

AN ASSESSMENT OF URBAN LOCAL GOVERNANCE: COMPARATIVE STUDY OF INDIA AND KENYA

Jayverdhan Kumar (Author), Dr. Ranjeet Kumar (Co-Author)

¹Research Scholar, University of Delhi
²Asst. Prof. Shaheed Bhagat Singh College

Abstract

The growth of democratic societies depends on strong local administrations. Local governments are more likely to “create systems of governance that are successful and responsible to local people” than central governments because they are typically more responsive to local needs and ambitions. India and Kenya have adopted local self-government at different levels to fulfill development goals. However, some common causes like, Paucity of funds, lack of planning, unplanned urbanization, excessive state control, etc. are some problems that resulted urban local government are evolved as inefficient and substandard governance. The purpose of this paper is to comparatively analyze urban local government structures in India and Kenya as well as challenges before it. This assessment is based on data collected from some Indian states like Karnataka, Andhra Pradesh, Arunachal Pradesh, and Nairobi, Kisumu and Mombasa from Kenya. The findings of this study show that urban local governments in India and Kenya continue to remain plagued by numerous problems, which affect their performance in the efficient discharge of their duties.

Keywords: Democratic, Administration, Responsible, Development, Urbanization, Ambitions

INTRODUCTION:

Urban governance is a critical aspect of modern society, as it directly impacts the lives of millions of individuals living in cities. In both Kenya and India, rapid urbanization has outpaced the development of effective governance frameworks, leading to significant challenges including inadequate infrastructure, poor living conditions, and a lack of essential services, particularly in informal settlements that characterize many urban landscapes in these regions.

Fast-growing urban centers, such as Nairobi and Kisumu in Kenya, rapidly breed flocks of informal settlement areas, where big proportions of the population live. These areas are often characterized by a lack of basic infrastructure, such as clean water and sanitation facilities, resulting in the spread of waterborne diseases and other public health issues (OTHOO et al., 2020). Moreover, governmental efforts to address these challenges have been inconsistent, with policies sometimes failing to recognize the unique needs of these informal settlements and lacking the necessary enforcement mechanisms to ensure effective implementation (Mutisya & Yarime, 2011). In India, similar patterns of urbanization have led to the emergence of sprawling slums in major metropolitan areas like Mumbai, where a significant percentage of the population lives under precarious conditions without adequate access to sanitation, healthcare, and education, reflecting the political choices and shortcomings of local governance in addressing the needs of the urban poor (Satterthwaite et al., 2010).

To address these complex challenges, a multi-layered approach is required, involving the integration of top-down and bottom-up approaches. This includes engaging local communities in decision-making processes, promoting comprehensive policy frameworks, and investing in sustainable infrastructure development that prioritizes the needs of downgraded populations, thus fostering resilience in urban environments (Satterthwaite et al., 2010). Additionally, the historical context of urban governance in both countries reveals a legacy of colonial planning and socio-economic disparities that continue to influence current policies and practices, as seen in the persistent struggles faced by communities in informal settlements to secure adequate living conditions and essential services.

Objective of Urban Local Government

Local governments are created with the goal of bringing government closer to the people at the grassroots. Additionally, it encourages social and economic development, democratic and responsible local administration, the promotion of a safe and healthy environment, and the construction of development-related infrastructure like roads and transportation systems. The local government reforms aimed both to accelerate development and to enable the local population participate and hold those in power accountable for their governance roles. Local Government has many objectives. However, the main one is to respond to local community demands. It mobilizes human and material resources through the involvement of members of the public in their local development. It provide a two way channel of communication between the local communities and the central Government (Omamo, 1995).

Research Methodology:

The research paper has used a comparative research technique for data analysis. The paper combines a review of relevant government official data, academic literature, and policy documents with qualitative data collection from different books and journals. The qualitative data will provide deeper insights into the lived experiences of residents in informal settlements and the efficacy of existing governance structures. The theoretical foundation to understand the systemic challenges in urban governance faced by both countries. To further contextualize these findings, the study will examine the significant disparities in access to municipal services between formal and informal settlements, which often deteriorate health and sanitation issues, demonstrating the urgent need for inclusive urban planning strategies that address the unique challenges of marginalized urban populations.

