

Strengthening Municipal Leadership in India: The Potential of Directly Elected Mayors with Executive Powers

RAMANATH JHA

Strengthening Municipal Leadership in India: The Potential of Directly Elected Mayors with Executive Powers

RAMANATH JHA

ABOUT THE AUTHOR

Ramanath Jha is a Distinguished Fellow at Observer Research Foundation, Mumbai. He works on issues of urbanisation, including urban sustainability, urban governance, and urban planning. Dr. Jha belongs to the 1977 batch of the Indian Administrative Service. During his time at the IAS —through the 1980s and 1990s — he served various positions including Administrator at Pandharpur Municipal Council; Administrator and Municipal Commissioner at Solapur; Collector and Deputy Director Municipal Administration, Ahmednagar; Municipal Commissioner, Pune; and Metropolitan Commissioner, MMRDA. He received the state government’s Chinmulgund Award for Administrative Excellence in 1989. Dr. Jha has co-authored the books, *Towards People Friendly Cities*, published by UNICEF; and *Urban Essays*, published by YASHADA.

ISBN : 978-93-88262-26-2

Strengthening Municipal Leadership in India: The Potential of Directly Elected Mayors with Executive Powers

ABSTRACT

The question of municipal leadership is of great significance in urban governance in India. There are various models of the position of chief executive of an urban local body (ULB), predominantly tilting towards the ‘strong mayor’ model either through ‘presidentialisation’ of the office or through a ‘mayor-in-council’¹ system. In India, it is the ‘state appointed municipal commissioner’ model that holds sway, sitting over a popularly elected body. This paper argues that the Indian arrangement thwarts good urban governance. It is important that the question of municipal leadership be suitably addressed, and India’s current system replaced with one that is in conformity with the democratic aspirations embedded in the Constitution. However, a new democratic chief executive model will not serve much purpose if the ULBs themselves continue to be denied the status of self-governing institutions.

INTRODUCTION

Among the many urban reforms needed to fix ailing city governance across India, the question of municipal leadership may not be one of pivotal significance. Issues such as functional devolution to urban local

bodies (ULBs), strengthening their fiscal health and their comprehensive empowerment as “vibrant democratic units of self-government”² are indeed central to the governance of cities. The resolution of the issue of city leadership, therefore, cannot be a panacea for all that ails municipal bodies; its significance is huge, however, as indeed it would be to any organisation. This paper looks at the position of the municipal chief executive, in isolation, as an important area of municipal reform.

THE ROLE OF ‘CHIEF EXECUTIVE’

The importance of the chief executive to an organisation cannot be overstated. The chief executive leads the organisation and drives it towards achieving organisational excellence. Internally, the chief executive provides strategic vision and direction, prescribes goals and objectives, inspires their team, and harnesses the abilities of employees to achieve success. Externally, the chief executive represents the organisation, communicates with other entities and people, and establishes the organisation’s credentials or brand among stakeholders. In the corporate sector, many organisations are known by the personalities of their chief executives. In the developed world, this is also true about cities. The role of the chief executive assumes added importance for putting in place not only a system of effective, efficient, inclusive and responsive urban governance but also innovating mechanisms for good urban governance.

Architect Jaime Lerner, for example, who became mayor of Curitiba, Brazil, in 1971, put together the world’s first Bus Rapid Transit System for his city and created the *Rede Integrada de Transporte* (Integrated Transport Network).³ This caught the imagination of the entire world and was sought to be replicated in many cities. Tokyo’s powerful mayor, Yuriko Koike, for her part, gained popularity through her innovative

leadership. She reappraised Tokyo's venues for the 2020 Olympics and brought a fresh context to the relocation of the Tsukiji fish market. She decided on a comprehensive indoor smoking ban in Tokyo's restaurants and public places and is working towards restoring her city as Asia's leading international financial capital.⁴ There is also the example of Rudy Giuliani, former mayor of New York City, who won acclaim for his leadership skills in the aftermath of the terrorist attack in his city in September 2001.⁵ Xavier Trias, on becoming mayor of Barcelona in 2011, initiated the move towards crafting 'Smart City Barcelona'. That catapulted Barcelona into one of the smartest cities in the world and made the city a pioneering centre for the Internet of Things industry.⁶ What these mayors had in common was that while they were strong, achievement-oriented personalities, they were also backed by long tenures and enormous authority at their command to convert their visions into reality.

The foundation of the office of mayor can be traced back to the Norman period in England, when it was positioned as an aide to the monarch. Over time, the mayoral position gathered larger significance and the mayor began to be recognised as the town's first citizen. With a view to assist the mayor in performing their functions, a 'mayor-in-council' (MIC) was formed. In the United States, during its early years, England's MIC system was broadly replicated but the mayor enjoyed limited powers. In the 1980s, however, a robust mayoral system emerged. The American mayor is now directly elected and enjoys extensive local powers, including control over the local police.

THE 'STRONG MAYOR' MODEL

The 'strong mayor' model with extensive executive powers seems to have caught the imagination of many nations in Europe.⁷ The closing years of the 20th century and the opening years of the 21st century

witnessed a spate of significant reforms that various European countries undertook with a view to transform the institutional framework of their ULBs. One of the most radical among these was the acceptance of the mayor as chief executive. There emerged a wide acceptance of the 'directly elected executive mayor' (DEEM) model for the position of chief executive for governance of cities, preference for which appears to be growing among European countries. Beyond Europe, cities in Brazil, Mexico and Argentina have adopted the 'strong mayor' model and so have South Africa and some countries in South-East Asia. In these countries, the city government is an empowered institution and performs a host of core municipal functions. In some cases, the ULBs may also be exercising authority over the police, airports and ports.

