

Chapter – 13 : Institutional Assessment



CHAPTER - 13 INSTITUTIONAL ASSESSMENT

13.1 INTRODUCTION

The current political set up in Delhi is the result of the 69th Constitutional Amendment, passed by the Parliament in 1991, followed by the GNCTD Act, 1991. The provisions of this act provide for the setting up of the Assembly and the Council of Ministers for the NCT. The act also contains provisions, which distinguish the NCT from other Union Territories under the Constitution.

This chapter presents the existing institutional framework in Delhi responsible for provision of urban infrastructure. It presents institutional issues and the institutional development strategy.

13.2 INSTITUTIONAL ARRANGEMENT-NCTD

The institutional framework for urban management in Delhi has a multiplicity of agencies, both central and state. They also look after various functions relating to urban infrastructure and its management. The institutions/agencies involved for performing city level functions in city are categorized as (A) Central Government Agencies; (B) State Government Agencies.

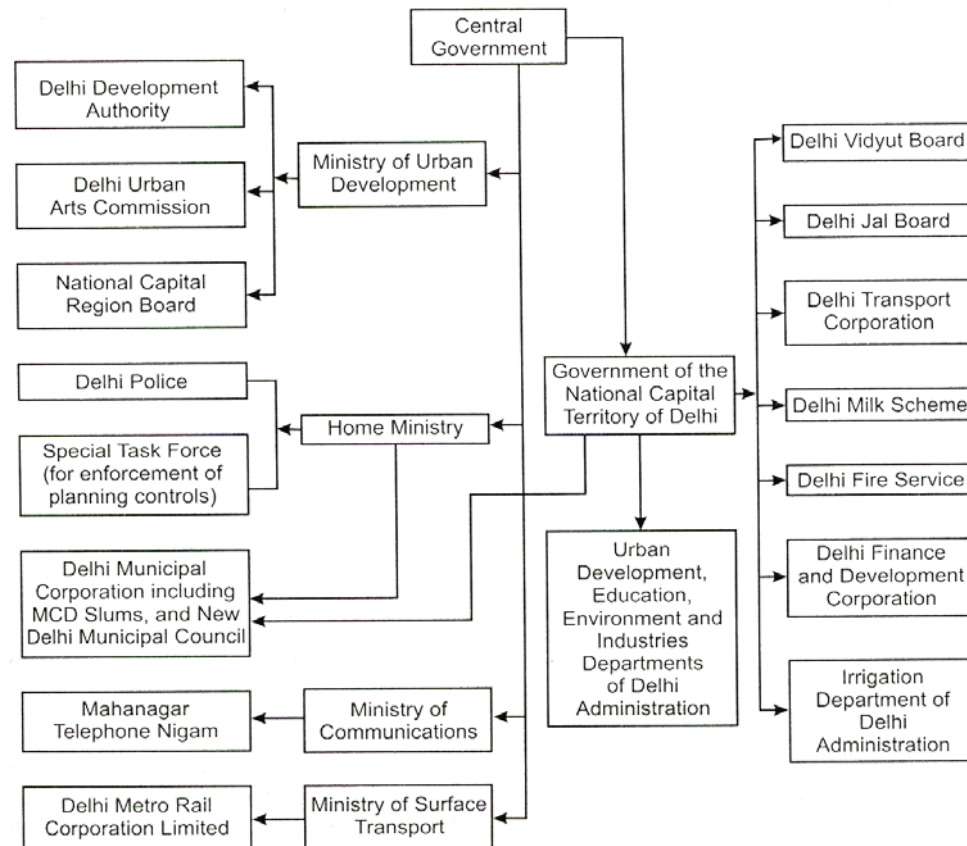


Figure 13.1: Institutional Linkages in Delhi

PART A: CENTRAL GOVERNMENT AGENCIES

13.3 MUNICIPAL CORPORATION OF DELHI

13.3.1. Constitutional Framework

The MCD has been set up under the Delhi Municipal Corporation Act, 1957, covering the entire area of NCT, except the areas controlled by the NDMC and Delhi Cantonment Board. The Act has been revised in 1993 to bring its various provisions into conformity with the 74th Constitutional Amendment.