Evolution of Urban Local Governance

Local government evolution has a long and rich legacy for India. The Rig-Veda (1700 BC) offers proof of Sabhas, self-governing village groups. These organs finally developed into panchayats or councils of five. We can observe the Indus Valley Civilization (2300–1750 BC) in some indications of ordered urban life: wide streets, market centers, public offices, community baths, and drainage and sewerage systems. The Mughal era (1526–1707) saw the city governor Kotwal, who also oversaw the chief of the city police, appointed municipal authority (Asia Research Centre).

In 1882, Lord Ripon's resolution passed and some of the power was transferred to the local body to provide some services at the local level. Ripon is called the father of local self-government in India. Yet with very limited authority, the British also attempted to create decentralized structures (Forum IAS, 2022).

The Indian constitution's directive principle now includes a clause requiring the creation of local government structures for local development and political participation. Article 40, "The state shall organize village panchayats and endow them with such power and authority as may be necessary to enable them to function as units of self-government," is one of the Directive Principles of the Indian Constitution. India's four committees between 1957 and 1986, led by Balwant Rai Mehta (1957), Ashok Mehta (1977–1984), GVK Rao (1985), and LM Singhvi, (1986) conceptualized local self-government. On the proposal of the Sighwi committee, the 73rd and 74th amendment bills were presented in the parliament for effective implement of local government.

On the other hand Kenya, before independence, Kenya had some sort of local government set under the Village Headman Ordinance prior to acquiring independence in 1902. The colonial authority selected the village heads to oversee these Local authority establishments. First townships were developed in Nairobi and Mombasa to service European immigrants. After

some years lot of improvements were made to Kenya's Local Government structure. "The Native Ordinance of 1924 gave powers to D.Cs to chair native local councils. These councils' duties included collecting local taxes and offering some amenities, including markets, water, sanitation, roads, and bridges" (Muia, 2005).

The first time Africans were elected as Councilors (Cllrs) was in 1937. In 1950, the settler District Councils became County Councils, and the local native councils were renamed African District Councils (ADCs) (Muia 2005). By 1950 the functions of the Local Government system were described as "representation for decision making; resources mobilization; agency for central government and link between local community and central government" (Ndegwa, 1971).

After independence, the Local Government Regulations of 1963 were replaced by the current legislation, the Local Government Act (Cap 265 of the Laws of Kenya). This Act passed by the National assembly in 1977 has been amended several times to address the changing Local Government environment (Muia 2005).

Presently, the Act establishes authorities and specifies their roles and responsibilities. For instance, the Act's sections 5 to 9 grant the Minister of Local Government the authority to create, modify, and name Local Authorities. Sections 12 and 28 of Part III of the Act explain the formation and incorporation of the Local Authorities.

The new constitution (2010) of Kenya established 47 local counties to be run by independent governments, with shared responsibilities between the counties and the national government. From the 2013 general election Kenya have three classes of local authorities: City, Municipality and Town authorities.

Overall, the evolution of local governance in India and Kenya has focused on decentralization, inclusivity, and recognition of traditional practices, leading to more responsive and participatory systems that reflect the diverse needs and cultures of their local communities (Kanyane & Koma, 2006).

Moreover, the evolution of local government systems in both countries has considered the diverse cultural and traditional practices prevalent in different regions. Efforts have been made to integrate these cultural nuances into the design and implementation of local governance, acknowledging the importance of preserving indigenous knowledge and customs.

Structure of Urban Local Governance in India

It is crucial to examine how Kenyan and Indian governance structures have evolved in response to various internal and external factors. "These structures emerge from the country's pre-independence socio-political inheritances and then evolve under the influence of subsequent external and internal factors. During the colonial era, local governance in India was largely centralized under British rule, with limited representation and decision-making power given to Indian citizens. After gaining independence from British rule in 1947, India adopted a republican democratic parliamentary system and established a constitutional framework to govern the nation (Singh, 1997). This constitutional framework serves as the basis for India's federal system, which includes provisions for decentralization of power and the establishment of local governments (Singh & Srinivasan, 2012).

India's local governance structure has undergone substantial changes throughout the years in terms of greater decentralization and local government empowerment. These changes were catalyzed by the enactment of the 73rd and 74th Amendment Acts in 1993, which mandated the establishment of panchayats (village-level local governments) and municipalities (urban-level local governments) with elected representatives.