In countries such as Croatia, the adoption of the DEEM model in 2009 has enthused citizens to shed their apathy to local affairs. The State Election Commission of Croatia reported that turnout in local elections has gone up by 10 percent, on an average, since then. The system was found to have other positive outcomes too. It brought more legitimacy to the mayoral office, greater identification of citizens with their local government, and better functioning of the local executive.⁸

Today, the DEEM model exists in all or some of the cities of Austria, Cyprus, Germany, Italy, Spain and the United Kingdom. Slovakia, Bulgaria, Romania, Slovenia, Albania, Ukraine and Hungary adopted the system in the 1990s. Poland switched to the DEEM system in 2002 and Croatia in 2009. Albania, Bosnia and Herzegovina, Macedonia, Moldova, Russia, Serbia, Turkey and Ukraine also directly elect their mayors. However, Iceland, Latvia, Lithuania, Estonia, the Czech Republic, Norway, Switzerland and Serbia follow an indirect election method. Belgium, Finland, Malta and Belarus appoint their ULB chief executive.⁹

THE MUNICIPAL CHIEF EXECUTIVE SYSTEM IN INDIA

In India, the question of municipal leadership remains unresolved. The last major opportunity for a resolution came when the Constitution (seventy-fourth) Amendment Act of 1992 was passed. The Act was heralded as a defining moment for urban governance in India, as it conferred constitutional recognition on ULBs. However, it did not specify a model of governance for cities; the manner in which the chief executive of ULBs would be elected; the tenure that the chief executive would have or the power they would exercise.¹⁰ It was left to the states to decide since “local self-government” is a state subject (listed as Entry 5 of the State List of the Indian Constitution).

This is in contrast to the constitutional affirmations with regard to federal and state governance. The Constitution provides that, “There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President who shall, in the exercise of his functions, act in accordance with such advice...”¹¹ Further, it states, “The Prime Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Prime Minister”.¹² In regard to the states, the Constitution provides: “There shall be a Council of Ministers with the Chief Minister as its head to aid and advise the Governor...”¹³

The Bombay Municipal Corporations Act of 1888, which provides for an appointed bureaucrat as chief executive, continues to remain a popular model, though the states have configured the structural issues in their own different ways. In some states, the mayors are directly elected and in others, indirectly. In several states, the municipal laws provide for a weak mayoral system. In some, although the mayor appears to be strong, the enabling municipal laws favour a weak mayoral system. Madhya Pradesh, for example, follows direct election of the mayor and

provides for an MIC (cabinet form of urban governance) in municipal corporations and a president-in-council in smaller urban local bodies. However, in neither case the mayor has executive powers. Section 69(3) of the Madhya Pradesh Municipal Corporation Act, 1956, vests “the entire executive power for the purpose of carrying out provisions of this Act...in Commissioner”. The Municipal Corporation Act, 1959, of Uttar Pradesh provides that the mayor would preside over the meetings of the empowered executive committee, inferring the chief executive status to the mayor but section 117 of the same Act states that subject to general control and direction of the mayor, the executive powers vest in the municipal commissioner. The states of Andhra Pradesh, Gujarat, Haryana, Madhya Pradesh, Maharashtra, Tamil Nadu, and Uttar Pradesh are some of the major states across the country with a weak mayoral system.¹⁴

Some mayors have a tenure co-terminus with the municipal body; others have a shorter one that varies from one year to five. Even within a state, there could be different executive systems operating in different classes of ULBs. In Maharashtra, for instance, the municipal commissioner is the chief executive of the municipal corporations whereas the elected president is the chief executive in the municipal councils. Similarly, the mayors of municipal corporations in the state are indirectly elected, but through a recent statutory amendment, the presidents of municipal councils are directly elected.¹⁵

The mayor, despite variations in their status and powers, is recognised across India as the first citizen of the city who presides over meetings in the Town Hall. She/he enjoys certain unwritten privileges and is held in reverence. However, the mayor does not command executive powers, performing primarily ceremonial functions.¹⁶ Indeed, in terms of power, the mayor is overshadowed by the chair of the

standing committee of municipal corporation. In essence, the question of municipal leadership remains open-ended, guided more by the prevailing political compulsions of the state government or the whims of the chief minister.

Thus, city governance remained just as fractured, weak and emaciated as it was before the Constitutional (seventy fourth) Amendment. Over time, pressures of urbanisation have mounted, worsening living conditions in urban areas and making it imperative to take up urban reforms, including stronger governance.

INDIA AND THE C.A.C.E. MODEL

Indian ULBs largely follow the ‘commissioner as chief executive’ (CACE) model. The municipal commissioner is an appointee of the state government and exercises substantial power. She/he is generally appointed for a period of three years, though there have been numerous instances of the tenure being cut short for a variety of reasons. Most state statutes place all powers of municipal regulation—such as building permission, action against unauthorised construction, collection of taxes and user charges—in the hands of the commissioner. The commissioner controls the municipal staff through transfers and postings and exercises powers of reward and punishment. On the developmental side, the commissioner formulates annual budget, fixes tax rates and user charges, estimates inflow of revenues, and determines municipal expenditure. In some states, the commissioner prepares city plans, including the critical development plan (land use plan) and finalises municipal contracts for works and services. While many of her/his actions—such as budget, works and services contracts, development plan and powers of discipline—are subject to review by the municipal corporation or its standing committee, these are circumscribed by law and are seldom exercised.

It could be safely stated that the current governance model of India's urban bodies puts executive power in the hands of the commissioner and the power to exhort, advice, warn and criticise in the hands of the elected representatives – the mayor, standing committee and other bodies of councillors. A result of such a peculiar arrangement is that often the elected representatives end up performing the role of the opposition, and where municipal commissioners are headstrong, situations of gridlock are not infrequent.¹⁷

ISSUES OF ULB LEADERSHIP

To find an appropriate resolution to the question of Municipal Leadership in India, the following questions will have to be answered:

- i. Who should be the chief executive of a ULB – the mayor or the municipal commissioner?
- ii. What should be the tenure of the chief executive?
- iii. If the mayor were to be the chief executive, how should she/he be elected?
- iv. How powerful should the chief executive be?

Chief executive: Mayor or Municipal Commissioner?

