack of political will (de Wit, 2002, Milbert, 2009). Urban planning, building control and bye-laws, water supply, sanitation and roads are key functions that are yet to be devolved to urban local bodies in many states. CRISIL estimated that only 60% of these transfers had been completed in 2008. Related institutional tools such as Metropolitan Planning Committees are badly missing in nearly all states (CRISIL 2008: 9).

The implementation of decentralisation in India thus came as a contradiction to many deconcentration and delegation strategies adopted after Independence in the urban sector. For example, during the 1970s and 1980s, the Indian government, with support from the World Bank, had allotted substantial funds for setting up Water Boards, public bodies in charge of the management of water in the different states. Similarly, 'Urban Development Authorities' (UDAs) were placed directly under the state governments, were put in charge of investment, creating infrastructure building and town-planning in most Indian municipal corporations (cities having a population of over 200,000). These public bodies at the state level were not abolished after decentralisation reforms were implemented, and have not lost any of their prerogatives, thus giving rise to an overlap between their functions and those newly acquired by elected urban local bodies. In the future, one could imagine that either the supervision of the UDAs would be progressively transferred to the Municipal Corporations or that their functions and staff would become part of the Municipal Corporations.

As a consequence, most tasks related to planning have yet to be devolved to urban local bodies (except in Kerala and West Bengal). Even more worrisome is the fact that no state has to this day been able to change the sharing of functions with Urban Development Authorities, which remain in charge of most urban investments, infrastructure building and urban planning. Therefore, various deconcentrated state agencies, like Urban Development Authorities, Water Boards, Housing Boards, are now becoming a direct obstacle to the further implementation of decentralised functions.

The issue of power sharing between urban local bodies and state or national institutions extends to land-related matters and the jurisdiction of municipal bodies over their own urban territory. Many public or semi-public bodies like the railways, port authorities, industrial promotion services and the army actually control vast tracts of land within city limits. It is difficult to quote exact figures, but for instance Bertaud estimated that about 30% of the land under the Chennai Municipal Corporation is under the control of state or national institutions (2002). These lands lying outside the jurisdiction of the municipal authorities are under-utilised and subjected to non-municipal priorities.

Decentralisation, but without the Means required for Fulfilling its Objectives

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Initially, financial decentralisation was proposed because "it puts the responsibility for costs, tax levels and expenditures on the shoulders of local beneficiaries and local decision-makers. It therefore maximizes the accountability of government to taxpayers and underpins genuine local political and managerial autonomy" (Manor, 1999: 95). However, it has been observed that political decentralisation in most countries has not been backed by sufficient financial devolution or by the provision of adequate human resources. Generally speaking, local governments are not self sustaining. They usually receive financial support from the state authorities, either in the form of entitlements (giving a legitimacy to the process) or in the form of grants (which enhance the dependence of local governments). Lack of administrative capacity has increased the managerial and investment difficulties faced by urban local bodies.

Deconcentrated state bureaucracies have so far been the main beneficiaries of decentralisation in most countries of the South since urban local governments have not been provided with the means required for decentralisation, whether in terms of revenues, staffing or procedural reforms. The two initial limitations, namely financial and human capabilities, were properly assessed right from the beginning (Peterson 1994). Although cooperation agencies and national governments have elaborated an impressive number of programmes and projects in support of national policies with the collaboration of local and international academics and consultants, they have not been able to keep up with the rising needs.

In most countries, local taxes continue to yield low revenues. Local resources have remained limited, except in the case of a few large cities. Everywhere, fiscal decentralisation has led to an increase in spatial inequalities, even in developed countries as demonstrated by the case of Greater Paris municipalities and endless discussions on inter-municipal fiscal redistribution.

In India, the 74th Amendment suggests financial self-sufficiency. Huge efforts were made to overcome the appalling state of municipal finances in the 1980s when many municipalities had an annual budget of hardly more than one dollar per capita. In 2003, O.P. Mathur showed that locally generated tax revenues represented only 6.9% of total revenue raised by the central government and 10.4% of that raised by the state governments. While the municipal governments raised only about one-fifth of the revenue raised by the central government, urban municipal areas produced over 50 per cent of the country's Gross Domestic Product (GDP). This demonstrates that the urban local bodies have not been given the tools to establish effective linkages between their resources and the activities carried out within their own jurisdictions (Mathur 2003: 145). Bercegol (2012) also shows the lack of political will to levy taxes at the town / city level.