There are three different local government entities in urban areas: Town Councils (also known as Nagar Panchayats for areas undergoing the transition from rural to urban), Municipal

Councils/Municipalities (also known as Nagar Palikas for areas with fewer than a million residents), and Municipal Corporations (Mahanagar Palikas for areas with a population of more than one million). Other types of governance like Notified Area Committees, Town Area Committees, Cantonment Board, Township, Port Trust, and Special Purpose Agency are also there for city development. These amendments aimed to strengthen grassroots democracy, promote inclusive governance, and empower local communities in decision-making processes. In Kenya, the evolution of local governance has also undergone significant changes. After gaining independence from British colonial rule in 1963, Kenya initially adopted a centralized system of governance. However, in the 2010 Constitution of Kenya, there was a shift towards devolution and the establishment of a two-tier system of government consisting of the national government and county governments. The devolution of power to county governments in Kenya aimed to address issues of inequality, promote citizen participation, and enhance service delivery at the local level. In Kenya, the devolution of power to county governments has led to greater citizen participation and accountability in local governance. In both India and Kenya, the evolution of local governance has been marked by a shift towards decentralization of power, increased citizen participation, and enhanced service delivery at the grassroots level (Chitere & Ngundo, 2015).

Functions of Urban Local Government

The Local Government Act (LGA) gave local authorities very wide functions, including establishing and maintaining schools and educational institutions, managing waste, lighting streets, providing water and sanitation services, licensing business activities, regulating hawking and street trading, building and maintaining roads, and controlling the development and use of land and buildings. Examining the dynamics of local governance in countries like India and Kenya reveals significant differences in decentralization practices and the responsibilities assigned to municipal authorities, which directly impact service delivery and urban management outcomes (Cruz et al., 2018).

In India, Municipal functions are generally classified as Obligatory functions & Discretionary functions. The obligatory functions are those that an ULB is supposed to necessarily perform like water supply, sanitation, roads, Drainage services, Fire Services, Health & Medical Services, Street Lighting services, Maintenance of monuments & open spaces, Health and hygiene services, Primary education services, Construction, maintenance, and Water supply services etc. Discretionary functions - These are the functions that a municipality may take up if there is demand from the citizens and resources are available like construction of community centers, public parks and gardens, organizing cultural activities, Surveys of buildings or lands, Construction and maintenance of maternity homes & infant welfare, Tree plantation on roadsides and Provision of shelter to homeless persons and poor relief etc.

If we see in Kenyan urban local governance, there are mandatory and permissive functions. Mandatory functions are functions that Local Authorities must do under the law. For example, to provide for the burial grounds and crematoria; and bury destitute persons who die in the Local Authority areas and whose bodies remain unclaimed from the local hospital mortuaries. Permissive functions are those that Local Authorities may exercise at their instance and others that they may perform subject to the approval of the Minister or subject to compliance with the law. Such functions may require Local Authorities to have organizational ability and financial capacity in order to carry out their functions.

The Urban governance have become increasingly crucial in both India and Kenya as their cities continue to grow rapidly. This growth presents significant challenges, including the need for effective policy frameworks and coordinated governance strategies to address issues such as infrastructure, public services, and environmental sustainability, as evidenced by the

experiences of various metropolitan regions in both countries (Shaw, 2012). In India, the shift towards liberalization since the 1990s has led to a dilution of state involvement in urban management, prompting a reliance on private sector participation to address urban challenges, which often results in unequal access to services and infrastructure among different socioeconomic groups (Shaw, 2012). This trend mirrors the situation in Kenya, where the withdrawal of government involvement in service provision has similarly resulted in disparate access to urban services, further exacerbating inequalities within cities like Nairobi, where urban management inefficiencies have been linked to a pluralistic service provision system with limited coordination (Werna, 1998).

In India, “the federal political system exhibits a notable "anti-urban" bias, resulting in state governments wielding disproportionate power over local authorities, which complicates the transition to effective urban governance and hinders sustainable urban development efforts in the face of rapid urbanization” (Cruz et al., 2018). In contrast, Kenya has made strides towards enhancing local governance through constitutional reforms that empower urban municipalities, fostering a more direct relationship between local governments and the national administration, thereby facilitating a more robust framework for service delivery and urban planning under the premise of decentralization.