This is probably the most contentious issue. As mentioned earlier, the global position in regard to the ULB chief executive is not uniform. In the developed world, however, there is preponderance of the mayor serving as chief executive. This stems from the acceptance of a decentralised democratic model and significance of ULB – which is seen not as a mere adjunct or agent of the state government but as a separate tier of democratic governance in its own right. The mayor as the chief executive indicates a greater democratic devolution of power in many western countries which have accepted that ULBs should function as

institutions of self-governance. It also indicates approval of the principle of subsidiarity that holds that a function ought not to be performed at a higher organisational level if its resolution is most consistent and logical at the most immediate and local level. This acceptance of democratic decentralisation and self-governance has been made meaningful by the accompanying functional and fiscal powers. The empowered ULBs perform a whole range of local functions that in many instances include the functions of local city police, ports and airports. Financially, a much larger share of national GDP goes to municipalities through transfers, enabling them to perform their assigned functions effectively.

In contrast, national/state governments in developing countries continue to hold ULBs in suffocating embrace. These countries exhibit excessive centralisation and poor democratic evolution. This is done by imposing a nominee – the municipal commissioner – as the chief executive. This is further manifest in incomplete allocation of functions to ULBs and in parceling out many local functions to state parastatals. In Bengaluru, for instance, the municipal corporation performs limited local functions: solid waste management; maintenance of roads and street lights; regulation of building construction; disposal of the dead; operating municipal markets; primary education; and primary health services, along with a few other obligatory and discretionary roles. However, water supply and sewerage, ordinarily a municipal function, is the responsibility of a parastatal – Bangalore Water Supply and Sewerage Board; land use planning/comprehensive development plan is handled by another parastatal – Bangalore Development Authority (BDA); city bus transport is managed by a third parastatal – Bangalore Metropolitan Transport Corporation (BMTTC) and metro rail services by a Special Purpose Vehicle (SPV) – Bangalore Metro Rail Corporation Limited (BMRCL), a joint venture of Government of India and Government of Karnataka. Karnataka Slum Clearance Board (KSCB), a

state outfit, is responsible for rehabilitation of all declared slum areas in Bengaluru. There also exists Lake Development Authority (LDA) within Bengaluru which is responsible for protection, conservation, reclamation, restoration, regeneration and integrated development of lakes, now being merged with the Minor Irrigation Department of the State. This is not exceptional to Bengaluru but an overwhelmingly nationwide phenomenon. Such functional malady is compounded by fiscal suffocation – miserly sharing of resources with ULBs and interference with their powers of taxation.

The Constitution (seventy-fourth) Amendment Act, 1992, envisions ULBs as “vibrant units of self-government”, as stated in its Statement of Objects and Reasons. This leaves little doubt that the Constitution points towards the mayor as chief executive. It is she/he who is elected by the people and, therefore, has to be charged with the responsibility of carrying forward the people’s mandate. The municipal commissioners, as unelected and state appointed executives, have no local democratic legitimacy, since they do not represent the will of the people. As members of the federal/state civil service, the loyalties of the appointees are for the appointing authority and the statutory framework in which they function. Their tenures are limited and controlled by the state government. After their stint in the city, they may never return to be part of the city and its interests. In these circumstances, barring some exceptions, the nature of a commissioner’s performance would generally tend to be routine, rather than imaginative and visionary. Bureaucracies by nature tend to work for the preservation of status quo, are averse to taking risks and not expected to go beyond the written script handed over to them. Mayors in the developed world have been seen to think out of the box, play inspirational roles and strive to achieve excellence in what they do. If ULBs are to be self-governed entities, as the Constitution of India expects, surely, these cannot be headed by state appointees. This question, therefore, has to be settled in favour of an

elected mayor in the light of global experience, constitutional provisions and the principles of democratic governance.

The Second Administrative Reforms Commission (Sixth Report) expressed the same view. It states:

“The Commission is of the firm view that executive power must be exercised by the elected Mayor/Chairperson because basic democratic legitimacy demands that power is exercised by the elected executive. The whole logic of local government empowerment is to facilitate people’s participation and democratic governance as close to the people as possible. Only when the elected executive exercises real authority can people understand the link between their vote and the consequences of such a vote in terms of provision of public goods and services. Such a clear link also ensures fusion of authority and accountability. If the elected local government has no real authority and if executive powers are vested in an unelected official appointed by the State government, then local governance is reduced to mere symbolism. The Commission is of the view that the Mayor/Chairperson should be the Chief Executive of a city or urban government, and the city government should have the power to appoint all officials including the Commissioner and to hold them to account”.¹⁸

Apart from the requirements of local empowerment, the current municipal arrangement – pitting an entire elected local body as opposition to ULB chief executive (the commissioner) as pointed out earlier – is fraught with serious consequences of mis-governance and poor municipal performance. Local councillors are dissatisfied with their individual as well as collective position of ‘de jure executive powerlessness’. They are, therefore, highly prone to exercise ‘de facto

power' through a variety of tactics by putting pressure on the chief executive to do their bidding, lawful or otherwise. Among the methods used are battering the commissioner with repeated requests, motivated questions at municipal fora, planted media reports, cornering the commissioner on matters where she/he has shown vulnerability, or outright intimidation. Since the councillors have no accountability in law for any action taken, there are no limits on their demands.

The tactics of councillors are often countered by the commissioner through equally diverse methods of refusal, stalling, cross referencing, sending proposals to various state departments concerned, selective and part approvals, going on leave, or seeking a transfer. The situation becomes more critical for the commissioner in cases where local political majority rests with the same party that rules the state. In such situations, the state government could be forced to transfer the commissioner out and the governments in many instances have been seen to yield to keep the party flock together. Irrespective of how a situation plays out in the end, it is the city that loses out. Mis-governance results from either a wrong decision that is taken or inefficiencies as a consequence of filibustering. Even for these cited reasons, it is advisable that power and accountability rest squarely on the shoulders of the elected leaders.

