

# POLITICS OF POLICY: Unique case of Delhi Municipal Corporation

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"Policies without politics are mere proposals; politics without policies is mere rhetoric."

- John F. Kennedy

*The success of a policy lies not only in its merits but also in its ability to navigate the political landscape. Government today relies on a complex and interactive system between governments, between public and private institutions and above all between citizens and Government. Today's governance itself is based on dyadic inter organizational relationship between public, nonprofit and for-profit actors and of course power dynamics between different political parties. My paper shows how the complex arrangements of politics vis a vis public policy. The empirical context of this paper is Delhi Municipal Corporation. The case is unique because in a disarticulated state like Delhi its local governance highlights the politics of policy of reshaping the contours of urban spaces to suit the policy jenga of politicians.*

Urban local government institutions are set up for the purpose of providing and maintaining essential services and for planned development of urban areas. The aim is to ensure that basic levels of infrastructure and services are available to all the citizens. Urban governance plays a crucial role in the effective management and development of cities. It refers to the processes, structures, and mechanisms through which urban areas are governed and decisions are made regarding urban planning, development, and service delivery.

Municipal Corporation of Delhi is one of the largest municipal bodies in the world providing civic services to approximately 20 million citizens of Delhi. It occupies an area of 1397.3 Sq. Kms. which is sub- divided into 12 Zones i.e. Centre, South, West, Najafgarh, Rohini, Civil Lines, Karol Bagh, SP-City, Keshavpuram, Narela, Shahdara North & Shahdara South. The Municipal Corporation of Delhi (MCD) is the local governing body responsible for the administration and governance of the city of Delhi, India. Delhi's municipal governance structure has undergone changes. The nature of politics of policy is evident in the structuring and restructuring of Municipal body in Delhi.

The history of the Municipal Corporation of Delhi (MCD) dates back to the British colonial era. Delhi, the capital of India, has a long history of urban governance that has evolved over time. Here's an overview of the key milestones in the history of the Delhi Municipal body:

The earliest form of urban governance in Delhi can be traced back to the Mughal era, when the city was known as Shahjahanabad. The Mughal emperors established administrative systems to manage the affairs of the city. With the advent of British rule in India, the British East India Company assumed control over Delhi and other major cities. The Municipal Corporation Act of 1861 was promulgated, which led to the establishment of municipal bodies in various cities, including Delhi. In 1867, the Delhi Municipal Committee (DMC) was formed as per the provisions of the 1861 Act. It was responsible for governing the city and providing essential civic services. Over time, the population of Delhi increased, and there was a need for further administrative and governance reforms. In 1911, the British decided to shift the capital of India from Calcutta (now Kolkata) to Delhi, and the foundation stone for the new city of New Delhi was laid. In 1922, the Delhi City Improvement

Trust was established to plan and develop the newly designed area of New Delhi. The trust was responsible for urban planning and development of infrastructure in the new capital.

After India gained independence in 1947, Delhi became the capital of the newly independent nation. The governance structure was reorganized, and the Delhi Municipal Committee was replaced by the Municipal Corporation of Delhi (MCD) under the Delhi Municipal Corporation Act of 1957. The MCD Act, 1957, also provided for the amalgamation of the Delhi State Electricity Board, the Delhi Road Transport Authority and the Delhi Joint Water and Sewage Board, so that a unified body administers Delhi's municipal corporation. The 10 local bodies that were merged in 1957 were: The Municipal Committee, Delhi, The Notified Area Committee, Civil Station, The Notified Area Committee, Civil Station, The Notified Area Committee, Red Fort, The Municipal Committee, Delhi-Shahadara, The Municipal Committee, West Delhi, The Municipal Committee, South Delhi, The Notified Area Committee, Mehrauli, The Notified Area Committee, Najafgarh, The Notified Area Committee, Narela, and The District Board, Delhi. The only bodies left out were the all-important New Delhi Municipality and the Delhi Cantonment Areas.

Over the years, the jurisdiction of the MCD underwent several changes. With the enactment of the Delhi Municipal Corporation (Amendment) Act in 2011, the MCD was trifurcated into three separate municipal corporations: North Delhi Municipal Corporation (NDMC) - for the northern region of Delhi, including areas like Civil Lines, Rohini, Sadar Bazaar, etc. South Delhi Municipal Corporation (SDMC) - responsible for the southern region of Delhi, covering areas such as South Extension, Saket, Greater Kailash, etc., and East Delhi Municipal Corporation (EDMC)-this corporation oversees the eastern region of Delhi, including areas like Preet Vihar, Laxmi Nagar, Shahdara, etc. The Delhi Municipal Corporation (Amendment) Bill 2011 that brought about the trifurcation of the then DMC, in its statement of objects and reasons, had said: "Serious concerns had been expressed for quite some time about the constant deterioration of state of basic civic services in Delhi, and the ever increasing woes of the Delhiites on that account".