The governance of urban areas in India is characterized by a significant imbalance in power dynamics between state and local governments, which has hindered the effective implementation of decentralization efforts. This imbalance often results in local authorities being unable to access the necessary resources and support to fulfill their mandated responsibilities, creating a governance gridlock that stymies urban growth and sustainability initiatives (Cruz et al., 2018). The historical reluctance of state governments in India to relinquish their authority has been a persistent obstacle in establishing a more effective multilevel governance system, one that could potentially allow urban local governments to leverage their constitutionally ascribed powers for development planning and service delivery (Cruz et al., 2018). Additionally, “the bureaucratic challenges faced by local governments, including inefficiencies, lack of transparency, and slow decision-making processes, further exacerbate the difficulties in meeting the needs of urban populations, particularly the marginalized communities who often rely on these services most heavily” (Manaf et al., 2018). In contrast, the Kenyan context has seen more positive strides towards empowering urban local governance. The 2010 constitutional reforms in Kenya have sought to address the historical centralization of power by establishing a more decentralized system of governance, which has enabled urban municipalities to assume a more prominent role in managing their affairs. These reforms have fostered greater local autonomy, allowing municipalities to allocate resources more effectively and respond to the unique needs of their urban populations, thereby enhancing the overall efficiency of service delivery and governance (Cruz et al., 2018).

Challenges of Urban Local Governance

The process of urban self-governance in India is fraught with difficulties. Several key institutional and non-institutional obstacles prevent the country's ULBs from functioning efficiently and independently. Due to the failure of decentralization and devolution reforms in India, the ULBs have been assigned the responsibility of overseeing towns and cities. However, they lack the resources to facilitate public participation (Participatory Research in Asia, 2013). Ahluwalia (2019) asserts that “municipal institutions lack the necessary authority and control to efficiently offer municipal services, plan for and supervise the urbanization process, which is closely tied to rapid economic expansion, and handle the many obstacles”.

Financial Challenges

Local government spending just makes “2% of the GDP. This is quite low in comparison to other big countries such as China (11%) and Brazil (7%). Most local bodies-rural and urban alike-are quite dependent on outside sources as most of them cannot create enough money from their own resources. Studies reveal that, especially State and Union Government loans and grants, around 80 to 95 percent of income comes from outside sources. Their minimum needs are not met by the amount of money set aside for them. Lack of money has prevented the local authorities from carrying out their required responsibilities. ULBs are totally dependent on the kindness of the state government since they lack financial autonomy and no well-ordered and organized approach to distributing financial resources to municipal authorities. Most of municipalities also cannot pay their staff from their own income. Over salaries not paid by the municipal corporations, 1.25 lakh municipal employees of the three Municipal Corporations went on strike in Delhi” (The Hindu, 2020).

Municipal bodies require a sizable amount of financial resources and substantial financial autonomy to efficiently execute all of the functions assigned to them. But the majority of Indian municipalities struggle to raise enough money from within their own borders, primarily because of errors in determining tax and non-tax rates, hesitation to impose or accelerate direct taxes, poor performance of civic services, and insufficient attention to citizens' complaints (Aijaz, 2006).

On the other hand, if we see financial challenges in Kenya, local authorities have not been proactive in generating and collecting their own income. Among the several reasons given for the inability to realize sufficient money are lack of suitable human resources, citizens' refusal to pay council dues, and government's lack of readiness to help Local Authorities in realizing the uncollected income. “Local Authorities gradually lost their powers to central government ministries and departments in the years 1969, 1973, 1978, and 1989, therefore affecting sources of income. For instance, the Transfer of Functions Act already mentioned approved the transfer of road maintenance from rural Local Authorities to central government, health services, and elementary education in 1969. Local Authorities were unable to provide the services efficiently, hence these powers were taken away” (Mboga, 2009).

Delay in Municipal Elections

The protracted delay in holding municipal elections is one of the most obvious reasons why local self-governance in India and Kenya is in such horrible shape. According to their whims and fancies, the majority of Indian states do employ strategies to postpone the municipal elections (Raza et al., 2020). The State Election Commission is required by the Constitution to conduct municipal elections by the requirements, and despite this requirement, many states' State Election Commissions are unable to do so because the state governments are responsible for determining the boundaries of municipal wards, and they frequently agree to delay doing so.

According to a report from the Comptroller and Auditor General of India (2012–2013), ULB elections were held on time in 23 out of 30 states and union territories (that fall under the 74th CAA); however, they weren't held regularly in six states (Arunachal Pradesh, Assam, Jammu and Kashmir, Jharkhand, Meghalaya, and Nagaland); and in Sikkim, the first ULB election was held in 2010 (GoI, 2012).

In many states, the ULB elections were announced only when the court pushed the state to do so, as happened in 2013 in the case of Andhra Pradesh, West Bengal, and Karnataka (National Social Watch, 2011), and in Madhya Pradesh in 2021.