Tenure of ULB Chief Executive

The second issue relates to the tenure of the chief executive. It is evident that the head of any organisation should have a reasonably long tenure to understand the working of the organisation, craft a vision and strategy, set goals and targets, and implement them on the ground. Globally, a five-year tenure for the mayor appears to be the most accepted. In India, the Second Administrative Reforms Commission recommended that, "Such a Mayor should have a fixed tenure of five

years”.¹⁹ The Constitution sets a five-year term for ULBs; therefore, a five-year term is the most viable option for the mayor.

However, it may be prudent to put a two-term limit for any single person to be the mayor of a city, more so in ULBs where she/he exercises untrammelled executive powers. Many of the countries that have adopted the DEEM model have chosen to put such a restriction. Even in the Indian system, if the DEEM model is implemented, a two-term limit would be advisable. This would lead to several healthy outcomes. One, it would prevent perpetuation of power. Second, it would allow injection of fresh waves of ideas, energy, and organisational overview; promote innovation and prevent the organisation from becoming uni-dimensional in its approach to problems. An individual, no matter how gifted, develops an organisational philosophy, perceives priorities and practices a style of leadership that, in all likelihood, would cease to excel beyond a point. It is, therefore, wise both in terms of ideas and good democratic practices that offices of great power necessarily find a new incumbent at regular intervals.

Mayoral Election: Direct vs Indirect

Whether the mayor should be elected directly or indirectly has a significant bearing on urban governance. In India, the mayoral electoral process has undergone some experimentation in recent decades. Some states have tried the direct election model; others have tried and abandoned it. Today, six states – Uttarakhand, Chhattisgarh, Jharkhand, Madhya Pradesh, Uttar Pradesh and Tamil Nadu – have mayors who are elected directly. The powers of the mayors, however, are limited and varied.²⁰

In Madhya Pradesh, for example, the state adopted the system of directly electing mayor in 1998. However, the mayor must constitute an

MIC out of the elected councillors to aid and advise her/him. The mayor presides over the MIC meetings and deliberations. There is, thus, a curious combination of the presidential system of election with the cabinet system of operation. Though directly elected, the powers of the mayor are hemmed in through the municipal commissioner – appointed by the state as administrative head of the council staff, who performs certain watchdog functions on behalf of the state too. In a recent case in Bhopal, the MIC, backed by the municipal corporation, passed a resolution to repatriate four state appointees on deputation to the corporation. This was disallowed by an order of the state government which stated that the corporation had no such powers; the corporation's resolution was declared null and void.

Kolkata's experiment with the MIC system has had longevity and continues without discernible obstacles.²¹ This was brought in through the Kolkata and Howrah Municipal Corporation Act of 1980, and the first MIC system began functioning following the 1984 municipal elections. The MIC comprises the mayor, deputy mayor and ten councillors nominated by the mayor. Unlike in Madhya Pradesh, all of them are indirectly elected in this system. The mayor has a five-year term, serves as the corporation's administrative head, and the MIC is empowered to manage the corporation through its weekly decision-making meetings. The officers of the corporation report to the mayor. The system was extended to other ULBs of the state in 1995 and goes by the name of 'chairperson-in-council'.

In 1998, Maharashtra also attempted the MIC system in Mumbai and Nagpur. In both instances, the mayors were indirectly elected. This lasted only a year after which the old system of the commissioner as the chief executive was brought back, partly on account of the change of chief minister. A curious practice adopted while the MIC existed was that the commissioner was to submit monthly confidential reports to

the chief minister on the performance of the MIC. This practice was characterised by distrust between the mayor and the state. It also reflected the desire of the state to keep a close tab on the working of the ULBs. The MIC system would eventually be replaced.

The states of Rajasthan, Himachal Pradesh and Tamil Nadu also experimented with a mayoral system in which the mayor is directly elected and functions as the chief executive. But a change of governments in these states led to alterations in political perception and it was quickly abandoned.

In the light of these experiences, other states have not ventured with further experimentation and have continued with indirect election of the mayor and the CACE system.

Unfortunately, these Indian experiments have not been well documented. Neither have detailed explanations been offered by political decision-makers for their adoption and subsequent rejection of the MIC system or the directly elected mayor model. All the experimentations, however, have fallen short of the DEEM model as practiced in the US and many other developed countries where the mayors exercise great authority. All Indian mayors, whether directly or indirectly elected, have been ‘mayors on leash’ – their powers substantially less sweeping than their US/European counterparts. This is because of the domineering presence of the states and statutory provisions that require the ULBs to seek approval of the state at every step.

The MIC system has a significant bearing on the mayoral election. Therefore, it would be prudent to look at its merits and demerits.

The following are the advantages of the MIC system:

- i. The system replicates the cabinet system of governance at the federal and state levels and therefore, is in keeping with those forms of government.
- ii. The system allows for broader consultation in the process of decision-making and conforms to the democratic principles of an inclusive process. It permits many more elected members to play significant roles and take up vital responsibilities. Individualising local power, on the one hand, could lead to arbitrariness and on the other, to poor governance on account of lack of broad consultation.
- iii. Since the mayor would be elected from among the members of the party/coalition that has a majority in the ULB, possible gridlock situations are avoided. There are many examples of confrontation between the mayor and the council because of which budgets could not be passed or other vital decisions taken.

The arguments against the MIC system, meanwhile, include the following:

- I. In the current electoral process in ULBs in which councillors get elected by a small majority of citizens in a ward, the quality of representatives, barring a few exceptions, is poor. The system does not appear to result in a candidate who would shoulder the responsibilities of an entire city, especially the larger ones.
- ii. The system ends up replacing the unelected commissioner with the elected mayor but with a lot less power. As a consequence, the civic leadership loses visibility and teeth in the process of democratising local governance.
- iii. Because of the existence of different committees and the task of carrying along members, decision-making is likely to be impeded, making the ULB less efficient. Numerous such

examples are available. Multi-party polity in India compels fissures, undesirable give-and-take and postponement of decisions due to lack of consensus, thereby dragging down efficiency.