Organisation Structure

The governance structure of the Municipal Corporation of Delhi (MCD) is divided into two wings viz. elected wing and administrative wing. Delhi has Mayor-in-Council system. Mayor in Council comprises 114 elected members. Mayor is Chairperson of the Council. Also, there are 13 special and 13 Ad-hoc committees on various subjects. The special committees are namely Assurance Committee, Works Committee, MRPD Committee, Environment Management Committee, Garden Committee, Law & General Purpose Committee, Special (Improvement & Development) Committees, Special Committees, Sports promotions & allied matter committee, High powered property tax committee, Municipal Accounts Committee, Code of Conduct for councilors committee. The ad-hoc committees are namely Remunerative Projects Committee, Licensing & Tehbazari Committee, Community Services Committee, Welfare of Scheduled Castes & Implementation of SC Candidates Quota committee, Anti-Malaria Measures Committee, Anti-Flood Measures Committee, Naming & Renaming Committee, Grants-in-Aid Committee, National Festivals, Fares Committee, Mahila Kalyan & Bal Vikas Committee, Grievances Redressal Committee, Education Committee and Rural Area Committee.

The Municipal Commissioner oversees the functioning of administrative wing. He is assisted by the Deputy Commissioners and departmental heads. Departments include health, taxation, engineering, complaints, licensing, community and Horticulture.

For administrative purpose corporation area is divided into 12 zones comprising 134 wards. Commissioner Zone heads the zonal office. After the zonal offices there are 134 ward offices at Lower level.

13.3.2. Functions

The functions of MCD are listed in Delhi Municipal Corporation Act 1957. It provides for mandatory functions and provides for discretionary functions of MCD. The major function of MCD are: city cleanliness, solid waste management, maintenance of gardens/dividers/circles, street light, bio-medical waste, slaughter house, encroachment removal, stray cattle management, community toilets, community halls, parking lots, development works, advertisement, property tax, and licensing.

Billing and Collection: Billing of taxes and other charges are updated frequently. Collection system of revenues is inefficient; resulting in increases of arrears, and is increasing year by year.

Project Financing and Implementation: MCD partly dependent on its own funds and partly on the funds received as grants. Most of the capital works done are through grants and loans from Central and State Government

Asset Management: MCD maintains its assets records.

Budgets and Audit: MCD at present maintains its accounts in registers as well as computer based double entry accounting system. For every financial year balance sheet for accounts is prepared. Financial statements are prepared by chartered accountant. There is provision for periodical review of municipal finances by auditor general.

Use of Technology: The MCD has partially implemented e-governance programme. Under this programme (over the project period) integrated computerized system can be developed and implemented for efficient service delivery. The project would develop and commission four modules for each of municipal function. The project can offer services like deposit of electric, telephone, water bills, Birth - Death certificate, payment of house tax, etc, through its ward wise kiosks installed through out the Delhi.

MCD has started computer based double entry accounting system since 2002-03. MCD has established a Help-line phone number for resolution of Public Grievances regarding sanitation, sewer, streetlights etc.

The Other functions now being performed by it like generation, transmission and distribution of electricity; supply and distribution of water and disposal of sewage; fire services and setting up and running of new hospitals are sought to be transferred to other agencies.

13.3.3. Issues

The institutional, administrative, legal and financial issues of the MCD are presented below:

- Continued control of the Central Government over its administration and affairs, which needs to be transferred to the GNCTD;
- Decentralization of the present monolithic structure by setting up more Corporations after their viability has been established. It is understood that a policy decision has already been taken to set up a separate Corporation for the East Delhi;
- An O&M Study of the present structure and remaining functions of the Corporation, to make it efficient and manageable and to farm out some more functions relating to education and medical, to other agencies of the GNCTD, so that the MCD concentrates on its primary role as a municipal body;
- Ensure effective public- private partnership in waste management;
- Increase its resource base by levying service charges for various services like waste management, street lights, and entertainment facilities, community services like parks, play grounds, libraries and reading rooms.

13.4 DELHI DEVELOPMENT AUTHORITY

13.4.1. Constitutional Framework

The DDA, a body corporate, has been set up under the Delhi Development Act, 1957. Earlier, the United Provinces Town Improvement Act was extended to Delhi, followed by the setting up of the Delhi Improvement Trust in 1937.

Organizational Structure

The controlling jurisdiction of the DDA is with the Ministry of Urban Development, with the LG as its Chairman and a nominated Governing Board. Many of the features of the present remit of DDA are based on planning and development ideas in the original Act.