Way back in 1989, the Balakrishnan Committee, constituted by the union home ministry to recommend reorganisation of the Delhi governance structure, had recommended that the monolithic MCD be abolished and replaced by a number of compact municipalities at various centres in the interest of providing more efficient civic services to the city's rapidly growing population. (The 5<sup>th</sup> Delhi Finance Commission report 2016-2021 has put the population in 2010-11 at 1.67 crores, and projected at 2.01 crore in 2020-21). The monolithic structure of the earlier MCD had jurisdiction over 94.22% of the area and 95.90% of the population (2001) of the National Capital Territory (NCT) with its power centres being remote, and often inaccessible, from the people it was meant to serve. In February 2001, the Virendra Prakash Committee set up by the Government of NCT had also recommended splitting the MCD into four corporations and two Councils. Each municipal corporation was headed by a Mayor and has several councillors who represent various wards within their respective regions.

Experts say with the trifurcation, the then Sheila Dikshit government also wanted to dilute powers of municipal corporations as Bharatiya Janata Party (BJP) dominated MCD, said the trifurcation was for better administrative efficiency with each smaller local body managing the heterogeneous distribution of population. "The Dikshit government also wanted that the mayor and such a large corporation does not become a parallel power centre. There was power tussle between various camps and the state did not have much control over MCD as it was established by an Act of parliament."

Municipal officials said the trifurcation led to unequal distribution of resources with a majority of posh colonies falling under SDMC. They added almost 87% of the East MCD region's population lives in unplanned, unauthorised areas and contribute very little to direct revenue. All five major municipal hospitals came under North MCD and require high recurring capital input. The budgets announced in January and February show that after 10 years of trifurcation, EDMC still depends on the state government for 60% of its revenue. Most of the earnings in North and East MCD are spent on paying salaries, leaving little for developmental projects. In the case of the North MCD, the biggest corporation, the liabilities have now reached ₹8803.25 crore. "With a common kitty, the uneven distribution of revenue sources balanced each other. But post-trifurcation, the situation kept growing worse. At the time of trifurcation, assurances were made that handholding of new bodies will be carried out and assistance will make them financially viable," an official said. Former municipal commissioner

KS Mehra said the unified MCD had commissioners of the joint secretary level and much more experienced, who could ensure discipline in the workflow. “After the trifurcation, smaller local bodies have had officers who are more junior. In any case, if we wish to have decentralisation of power, the deputy commissioners at the level of 12 administrative zones can be empowered,” Mehra said. Former mayor Subhash Arya said the senior officers were also able to ensure better coordination with Delhi and Central governments. He added now mayors and committee chairpersons are appointed for just a year and this also has proved to be detrimental to governance. “Earlier we used to have mayor and standing committee chairman for five years. People could settle in and understand the policymaking. Under the present system, mayors and other appointments are made for a year... by the time a person starts understanding the mechanism, the tenure gets over,” Arya said.

During a five-year term, Delhi gets 15 mayors, 15 standing committee heads, and other key functionaries. Rakesh Mehta, another former MCD commissioner, said the trifurcation experience has not been good and it is better to reunify the corporations.

There has been a constant tussle between the BJP-led MCDs and the Aam Admi Party government over the last seven years over the allocation of funds. Mayors have held several marches and protests outside the Delhi secretariat. In December 2020, three mayors and corporation committee chairpersons staged a sit-in and hunger strike outside the chief minister’s house for 13 days. They have accused the government of targeting the corporations by depriving them of the tax share worth ₹13,000 crore as per Delhi Finance Commission allocations.

The government has maintained that no fund allocation is pending and blamed corruption and lax administration for the financial crisis. AAP has also asked the Centre to allocate funds for the corporations.

The three MCDs have fared poorly on the sanitation indices. Out of the 48 assessed urban local bodies in 2021, two of the three municipal corporations ranked at the bottom in November. East MCD was ranked 40th, South MCD 31st, and North MCD 45th rank. In 2020, the East, South, and North corporations were ranked 46th, 31st, and 43rd. The New Delhi Municipal Council and Delhi Cantonment continued to be top performers.

Atul Goel, who heads a body of resident welfare associations, said the state of drains, streets, and services show that Delhi is suffering not just poor sanitation. “The governance structure has been diluted by the trifurcation with lack of accountability. Unification has been our long-standing demand...”