- iv. With greater integration of the world economy and concentration of economies in cities, ULBs are thrown into a competitive world in which the most efficient cities are likely to emerge winners. The MIC system does not appear equipped to deal with those challenges.

The above analysis makes it clear that indirect election of a mayor is less likely to result in the selection of a person of great competence. Men and women enjoying 'neighbourhood popularity' may win elections and rise to the rank of mayor, without possessing the ability to provide leadership to the entire city. With scores of other councillors equal in 'neighborhood popularity', there is less likelihood of a clear recognition and acceptance of the mayor's exclusive leadership role by her/his colleagues.

Given these limitations, it is clear that if the intent is to have a 'mayor on leash' who decides in collaboration with and through her/his MIC colleagues, then indirect election of the mayor is the right proposition. Moreover, if the functional and financial domains of ULBs were to continue to remain in the shadow of the state, then devoting too much debate about the question of a mayor being chief executive, whether directly or indirectly elected, is misplaced. If ULBs are not destined to be self-governing institutions, the mere placement of mayor as the chief executive will not improve urban governance. In fact, the larger disconnect created with the state through the replacement of the state appointed commissioner by the mayor could worsen ULB's functional ability. However, if the idea is to have fully empowered ULBs functioning

as institutions of self-government, then direct election of mayor finds stronger justification.

The Powers of the Chief Executive

This brings the paper to the last issue of how powerful the ULB chief executive should be. As discussed earlier, significant changes in the local institutional framework have been carried out in the European countries since the 1990s that have moved them closer in many ways to the US model – directly elected executive mayors, commanding great visibility with very substantive powers. In Germany, where local governments are among the strongest in Europe, directly elected powerful mayors were introduced in the 1990s. The first directly elected executive mayor in the UK was introduced in Greater London in 2000 as part of the statutory provisions of the Greater London Authority Act of 1999. Many other European countries have followed suit. This is highlighted by Resolution 139 of the Congress of Local and Regional Authorities of Europe that states that “direct election of mayors by the people is a procedure increasingly used in Council of Europe member states to appoint the head of the executive”.²²

Interestingly, others chose a different path. In a series of referendums that were carried out in England in 2012, nine cities rejected the model and chose ‘chief-executive mayors’ who were indirectly elected. These were Birmingham, Manchester, Newcastle, Nottingham, Sheffield, Wakefield, Coventry, Leeds and Bradford. In all such cases, however, the mayors enjoyed substantial powers.²³

To be sure, the European urban situation is dissimilar to that of India’s in at least one major way. European nations as a whole have stabilised their populations. Indeed, in many of them, demographic pressure is on the wane. Indian urbanisation, on the other hand, is still

low and cities will experience population growth for several more decades. Many cities with a strong economic profile and employment potential will add large numbers of people to their population. This will continue to create unprecedented challenges in urban governance.

In the European context, it would be rational to expect that the countries would start to engage in more consensual politics than what was practiced in the past due to lack of demographic pressure, as well as high levels of economic development. The fact that this is not the case and that the search for strong individualised local leadership continues to be a top priority should be reason enough to look at other factors that could be at play.

One reason could be environmental contingencies that have arisen recently. Looking deeper, a more compelling reason is a significant shift of important functions to ULBs. The urban centres have become the main drivers of economy, calling for robust operationalisation of national economic policies in these areas. Another plausible argument could be that as the urbanisation processes in these countries have run their course, most people are already city dwellers and heritage, culture, art, tourism, to name a few, are almost completely city-centric. There is, therefore, a need for polycentric decision-making, rather than centralised governance. While strategy and coordination would be significant at the federal level, decision-making and implementation would have to be at the level of cities or urban centres. In a competitive world, speed, efficiency and customisation of strategies to fit local institutional context are issues that can best be answered by individualising power rather than spreading it thin. This is one of the fundamental reasons behind the abandonment of collective decision-making template in favour of ‘presidentialisation’ of the mayoral position.

In Indian cities, the logic driving adoption of the ‘strong mayor’ model is even more emphatic. India is a massive nation, with states as large as, or larger, than many European countries. It has enormous diversities to contend with. Therefore, while the federal and state governments need to craft strategies that would receive wide approbation, cities as delivery agencies must deliver local, federal and state services. In local services, it is the principal agency whereas for the federal and state programmes, it works as an agent. Success in each case is contingent on speed, efficiency and quality of service delivery. This cannot happen in a system that lacks one of the three characteristics cited above.

It would be relevant to mention that a Private Member’s Bill bearing Bill No. 203 of 2016 has been introduced in Parliament seeking to amend the Constitution of India and provide, among other things, for a directly elected mayor.²⁴ The Bill argues for insertion of a clause that states, “The Chairperson of a Municipality to be known as Mayor shall be chosen by direct election by electors of the territorial constituencies of a Municipal area, to be held in such manner as the Legislature of a State may, by law, provide”. The Bill further states that, “The term of the office of the Mayor shall be co-terminus with the term of the Municipality”. For municipal corporations, the Bill proposes that the mayor should appoint a MIC comprising the mayor and other members to be nominated by the mayor from amongst the elected members of the municipal corporation. Further, “The Mayor-in-Council shall exercise such powers and perform such functions as may be assigned to it by the Mayor” and its members could be “removed from office by the Mayor”.

The Bill explains the reasons for such amendments in its Statement of Objects and Reasons. It states that municipal bodies are yet to be fully empowered, both politically as well as functionally, and that fragmented leadership and resultant fragmentation of service delivery across civic

agencies is hurting our cities and citizens. Decentralisation of governance is a national priority so as to enable our cities to achieve their fullest social and economic potential and provide the highest quality of life our citizens deserve. A directly elected mayor, at the head of the municipal body, will be fully empowered with political, functional and budgetary autonomy and would serve to fix both ownership and accountability for running the town or city. This is the need of the hour. The Bill proposes to amend relevant articles of the Constitution “so as to make it mandatory for State Legislatures to enact laws aimed at conferring Municipal Bodies with such powers and authority as may be necessary to enable them to function as Institutions of Local Government”.