13.4.2. Functions

The functions and powers of the Delhi Development authority as per DDA Act, 1957 are listed below:

- **Pioneering Urban Development:** To formulate a Master Plan for covering the present and future growth of Delhi and to promote and secure the development of Delhi according to the plan covering all the possible activities.
- **Creating Metropolis:** Preparing schemes and advising the concerned authorities departments and agencies in formulating and undertaking schemes for development agriculture, horticulture, floriculture, forestry, transport, communication, schooling, cultural activities, sports, Medicare, tourism entertainment and similar other activities; to acquire, hold, manage and dispose of land and other property; to carry out building, engineering, mining and other operations; Formulation and sanction of the projects and schemes for the development of the Delhi;
- **Institutional and Industrial Development:** Institutional & Industrial development as part of city building, which makes Delhi a land of opportunities. DDA has so far allotted land to various institutions for social, educational, cultural and religious purposes. Some of the landmarks institutional are at Siri Fort, Katwaria Sarai, Qutab Institutional area, etc.
- To acquire, hold, manage and dispose of property, movable or immovable, as it may deem necessary;
- To enter into contracts, agreements or arrangements with any person or organization as the Authority may deem necessary for performing its functions;
- Power to acquire land for public purpose under the provisions of land acquisition act 1984.

13.4.3. Institutional Issues

The institutional issues are as follows:

- Since NCTD has a responsible popular government it should be enabled to provide housing and other amenities relating to land, to fulfill the genuine ambitions of the people of Delhi; there is a need for GNCTD to have some say to in the working of DDA.
- DDA can consider how much it should involve itself in the function of housing construction. In fact, there is a thinking at official level nowadays that public agency should take up construction of houses only for the low income groups;
- DDA should concentrate on its primary function of preparing the Master Plan as a Perspective Plan from which the Zonal Development Plans could be prepared through the local governments by providing them with expertise or at least in collaboration with them;

13.5 CENTRAL POLLUTION CONTROL BOARD (CPCB) AND DELHI POLLUTION CONTROL COMMITTEE (DPCC)

13.5.1. Constitutional Framework

The CPCB has been set up under the Water (Prevention and Control of Pollution) Act, 1974 and also has all the functions under the Air (Prevention and Control of Pollution) Act, 1981. Delhi, being a Union Territory, the law does not provide for any separate Board and the CPCB has all the powers of a Board for the state. The DPCC has been set up by the CPCB on 15.03.1991, delegating all its powers under the two acts to the Committee.

Organizational Structure

The Delhi Pollution Control Committee is headed by the Secretary, Environment, and GNCTD. The Director, Environment in the DoE is the Member-Secretary of the Committee. A nominee of the Central Pollution Control Board and Secretary, Local self Government, are the other two members. The DPCC has three zonal engineers of the rank of Superintending Engineers, assisted by Executive Engineers, Assistant Engineers and Junior Engineers, 27 in all.

13.5.2. Functions

CPCB looks at the compliance at the national level, monitoring of water quality of the Yamuna and discharging drains at various locations. The DPCC, in effect is the primary agency in the NCT, to carry out the regulatory work relating to prevention and control of water and air pollution.

13.5.3. Institutional Issues

A large number of posts, 170 out of a total of 256, sanctioned for the Committee, are reported to be lying vacant. The Committee has no field agency worth its name and hardly any captive monitoring facilities. Its financial resources are totally inadequate to the task. The Committee would need

strengthening in its human resources and equipment for monitoring. Its staff would also need to be trained for maintenance and operation of the equipment. The availability of facilities with the CPCB and the existence of the EPCA, can not be a substitute the need for an effective and well-equipped set up with the DPCC.

13.6 ENVIRONMENT POLLUTION (PREVENTION AND CONTROL) AUTHORITY (EPCA) FOR THE NATIONAL CAPITAL REGION

13.6.1. Constitutional Framework

The Ministry of Environment and Forests had set up the EPCA, on 29th January, 1998 for two years. Its term has since been extended by another two years.

Organizational Structure

The EPCA consisting of five part time members, and with no permanent secretariat of its own, has been set up in view of the gigantic and complex nature of environmental problems of Delhi. It has been specifically entrusted with the task of monitoring the progress of the action plan as contained in the White Paper on Pollution in Delhi, issued by the Central Government in December, 1997. The Supreme Court also has entrusted specific tasks to the EPCA from time to time.

13.6.2. Functions

The EPCA has also been entrusted with the following functions:

- standards for the quality of the environment in its various aspects;
- standards for emission or discharge of environmental pollutants from various sources;
- restriction of areas in which any industries, operations or processes or class of industries or processes shall not be carried out or shall be carried out subject to certain safeguards;
- procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;
- Procedures and safeguards for the handling of hazardous substances.;
- All necessary steps for control of vehicular population;
- Power to issue directions for ensuring maintenance of the specified ambient noise standards.