A number of states and Municipal Corporations took initiatives such as the reform of property taxation in Andhra Pradesh and the issuing of bonds by the Municipal Corporation of Ahmedabad in Gujarat (Mathur, 2003, 149). However, a recent study by CRISIL still establishes the same diagnosis as Mathur: "the revenue raising power of the urban agencies has become important as the growth pattern of the Indian economy has substantially shifted towards urban centres in the last two decades. The basic revenue structure for the urban centres has not altered in the past two decades. The two basic revenues – property tax and user charges are insufficient to fund urban investments and cities would like to spend approximately Rs.30,000 per capita in immediate infrastructure investments. The average revenue of 42 top cities in India is only Rs.1,700 per capita, and this figure is boosted by the existence of the octroi tax in Maharashtra urban centres.(…) Clearly, existing revenues will not help finance these investments." (CRISIL 2008, 16)

State Finance Commissions have been created as per the Constitutional Amendment. However, this has not solved the chronic discrepancy between municipal resources and state and central resources: "municipal bodies do not get proportionate benefits of the growing richness of the cities" (UNDP 2001: 25). It is obvious that in India, whether at the municipal or the ward level, the delegated wide-ranging powers are not correlated with corresponding financial allocations (except in Kerala and West Bengal). The amount of finance

made accessible to urban local bodies does not match the funds needed to perform the main municipal functions. "Urban local bodies have to depend upon the state government's political and bureaucratic lobbies to access funds" (UNDP, 2001: 24). A very vivid debate has been going on concerning the most appropriate measures to overcome urban local bodies fiscal and financial weaknesses, including new duties, methods of property tax assessment and the replacement of the octroi tax. But so far, Indian ULBs have found the greatest difficulties in levying their own taxes and raising their revenues in a context of distrust from their own constituents (Kalirajan & Otsuka 2012).

The capabilities of the Indian local bodies are also related to their human resources. India now has more than 60,000 municipal councillors and more than 3,000 elected mayors, almost 200 of them in cities having a population of over 200,000. The task of training these new local politicians is quite challenging even today. As in all other countries, their electoral success depends on their practical knowledge of the city's problems and how well they fit into the local networks. Many municipal councillors do not have the necessary educational background to analyse documents that are often difficult to understand (legal documents, budgets, appraisal reports). Most of them, when they take up office, have had little exposure to urban management and usually have no basis for comparison and no standard of development to go by. The task of training these elected representatives is exceptionally difficult: any attempt to train candidates before the election would be interpreted as an advantage given to one adversary over another. After the election, the elected member becomes an official who is very busy with his public duties and he is considered to be above any need for training. In India, the few existing institutional structures capable of providing such training are largely inadequate in terms of quantity and often even in terms of quality, especially at the state level. Therefore, training takes place at present largely via the party system and peer group support. (UNDP, 2001: 25). The same issue of training is also quite acute in the lower strata of municipal staff, who are locally recruited and, in many cases, unable to perform the new tasks assigned to urban local bodies. A minimum level of municipal staffing, in quantity and quality, has often been called for (Vaidya, 2007).

The influence wielded by senior bureaucrats in urban governments raises questions about the functioning of local democracy in India. For instance, elected members of city councils and mayors highly depend on official authorizations from state government officials for a number of activities. Senior bureaucrats head Municipal Corporations. As IAS officers (Indian Administrative Service), they are usually very competent. However, they are frequently transferred, generally every two to three years : they are appointed by the state and central government and are entrusted with a variety of tasks and responsibilities, city management being only one of them. They play a leading role in the city's management, to the detriment of mayors. In many cases, the state officials (particularly Municipal Commissioners who head the Municipal Corporations of largest cities) agree to curb the initiatives coming from elected local urban bodies, who are constantly suspected of collusion and corruption. This difficult equation between the elected members, the municipal administration and the state administration considerably harms the international image of Indian cities, since they cannot be represented by reputed mayors who project their city's image abroad, as was done way back in the early eighties by personalities like Jaime Lerner in Curitiba, Alfonso Barrantes in Lima or Pasqual Maragall and Joan Clos in Barcelona. Thus the two main constraints on local institutions are linked together, by the state politicians' unwillingness to share power and the state bureaucracy's reluctance to give up its prerogatives, especially to local institutions whose quality of management remains to be built (Mohanan 1997).