The direct election of mayor was also advocated by the Second Administrative Reforms Commission which stated:

“The Commission is of the considered view that it is desirable to choose the Mayors/Chairpersons through popular mandate in a direct election”. It reached this conclusion by arguing the case for local leadership development in the following words: “In the pre-independence era, great freedom fighters provided leadership to the local governments... ‘Netaji’ Subhas Chandra Bose was elected the Mayor of Calcutta in 1930. In major democracies, local government leadership, in particular city leadership, is often the stepping stone to State and National level office. ...The Mayors of Paris, Buenos Aires, Rio de Janeiro and London are major national figures, often holding national offices. In China, the Mayor of Shanghai is a powerful figure in the national ruling elite...Therefore, direct election of the Mayor, which promotes strong visible leadership in cities, is an important source of recruitment of talent into public life and leadership development.”²⁵

Just as this paper has examined the strengths and weaknesses of the MIC system, the DEEM model needs to be subjected to a similar scrutiny.

In the literature on the subject the DEEM model has been faulted primarily on the following counts:

- i. India follows a cabinet system of governance, both at the federal and state levels. The Constitution does not stipulate a presidential system of election either for the prime minister or the chief minister and does not provide for their direct election. It is appropriate, therefore, that the same system should be valid for the third tier of governance. Retrofitting a 'US model Mayor' onto a 'UK model of Governance' would be an oddity. 'Presidentialisation' of mayoral leadership will be paradoxical in a system based on collective decision-making.
- ii. While the advantage of collective leadership is that it enables investigation of a whole range of policy perspectives, the DEEM model by its very nature disallows diversity of ideas. It is doubtful that a single individual would be so rich in experience and ideas that she/he would be able to size up complex social, ethnic, economic, cultural and political diversity of cities. This is even less probable in mega and metropolitan cities where the mix of people is seldom narrow. In India, these diversities are huge. It would, therefore, be ill-advised to allow social, economic and cultural plurality to be ignored.
- iii. The DEEM model concentrates power in the hands of one person. The very idea of deepening democracy at the local level thereby gets negated. It also follows that such governance principles as transparency and accountability would get compromised. The concentration of power in an individual has been seen to have gone horribly wrong. Internationally, the

DEEM model has been strongly advocated by the private sector because it becomes convenient for it to strike business deals with a single-point mayor rather than with a larger body of people involved in decision-making.

- iv. The DEEM model piles up unmanageable workload on the mayor. While this may be tolerable in smaller cities, it would jeopardise decision-making in large ULBs. Given the multiplicity of municipal functions and the need to take many decisions on a daily basis, the mayor would be overwhelmed with the burden. Common sense demands that large volumes of work and huge complexities of issues ought to be 'shared responsibility'. In its absence, this would most certainly result in the mayor passing the responsibility of decision making to officials, consultants and advisers, harming the ULB in the process.
- v. The DEEM model is unkind to the role of elected councillors. They would get consigned to the marginal role of asking questions, raising objections and giving speeches in the meetings of ULBs. Their ability to impact the functioning of ULB would be solely dependent on the mayor who may or may not pay heed to their opinions. This, again, is contrary to the inclusive processes of democratic contribution to policy-making.
- vi. The DEEM model makes it difficult to remove the mayor if her/his behaviour is arbitrary, whimsical, corrupt or she/he fails to carry the confidence of the corporation for any reason. In such an eventuality, the city will be left with no strong recourse to corrective measures, other than tolerating the mayor for the rest of the term.

- vii. There is always a possibility that the DEEM arrangement could result in a situation where the mayor does not enjoy the confidence of the council. This may arise when the mayor and the majority of the council members are from different political parties. This has been experienced in the Indian states which experimented with DEEM as well as in other countries.

On the other hand, there are several arguments in favour of the DEEM model, such as:

- i. Cities with huge responsibilities must have a system that allows swift decision-making. Unfortunately, ULBs are saddled with systems that are slow and responsibilities are blurred, allowing gaps through which accountability can escape. This is a recipe for inefficiency and malfeasance. Instead, the situation in cities calls for powerful and politically accountable leadership. Introduction of the DEEM model can speed up decision-making process because the system is action-oriented. Mayors can initiate policies, appropriate budgets, select and appoint their own cabinets, pursue their own manifesto commitments and confidently represent the corporation on public platforms. Quite clearly, the current system of putting every issue through a host of committees and through a process of re-examination has been a drag on decision-making and damaging to service delivery.
- ii. The DEEM model is in a position to nurture quality leadership. The larger cities stand to particularly gain from strong leadership and international standing that a mayor, elected with a clear mandate by the entire citizenry, can command. Standout cities such Barcelona, London, New York, Tokyo and Shanghai have gained through such mayors who have

imparted stature and strength to their cities and have been able to attract investment from home and abroad. Such mayors will have a personal democratic mandate to ‘deliver change’.

- iii. The DEEM model has a natural proclivity to raise the profile of the mayor in the eyes of the citizens. The mayor does not remain a faceless figure, which is the case in India at present. This model can strengthen democratic politics and bring fresh life to local engagement.
- iv. The DEEM model does not merely equip the mayor with decision-making tools but also makes her/him responsible to deliver good governance. For the mayor there is no place to hide or seek refuge for failures. Performance and accountability squarely rest on their shoulders. There is evidence to show that directly elected mayors have improved accountability, clarity and speed of decision-making. Some outstanding examples include Tokyo, New York, Barcelona, London, and Sydney.

DEEM MODEL IN THE INDIAN CONTEXT

With intensification of urbanisation, Indian cities will expand in area, population, built-up density and will continue to face enormous pressure to deliver quality local services. The present organisational construct prevents quick decision-making. Moreover, responsibility and accountability, so vital to good governance, are wholly obfuscated. Proposals requiring swift decisions meander from the municipal commissioner to the municipal committees and back. In the process, a service cannot be delivered merely because a decision has not been taken. In the event a decision is made and something goes wrong, an

endless and futile blame game will begin since a lot of people were involved in the decision-making process at different stages. Such a state of affairs is not conducive to accountability. The present processes of extreme and unwarranted checks and balances, rather than lack of municipal capacity, are the main culprits for breeding inefficiencies. In a system where the chief executive is empowered to take decisions on their own, such drawbacks could be overcome.