13.6.3. Institutional Issues

- Since the functions entrusted to the EPCA are long term and continuous in nature, it must have a permanent set up and some full time members with specialised experience of dealing with environmental issues in Delhi;

- The EPCA should have at its disposal, its own resources, to order specific studies and obtain help of experts;
- There seems to be a problem in the NCT in the maintenance of the monitoring equipment installed at various places and more such equipment is needed. The EPCA may be the right agency to take up this function.
- There is no doubt that with its limited resources notwithstanding, the EPCA has done considerable amount of good work in improving the air and water quality in the NCT.

13.7 DELHI URBAN ART COMMISSION (DUAC)

13.7.1. Constitutional Framework

The DUAC has been set up in 1974 by the DUAC Act 1973, to advise the Central Government and provide advice and guidance to the local bodies, for maintaining the aesthetic quality of urban and environmental design in Delhi.

Organizational Structure

The Commission consists of the Chairman and such number of other members, being not less than two or more than four appointed by the Central government as per notification in the official Gazetteer.

13.7.2. Functions

The act requires the local bodies to refer all building and engineering operations and development proposals to the Commission, before according approval to them. Function of the DUAC is essentially to advise Central Government in the matters of preserving, developing and maintaining the aesthetic quality of urban and environment design in Delhi and advice and guide the local bodies for the same.

13.7.3. Institutional Issues

In the context of this recommendation it would be desirable that the entire major projects which need such an examination of the design from the point of view urban arts, especially in the context of heritage and sensitive sites and developments in their vicinity are referred to the Commission.

13.8 NATIONAL CAPITAL REGION PLANNING BOARD (NCRPB)

13.8.1. Constitutional Framework

The setting up of the NCRPB in 1985 under the NCRPB Act, 1985, enacted under the provisions of Article 252 of the Constitution with the consent of the states of U.P., Haryana, and Rajasthan for preparation of the regional plan.

Organisation Structure

The Board consists of such number of members, not exceeding twenty-one, as may be prescribed, and unless the rules made in this behalf otherwise provide, the Board shall consist of the following members, namely :- the Union Minister

for Works and Housing, who shall be the Chairman of the Board; the Chief Minister of the State of Haryana, Rajasthan, Uttar Pradesh; the Administrator of the Union territory ; eight members, to be nominated by the Central Government on the recommendation of the participating States and the Administrator of the Union territory ; provided that not more than two members shall be nominated on the recommendation of a participating State or, as the case may be the Administrator of the Union territory; three other members of whom one shall be a person having knowledge and experience in town planning to be nominated by the Central Government; a full-time Member-Secretary of the Board, to be nominated by the Central Government from amongst officers of or above the rank of a Joint Secretary to the Government of India; Provided that no change shall be made in the composition of the Board by rules except with the consent of the Government of each of the participating States and of the Administrator of the Union territory.

13.8.2. Function

The Board has the following functions and powers:

- Preparation of Regional Plan and Functional Plans;
- Getting the Sub-Regional & Project Plans prepared by the participating States;
- Coordinating the enforcement & implementation of the Plans through the participating States; and
- Arranging and overseeing the financing of selected development projects.
- Call for reports and information from the participating States and the Union territory with regard to preparation, enforcement and implementation of Functional Plans and Sub-regional Plans ;
- Ensure that the preparation, enforcement and implementation of Functional Plan or Sub-Regional Plan, as the case may be, is in conformity with the Regional Plan ;
- Indicate the stages for the implementation of the Regional Plan ;
- Review the implementation of the Regional Plan, Functional Plan, Sub-Regional Plan and Project Plan ;
- Select and approve comprehensive projects, call for priority development and provide such assistance for the implementation of those projects as the Board may deem fit ;
- Select, in consultation with the State Government concerned, any urban areas, outside the National Capital Region having regard to its location, population and potential for growth, which may be developed in order to achieve the objectives of the Regional Plan ; and
- Entrust to the Committee such other functions as it may consider necessary to carry out the provisions of this Act.