Unplanned Urbanization

India with the percentage of urban population being 32.1 and 40.9 respectively. By 2050, over half of India's population is expected to be urban dwellers. The problem is getting worse as more and more towns and cities turn into ghettos as a result of the inflow of rural populations. It is challenging to manage the urban areas' critical services, such as water, sanitation, road upkeep, transit, housing, etc., due to their excessive population (Sharma 2009).

The growth of slums is not being controlled, there is a shortage of homes, traffic congestion is rampant, judicious land use is not being done, colonies are established without proper amenities like schools, parks, and hospitals, and the growth of slums is not being controlled, and there are very few effective steps being taken to end urban poverty and unemployment.

Similarly, we can see Kenya's rapid urbanization is the biggest challenge for sustainable development. "Nairobi the capital city of Kenya has a population of 108,900 in 1944, rising to 2,143,254 by 1999 (KNBS, 2008) and 3,100,000 by 2009. Nairobi occupies an area of around 684 square kilometers. By 2025, the population is expected to have increased from 4,397,073 to 6 million" (KNBS, 2019; UN Habitat, 2007).

Kenya is the fastest-growing economy in East Africa. However outdated urban planning and unplanned development have been major challenges in Kenyan urban local government. Most of the existing urban physical development plans were prepared in the 1960/70s and very few of them have been revised to cope with rapid urban growth. Mombasa and Kisumu municipalities' structure plans, which were created in the 1960s, have never been updated to account for urban development and growth. The last two decades have seen most of the urban expansion.

In addition, slums and informal settlements have expanded dramatically across all metropolitan centers as a result of urban growth that has mostly occurred outside of planned regions. For instance, the urban poverty rate in Nairobi is said to be 60%, despite the fact that 60% of the city's residents reside in slum communities. Most urban poor people live in informal settlements and slums. The basic features of slums and "informal settlements" are inadequate housing, services, and infrastructure. Only approximately thirty percent of metropolitan areas are planned in terms of town planning. "Kenyan urban regions are expected to contribute 70% of the country's GDP, yet they have not been systematically developed, maintained, or controlled" (Francis Tama Koti, 2000).

Lesser Functional Autonomy of ULBs

There are 18 tasks mentioned on the 74th Constitutional Amendment Act (CAA's) 12th schedule that the ULBs must do. Available literature shows a different picture. "By the year 2013, only 11 out of 31 states/UTs transferred all the 18 functions to ULBs, whereas in the remaining states, the number of transferred functions were varied" (GoI, 2012). Surprisingly, Arunachal Pradesh, Jammu & Kashmir, and Meghalaya did not transfer a single function to ULBs; in contrast, Himachal Pradesh transferred eight duties, Manipur three, Sikkim one, and Nagaland one (GoI, 2012).

In Kenya, the constitution's governing mechanisms place restrictions on metropolitan regions' autonomy. The county government does not want to provide local bodies the authority to make decisions at the local level. The effectiveness of local work is extremely poor, and local bodies are not trusted to promote growth. In addition, there is a lack of public engagement and a hazy framework for it, which discourages most people from taking part in urban municipal governance.

Excessive State Control

The state control the various aspect of local body functions which includes legislative, administrative, judicial, and financial, and prevents urban municipal from acting as institutions

of self-governance. State governments have the power to abolish and replace local entities under certain circumstances. State governments approve municipal budgets. (Except that of corporation). Even the tax system that has been locally tailored needs to be approved first and then implemented.

On the other hand, Kenyan urban local government faces many challenges like, low level of People's Participation, a sizeable minority of Kenyans do not have major concerns about local governance, either because they are disillusioned with its performance, or simply do not interact with local authorities enough to make an assessment.

Negligence of Small Towns

The majority of successful missions or programs for improving urban infrastructure and governance have a strong preference for large cities. Big municipal entities carryout more benefit from these missions because they have more functional and financial autonomy. As a result, they can build infrastructures and provide civic services more quickly and effectively. Due to their smaller size and weaker financial and resource capacity, small ULBs are unable to attract investment capital.

Conclusion:

The urban local governments in India and Kenya are plagued by numerous problems, which affect their performance in the efficient discharge of their duties. But government in both the countries are taking step for effective functioning of local self-government. There is tremendous need for both the government to take necessary decision for effective participation of local people in system and state will give the more autonomy to urban local body for their local's development.

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