It needs to be emphasised that the principle of ‘horses for courses’ applies to systems as well. Organisations are developed in accordance with situational needs. Indian cities are virtually in a situation similar to war/disaster and do not have the luxury of leisurely consultations. The ULBs must be in a position to take final decisions in regard to their mandated functions without seeking outside approvals.

While the strengths of the DEEM model – speed and efficiency, leadership, visibility, legitimacy and accountability – are undeniable, there are concerns that need to be carefully addressed. Some of these have been listed earlier. The argument that the chief executives at the federal and state levels (prime minister and chief minister) are not elected directly and so should be the case with the ULBs is not strong. First, ULBs are more of service delivery organisations, much like companies in the private sector. Therefore, ULBs have wide organisational and functional differences with the structures at the federal or state level. Second, examples of the UK (such as the mayor of London who is directly elected) prove that directly elected mayors within a parliamentary system of government is quite doable and acceptable.

The DEEM model can take care of the need for diversity of opinions and confluence of ideas too. This need not come from within the municipal ranks alone. The mayor would have the freedom to

consult/engage the best minds available in the city and beyond and enrich municipal discourse. The mayor could cherry-pick advisers across sectors – public, private, serving or retired, political, social and non-governmental. This would enable them to build a team whose bandwidth and wisdom would be unmatched.

The apprehensions about concentration of power are well-founded. This could give rise to problems of arbitrariness, malfeasance and decision overload for a single individual. However, in an earlier section, it has been argued that concentration of power is necessary in the Indian context. What, therefore, appears desirable is that without abandoning the advantages that flow out of concentration of power, its disadvantages can be overcome through the instruments of transparency, accountability and mandated procurement procedures. A clear asset of this model is that responsibility unambiguously stops at the office of the mayor. Great power can be balanced by complete accountability.

The likelihood of a gridlock when the mayor and the municipal body are arraigned against each other is a distinct danger. Such situations have arisen in the states that attempted direct election of mayors, especially when the electoral results threw up a mayor and the municipal body from different political parties. Situations such as these cannot be allowed to fester. Given the doubtful nature of interests that many times provoke moves to throw out a popularly and directly elected mayor, all efforts should be made to foil such attempts. One way to do this could be to mandate a high percentage of voting for such removal and serious consequences for the urban body itself. For example, the statute could mandate that no resolution could be moved for removal of a mayor in the first two years of their term. In subsequent years, the statute could provide that a mayor could be removed only if three-fourths of the councillors vote for it. This provision could be accompanied with

another one that mandates dissolution of the council itself with the removal of the mayor. The rationale for this being, since the mayor is elected directly by the voters of an entire city while the councillors voting for their removal were elected by a small part of the same electorate, the council should also stand dissolved and the councillors as well as the mayor should seek a fresh mandate.

It is interesting to note that a similar situation was experienced in Zagreb, the capital city of Croatia. The country's parliament amended the Law on Local and Regional Self Government in 2012 to secure "a stronger political stability in the relations between representative and executive bodies, greater efficiency in executing the tasks of these two bodies and to define more clearly their rights, obligations and responsibilities".²⁶ In reality, the amendments augmented the powers of the mayor to counter the council. The first important amendment was the mayoral right to elect and revoke election of local representatives to various governing bodies of the council and municipal companies. The second was simultaneous dissolution of both the representative and executive bodies of the council and a fresh election to be triggered by either side.

It would be fair to assume that the creation of a powerful office of the mayor would in some ways adversely impact the role of the councillors. However, a positive outcome is that it greatly enhances the power of the people because they have a direct relationship with the elected mayor.²⁷ In any case, the councillors would continue to participate in policy formulation, approval of budget and discussions and debates that take place in the Town Hall. For those who get into advisory committees constituted by the mayor, there would be a significant role to play. They would also continue to contribute in their respective ward committees that cater to their constituency and where their services are most


required. In keeping with the principles of decentralisation, it is hoped that the ULB would pass on substantial operational powers to the ward committees. Such decentralisation would relieve the mayor of zonal responsibilities and create enough work for the councillors.

CONCLUSION

The rising demographic and economic significance of cities would bring unprecedented challenges of urban governance in India. There is empirical evidence to show that the existing governance structure in urban areas is not equipped to handle such onslaught, which can only be countered by a wholesome and robust response that would allow the ULBs to act with speed, efficiency and accountability. Cities need leadership of high quality that combines vision, leadership, visibility, management and quick decision-making.

The current ‘commissioner as chief executive’ system of urban governance is a historical remnant, status quoist in character, generally un-inspirational in its management, invisible in the age of transparency and unaccountable to the people of the city. To make matters worse, an appointed chief executive is answerable to the state and its bureaucracy while being saddled with a popularly elected body, a mayor and chairpersons of several committees – all jostling for space to justify their existence and seeking roles beyond the statute, without any statutory responsibility. This system is an ideal recipe for disaster and needs to end.

It should be replaced by the ‘directly elected executive mayor’ model that has the potential to bring the best minds to the office of mayor, gives them adequate power to make decisions while providing for complete accountability.

However, it ought to be emphasised that fortification of the powers of the ULB chief executive would be meaningful only if the ULBs are fully empowered.²⁸ This means that the ULBs should be armed with administrative, functional and financial independence. At the same time, the ULBs must press into service the full range of transparency, accountability and audit mechanisms that are central to the principles of good governance. Therefore, the question of the ULB leadership is inextricably tied with the empowerment of ULB itself. By inference, the states would have to retreat in terms of their operational role in cities so that the ULBs emerge as self-governing institutions. Making leadership changes that deliver an empowered ULB chief executive with a disempowered ULB will end up as a huge disservice to both the office of the mayor and good governance of the ULBs. 