13.8.3. Institutional Issues

- The GNCTD and its various agencies should realise that the NCRPB has been set up to help Delhi. They should make full use of the Board in solving various problems of Delhi.
- The Planning Commission and the Central Ministries should make vigorous efforts to develop the infrastructure in the NCR, outside Delhi, which in the long run, would produce better results for protection of environment.
- The GNCTD and the DDA should implement the policies enunciated in the Statutory Regional Plan, accepted by all the participating states, relating to industries, trade and commerce and generation of employment. They should, in any case, not take or permit others to take steps, which are contrary to those policies.
- The role of the NCRPB in laying down the various policies for Delhi should be enhanced and the Board should be associated in major investment decisions in Delhi.
- The NCRPB Act should be amended to permit the Board to take up implementation of projects of inter state nature with the consent of the concerned states. This would help in better and timely execution of such projects.
- There is a good case for creating disincentives for industrial and other establishments proposing to settle down in Delhi. On the contrary, the present policies in the NCT are generating incentives for them.
- The NCRPB should prepare Functional Plans under Section 16 of their Act, providing for setting up of joint projects for power, industrial development, housing, water supply, sewerage sanitation etc.

13.9 DELHI METRO RAIL CORPORATION

13.9.1. Constitutional framework

The need for a mass rapid transit system, based on rail, has been felt in Delhi for a very long time. However, it is only in May 1995 that a company named Delhi Metro Rail Corporation Ltd, under the Companies Act, could be set up. This is a joint effort between the Government of India and Government of Delhi, in equal participation.

13.9.2. Functions

Work on first phase of the project, comprising the construction of 55.3 kms of railway line, has begun from December 1997. The first stage of this phase between Shahdara to Tis Hazari is scheduled for commissioning in March, 2002. The entire first phase is due for completion in March, 2005.

13.10 NEW DELHI MUNICIPAL COUNCIL (NDMC)

13.10.1. Constitutional framework

An exclusive committee, known as Imperial Delhi Committee was constituted for the first time on March 25th 1913, for the management and construction of the proposed capital. In 1916, it was notified as Raisina Municipal Committee under the Punjab Municipal Act, 1911. In 1927, it was re-designated as NDMC. In 1932, it was upgraded as a first grade municipality and entrusted with the responsibility of providing civic services, along with construction of buildings. The situation has changed with the enactment of the NDMC Act, 1994 by the Parliament, which now governs the affairs of the NDMC.

Organisation Structure

The NDMC Act is structured more or less on the lines of the MCD Act, except for some distinguishing features as indicated below:

- The Central Government has retained most of the controlling powers over the NDMC, except that the GNCTD can also prescribe discretionary functions for the committee through general or specific orders. The GNCTD can also get the accounts of the committee audited.
- The Chairman is appointed by the Central Government, in consultation with the Chief Minister of the NCT.
- The remaining 11 members are also appointed by the Central Government, though 2 of them again are to be appointed in consultation with the C.M.
- Separate provisions have been made for discharging functions relating to water supply, drainage, sewerage and transport in its area of jurisdiction.
- The provisions of the NDMC Act 1994 have attempted to provide some say to the locally elected Members of the Parliament and Legislative Assembly and the right of consultation to the C.M. of the GNCTD in the appointment of two members and the Chairman. This position is likely to continue till the Central Government wishes to retain full control of the area.

13.10.2. Functions and Powers

In addition to providing basic civic amenities to its residents, the New Delhi Municipal Council also ensures various social, cultural, educational and medical facilities, especially to the government/ municipal employees and other weaker sections of society.

It is perhaps the only municipality in the country that supplies electricity and water and its discretionary functions encompass promotion of sports, art, music and culture, maintenance of libraries, and care for the old, mentally and hearing impaired. It takes care of working women, housing problems and social facilities like barat ghars and community centers. It always aims to achieve it by eliciting peoples' cooperation and public participation.

13.10.3. Institutional Issues

It appears that the constitution of the NDMC is not in conformity with the provisions of Articles 243O and 243R of the, Constitution relating to constitution of municipalities and certain other provisions introduced in the 74th Constitutional Amendment. This really puts a question mark on the legality of the NDMC itself.

PART B: STATE GOVERNMENT AGENCIES

13.11 GNCTD SET-UP

The GNCTD is headed by the Lieutenant Governor, who is also the Administrator of the Union Territory of Delhi. The Chief Minister is the head of the Government, and discharges the duties and responsibility, with the assistance of Council of Ministers. There are various departments, each having a minister and the secretary. The following Secretaries look after functions relating to urban infrastructure.