From Decentralisation to the Privatisation of Land Development

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From the beginning, decentralisation was closely connected with private local development, as pointed out by the early United Nations documents (1964): "governments should decentralise as quickly as possible the powers of decision-making to accelerate their economic

and social development and make their programmes sustainable" (cf. Thévoz, 1999, on Bolivia)

However, the debate on privatisation that began in the early stages of decentralisation was of a different nature and based on the failure of public bodies, since municipalities had not been able to adjust to the ever-growing demand. In the name of efficiency, there was a move to consider privatisation, public – private partnerships or even recentralisation. In the eighties, decentralisation and privatisation developed side by side but privatisation often seems to have been a weakening factor going against the very objective of strengthening the powers, financial capacities and functions of municipal bodies.

In India, decentralisation has been closely linked with privatisation in three ways, the most evident being the delegation of urban services (garbage collection, water) to the private sector (Baud, Dhanalakshmi, 2007), but there are also cases of the privatisation of urban management staff and even the privatisation of cities themselves.

Unfortunately, liberalisation policies and the new provisions intended to facilitate public-private partnerships did not lead to the better management of infrastructure and basic urban services (Singh, 2006: 372). Singh describes the case of Gurgaon and Faridabad where the government of Haryana is trying to promote modern industry-friendly cities by revamping institutional mechanisms with the aim of strengthening the links between investment in infrastructure and industrial needs. However, the exceptionally rapid urban growth and the huge private investments have taken the state government by surprise and they have not been able to keep pace in the areas of water-supply, electricity and transport while keeping the municipal authorities marginalised in the process.

Privatisation is in evidence also in the field of urban management. A great number of tasks for which urban local bodies do not have the necessary expertise are now entrusted to an excellently trained body of consultants and large engineering companies, whether it is the preparation of city development plans (in the context of the JNNURM), for the preparation, monitoring or assessment of projects, new policies and technical expertise and even for urban research. In some cases, these activities also involve training of municipal staff (e-governance, financial management etc…), but it is to be feared, as it

happened in the case the preparation of city development plans by private consultants (on the basis of existing City Master Plans), that it will only marginalise the inexperienced municipal staff a little more.

As everywhere, decentralisation, linked to privatisation, has led to competition between cities and to the emergence of city marketing techniques in order to attract private investments, although the leadership difficulties mentioned earlier have mitigated this move.

In the past, many new cities were developed in India, in complete accordance with Indian town-planning traditions, irrespective of whether they were built and developed by the government for strategic and political reasons (Chandigarh, Bubaneshwar) or whether they were set up for economic reasons (heavy industry, mining sites) or for purposes of urban land development, as in Navi Mumbai on the outskirts of Mumbai (Shaw, 2004). Most of these new cities were planned and built by the central government, but new private towns would also be authorized, usually on the site of mining industries (Mitra, 2002). The government's intention to establish municipal authorities once the private new town was built and completed always led to clashes with the industrial builder, who wanted to keep complete control on the new township. The most striking example continues to be the city of Jamshedpur (Jharkhand), launched in 1907 by Jamshedji Tata. The steel city with a population of 1.3 million in 2011 (ranking 36th out of 53 million-plus cities), is till today managed by Tata Industries and is considered to have an exceptional record in providing services. "People do not want of a municipal corporation because they fear the provision of services would not be so good," explains a high official of the Jamshedpur management. [4] A similar defiance towards elected municipal bodies is to be seen in the 2005 legislation on Special Economic Zones.

Special Economic Zones, whose distinctive features were defined in a law enacted in 2005 (SEZ Act) and in the SEZ Rules, February 2006, belong to a different category altogether. They are in effect 'duty-free' enclaves treated as a foreign territory "for the purpose of trade operations, duties and tariffs". The law provides several tax incentives for developers and investors in these zones intended to create

[4] Interview, October 15th, 2012

optimal conditions to promote exports, private investment and job-creation.

The government has great expectations from this policy: "SEZs need to be seen in the context of attempts by the Government of India to launch second generation reforms and also a continuation of earlier initiatives to boost exports (…). SEZs allow the government to experiment with radical (in the Indian context) economic reform in a sufficiently large geographical area (minimum size 1000 hectares) but on a localized basis, without the difficulty of introducing such reforms at the national level." Thus, there is a strong link between SEZs and export promotion. At the same time, they are also seen as a laboratory for conducting experiments in economic liberalisation and spatial management.