According to the 2021 data, the three corporations cumulatively had salary-pension expenditures of around ₹8940 crore. It was ₹4200 crore for North MCD, ₹2640 crore for SDMC, and ₹2100 crore for EDMC. The funds available with the three civic bodies will cover salary expenditures. The financial pressure was likely to increase on South MCD leaving little for developmental work. An SDMC official said the body is also struggling to maintain its financial viability. “We had a surplus budget. But SDMC too has been running a deficit budget since 2019-20.” The official called for complete administrative and financial reform for direct funding. “Otherwise, we will remain stuck in a similar situation.” The first deficit of ₹398 crore was in 2019-20. The pandemic further dried up revenue sources. Raj Kumar Chauhan, who was a minister when trifurcation was approved, said the unification will not serve any purpose. “The timing of the announcement proves the BJP is nervous about losing the elections. It has not done much work over 15 years. Their inefficiency and corruption were the reasons why it was decided to trifurcate the MCD. The move was to make corporations more accountable and efficient as there was to be competition between the three civic bodies.” Chauhan blamed the BJP for management. “...the Delhi government did not let director, local bodies, do the work of managing the funding problems.”

The objects and reasons for the latest **Delhi Municipal Corporation (Amendment) Bill, 2022**, which was passed by the Lok Sabha on March 30<sup>th</sup>, 2022 all sound noble. The amendment seeks, among other things, to merge the current three local bodies that govern and manage municipal services in east, north and south Delhi into one Delhi Municipal Corporation (DMC). With one crucial caveat. The bill takes away any role of the Delhi government in the working of this new DMC and transfers complete control to the central government. A move which Delhi CM Arvind Kejriwal has said is “against the Constitution”.

The unification proposal suggested merging the three municipal corporations into a single entity called the "Unified Municipal Corporation of Delhi" or "Delhi Municipal Corporation." The unified corporation would be responsible for the overall administration and governance of the entire city of Delhi. However, the 2022 merger amendment argues that the 2012 trifurcation was “uneven in terms of territorial divisions and revenue generating potential” and that “the main objective of trifurcation to provide more efficient civic services to the public has not been achieved”.

“The experience of the last ten years shows that the main objective of trifurcation — that of creating compact municipalities in Delhi to provide more efficient civic services to the public — has not been achieved. Instead, owing to inadequacies in resources and uncertainty in fund allocation and release, the three corporations have been facing huge financial hardships, making it difficult for them to maintain the civic services in Delhi at the desired levels. The level and quality of delivery of municipal services in the capital of India needs to be in consonance with its unique status and cannot be subjected to vagaries of financial hardship and functional uncertainties”.

Further, it curtails the powers that the 2011 trifurcation amendment gave the Delhi government. The power to decide on the total number of seats of councillors and number of seats reserved for members of the Scheduled Castes, the division of the area of corporations into zones and wards, the delimitation of wards, matters such as salary and allowances, and leave of absence of the Commissioner, sanctioning of consolidation of loans by a corporation, and sanctioning suits for compensation against the Commissioner for loss or waste or misapplication of municipal fund or property. The 2011 Act also mandated that the Commissioner will exercise his powers regarding building regulations under the general superintendence and directions of the Delhi government. The current Amendment hands over all these powers exclusively to the central government. Thus political agenda supersedes the policy of cooperative decentralisation. The Central government will now have total control over all aspects of municipal governance.

The 2022 Bill also omits the provision for a Director of Local Bodies, a post provided in 2011 to assist the Delhi government discharge certain functions like coordinating between Corporations, framing recruitment rules for various posts, and coordinating the collecting and sharing of toll tax collected by the respective corporations. Now, the central government will appoint a Special Officer to exercise powers of the Corporation, until the first meeting of the Corporation is held after the new Act comes into force.

Unification of municipal corporations offers several advantages, including streamlined governance, better service delivery, enhanced planning and development, and simplified decision-making. This results in a more efficient and coordinated administration of the city, improved coordination among departments, and a single governing body responsible for city-wide decisions.

However, it's important to note that the process of unifying the municipal corporations is complex and involves various legal, administrative, and political considerations. The proposal would require legislative changes and the support of relevant stakeholders, including the government of Delhi, elected representatives, and citizens. The future of local governance of Delhi has been played between unified to trifurcated to merger again. In this jenga of politics the governance has suffered. The particular case study highlights the complexity and interplay between politics and policy and how the two realms are inextricably linked in the process of governance.

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