ENDNOTES

1. The 'mayor-in-council' may be read as including 'president/chairman-in-council' or any other term used to denote the elected head of an urban local body. 'Municipal commissioner' may be read as including 'chief officer' or any other term used to denote an appointed chief executive of an urban local body.
2. The Constitution (seventy-fourth) Amendment Act, 1992, Statement of Objects and Reasons, http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/74amend.pdf
3. "Bus Rapid Transit: Lessons from Latin America", *Global Mass Transit Report*, Policy Review, 1 November 2009, <https://www.globalmasstransit.net/archive.php?id=426>
4. Magdalena Osumi and Tomohiro Osaki, "A year on, Tokyo Gov. Yuriko Koike has more plans to reform the capital", *The Japan Times*, 8 August 2017, <https://www.japantimes.co.jp/news/2017/08/08/national/politics-diplomacy/year-tokyo-gov-yuriko-koike-plans-reform-capital/#.Wwual0iFOUk>
5. "Rudy Giuliani: Facts & Summary", History, A&E Television Networks, LLC, www.history.com/topics/rudy-giuliani
6. Laura Adler, "How Smart City Barcelona Brought the Internet of Things to Life", *Data-smart City Solutions*, 18 February 2016, <https://datasmart.ash.harvard.edu/news/article/how-smart-city-barcelona-brought-the-internet-of-things-to-life-789>
7. Leadership in Consensual Democracies, Towards Presidentialization in the case of Belgium?", *International Political Science Association*, paperroom.ipsa.org/papers/paper_12490.pdf
8. Robert Podolnjak and Đorđe Gardašević, "Directly Elected Mayors and the Problem of Cohabitation," *Revus* 20, (2013), 79–96

9. Stevens, Andrew, Hove Tann Vom, Baker Brian, Krüger Sven, "City Mayors: Mayors in Europe and their Powers", <http://www.citymayors.com>, 8 January 2018, http://www.citymayors.com/government/europe_mayors.html
10. The Constitution (seventy-fourth) Amendment Act, 1992, <https://www.india.gov.in/my-government/constitution-india/amendments/constitution-india-seventy-fourth-amendment-act-1992>
11. The Constitution of India, Art 74 (1), <https://www.clearias.com/com-prime-minister-attorney-general/>
12. The Constitution of India, Art. 75 (1) , <https://www.clearias.com/com-prime-minister-attorney-general/>
13. The Constitution of India, Art 163 (1), 2016, <https://www.clearias.com/council-of-ministers-states/>
14. Jha, Gangadhar, *Fragile Urban Governance: Evolution, Decline and Empowerment of Local Self-Government in India* (Delhi: Manohar, 2018), 148
15. "Direct Election for Council Presidents", *The Indian Express*, 20 October 2017, indianexpress.com/.../maharashtra-direct-election-for-council-presidents-4905074
16. "What does the Mumbai mayor do?" *Hindustan Times*, 9 March 2017, <https://www.hindustantimes.com › cities › mumbai news>
17. Press Trust of India, "Won't budge: Maha IAS officer in crosshairs of BJP corporators", 29 August 2018, https://www.business-standard.com/article/pti-stories/won-t-budge-maha-ias-officer-in-crosshairs-of-bjp-corporators-118082900724_1.html
18. Second Administrative Reforms Commission, Sixth Report, "Local Governance – An Inspiring Journey into the Future", October 2007, 5.2.4.2.2. Role of the Mayor/Chairperson

19. Second Administrative Reforms Commission, Sixth Report, "Local Governance – An Inspiring Journey into the Future", October 2007, 5.2.4.1.13 Leadership Development
20. Idicula, Mathew, "Should mayors be directly elected", *The Hindu*, 23 August 2016, <https://www.thehindu.com/opinion/columns/Should-mayors-be-directly-elected/article14583765.ece#!>
21. Fahim, Mayraj, "City Mayors:Local government in India", <http://www.citymayors.com>, 24 May 2009, www.citymayors.com/government/india_government.html
22. Robert Podolnjak and Đorđe Gardašević, "Directly Elected Mayors and the Problem of Cohabitation," *Revus* 20 (2013) 79-96
23. Which Cities Have Mayors, September 5, 2017, <https://www.youtube.com/watch?v=BaNW5q6ltkU>
24. Tharoor, Shashi, "The Constitution (Amendment) Bill, 2016; Bill No. 203 of 2016, A Bill to further amend the Constitution of India," 2016, <http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/1731.pdf>
25. Second Administrative Reforms Commission, Sixth Report, "Local Governance – An Inspiring Journey into the Future", 5.2.4.1.12 Leadership Development, 2017, <https://tikpdf.tips/local-governance.html>
26. Robert Podolnjak and Đorđe Gardašević, "Directly Elected Mayors and the Problem of Cohabitation," *Revus* 20 (2013) 79–96.
27. Lord Michael Heseltine: Directly Elected Mayors, February 24, 2011, <https://www.youtube.com/watch?v=D1wMPQoGGmU>
28. McKinsey Global Institute, India's Urban Awakening: Building Inclusive cities, sustaining economic growth, 3.2 Empowering city administrations, 84-105, 2010, <https://www.mckinsey.com/~media/>

McKinsey/Featured%20Insights/Urbanization/Urban%20awakening
%20in%20India/MGI_Indias_urban_awakening_full_report.ashx

Observer Research Foundation (ORF) is a public policy think tank that aims to influence the formulation of policies for building a strong and prosperous India. ORF pursues these goals by providing informed and productive inputs, in-depth research, and stimulating discussions. The Foundation is supported in its mission by a cross-section of India's leading public figures, including academic and business leaders.



Ideas • Forums • Leadership • Impact

20, Rouse Avenue Institutional Area, New Delhi - 110 002, INDIA

Ph. : +91-11-35332000 Fax : +91-11-35332005

E-mail: contactus@orfonline.org

Website: www.orfonline.org