Large Indian companies have greeted these measures very favourably. By setting up SEZs, it is possible to develop vast spaces and avoid existing cities together with their environmental problems, their slums and their politicians and start (in theory) from "ground zero" where the planner and investor can function without constraints in an "internationally competitive and hassle-free environment for exports". It is interesting to note that in these official documents, SEZs are not shown as an instrument of land development or as elements of an urban or human settlements policy.

During the last few years, the Indian private sector, particularly the biggest industrial enterprises such as Reliance, Tata and Mahindra have quickly seized this opportunity for investment in new urban centres, even more so because it comes with numerous fiscal advantages. More than 500 SEZs spreading over thousands of hectares have been approved so far and are at the planning and implementation stage. These SEZs have actually allowed the private sector to enter the fields of urban investment and even land development (construction of roads, suspension bridges and even airports).

However, the private sector has adopted a contrasting attitude as regards the opportunities offered by various Indian states. There is actually a deep divide between the northeast region and the west / south of the country. Plans were drawn up from 2009 onwards to set up more than 50 SEZs in Gujarat, in Maharashtra and in Tamil Nadu while, in 2013, only one SEZ is operational in Orissa, Jharkhand,

Madhya Pradesh and Chhattisgarh (Ministry of Commerce and Industry, 2013). If this trend is confirmed, this *de facto* privatisation of the land development and new town policy would constitute a complete reversal of the country planning strategy which, in the first four decades after India's independence, was dominated by the idea that development can be attracted to backward regions by creating the required infrastructure.

Conclusion

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Are we now heading towards a second wave of decentralisation or towards privatisation? While the urban democratic vibrancy makes no doubt, many countries are facing the necessity to readjust their legislation on decentralisation, for many reasons: some realise that they created too many administrative and political levels (France, Spain) or too small entities (France, Switzerland). Quite a few countries are institutionalizing participatory methods such as ward committees or participatory budgeting. Many countries have to readjust the financial and functional share of responsibilities between the centre and the cities, while most of them have to continue reforming their administrative regulations, recruitment and training so that cities can face their environmental and social challenges. In quite a few countries where decentralisation is half way between deconcentration and decentralisation, the question remains if the central government will allow more autonomy to the urban local bodies (Madagascar). Everywhere, whether in the North or in the South, decentralisation has led to a weaker position of urban authorities in front of private entrepreneurs, whether in the field of urban services, where urban authorities are not always in a position to create the conditions for a true competition that would lead to lower prices for a better service, or in the field of investments and job creation, for which municipalities are openly competing and eventually accepting to curb the implementation of their own regulations on land use, for instance on coastal zone regulations.

The decentralisation policy launched in 1992 has considerably changed the way urban authorities function in India. For several dec-

ades, some of them were under the direct control of state governments (Lavigne, Milbert, 1983). But this reform has not been totally successful so far, and the image of local urban politics is not entirely positive. Since 2005, there have been discussions on the possibility of improving the decentralisation policy with a new set of measures directed towards instruments and means: status of municipal staff, training and organisation of leaders who take decisions regarding the city, executive powers of Mayors, formalisation of the increasing participation of citizens in municipal affairs, taking into account the new actors, identification of new instruments of public policies, simplification of funding procedures and reform of fiscal systems are the main topics that are being currently debated. However, the possibility of privatising urban management is also being considered at the same time.

Notwithstanding the original satisfaction with the enactment of the 74th Amendment and its obvious achievements, it has been widely acknowledged that it has provided only the enabling constitutional base for the continued existence of elected local bodies, representation of weaker sections in these bodies, a framework for regional planning, comprehensive functional allocation, mandated and durable devolution of funds and own revenue sources and decentralised civic functions. But not everything has been implemented till now: "The central government is rather powerless indeed as the establishment and management of urban local bodies is a task on the state government list and the central government can only draw broad guidelines" (Wit et al, 2009: 77).

There is general dissatisfaction about the very uneven and usually poor performance of urban local bodies. A positive hypothesis would be that this is just the beginning of the long road to the reform of urban government and true decentralisation, as was stated four years after the implementation of the decentralisation policy by the highest civil servant in charge of administrative reforms: "State governments are yet to address the fundamental issues bedevilling effective local government such as functional clarity, closing the vertical gap between functions and commensurate revenues, location and distribution of executive and policy-making authorities, recasting state controls, enabling various partnerships, adequate staffing, e-governance and capacity-building" (Sundaram 1996). While urban democracy has considerably progressed during twenty years, the relationship between

political and administrative bodies has certainly become more complex, and it is not sure that it has improved and benefited urban citizens and cities environment.

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