- (i) Secretary, Urban Development, dealing with MCD, Delhi Jal Board, Slums, Heritage and other issues relating to municipal management and urban development;
- (ii) Secretary, Land and Building, dealing with housing, acquisition of land, Public Works Department and related activities;
- (iii) Secretary, Environment, dealing with Delhi Pollution Control Committee as its Chair Person and other issues relating to Environment;
- (iv) Secretary, Transport in charge of Delhi Transport Corporation and other issues relating to transport ;
- (v) Secretary, Finance and Planning, dealing with Infrastructure Development and related issues of Public Private Partnership in the field of urban infrastructure;

13.12 DELHI JAL BOARD (DJB)

13.12.1. Constitutional setup

The DJB has been set up by the Delhi Jal Board Act, 1998 passed by the parliament, to provide for the establishment of a Board to discharge the functions of water supply, sewerage disposal and drainage within the NCT and for matters connected therewith.

Organizational Structure

The Chief Minister of Delhi is the chairperson of the Board, which has 17 members. The Chief Executive of the Board has to be appointed by the GNCTD. The GNCTD also has been authorized to exercise other control, including issue of directions, to the Board.

It is too early to offer comments on the functioning of the DJB, which has yet to be fully constituted (three posts of full time members are vacant) and gain full control of the operations.

13.12.2. Functions

As of now Delhi Jal Board (DJB) is responsible for procurement of raw water, treatment and supply to the three constituents and responsible for distribution of water supply and related works in MCD area. DJB is also responsible to collect, transmit, treatment and disposal of waste water from the three constituents and for operation & maintenance of sewer system within the MCD area.

13.13 DELHI TRANSPORT CORPORATION

On the establishment of the MCD in 1957, the transport services in Delhi were transferred to the Corporation. Subsequently, a new statutory corporation, known as Delhi Transport Corporation was set up under the Road Transport Corporation Act, 1950. However, its control remained with the Central Government. With the reorganization of the political set up in Delhi, the control and the assets have been transferred to the GNCTD. However, the outstanding loans and the interest have been written off.

13.13.1. Summary of Issues

The issues related to urban institutional set up are discussed in Table below.

Issues	Status
Implementation of 74 th CAA	<p>Government of National Capital Territory of Delhi has not been able to implement the 74th Amendment to the Constitution.</p> <ul style="list-style-type: none"> ▪ It has been pushing hard to approve the Delhi Municipal Corporation (Amendment) Bill, 2005 whose decision is still awaited with the Union Home Ministry. ▪ Major administrative decisions for making and implementing the Master Plan are still taken by the Central Government Agency, that is, DDA. ▪ MCD has been trying hard to introduce the new system of Local Area Plans (LAP), through amendments to Unified Building Byelaws of Delhi. As things stand today, LAP violate the Delhi Development Act 1957 as well as Delhi Municipal Corporation Act. ▪ Since legislation is not enacted by the GNCTD, necessary institutional mechanisms such as the Urban Local Bodies (ULBs) and DMPC are not in place.
Overlapping of jurisdiction	<ul style="list-style-type: none"> ▪ Overruling of the Delhi High Court decisions by the NCT of Delhi and Ministry of Urban Development. For instance, MoUD issued a notification, a procedure not allowed under the Delhi Development Act 1957, to allow mixed land uses in the residential areas located along the roads with a certain RoW. ▪ There is a lack of clarity over the departmental responsibilities for land use planning, development, maintenance and enforcement. This has resulted in ineffective and uncoordinated decision making and actions. For instance, the boundaries of the revenue districts and the MCD zones overlap with each other.

Overlapping of functions	<ul style="list-style-type: none"> • Delhi Development Authority (DDA) has failed to identify and coordinate with the State Government.
Other Sectors	<p>Water Supply</p> <ul style="list-style-type: none"> • Revenue 2 times the expenditure cost, indicating high operation and maintenance cost and highly subsidized water supply. • Revenue losses due to less coverage / jurisdiction area (45%). • High rate of water loss (40%). • No centralized database and information management system in place. <p>Heritage and Conservation</p> <ul style="list-style-type: none"> • Piecemeal, uncoordinated approach to the heritage and conservation in Delhi. • Limited positive and meaningful co-operation between the agencies involved. • No overall planning and direction in the sector. • Monuments are in dilapidated stage and being altered heavily (losing their historical value) • Number of heritage buildings occupied by State and Central Government Departments. • No Incentives and technical support given to owners of heritage building for they're up keep and maintenance. • Difficult to apply laws and regulations and at the same time lack of rules/ guidelines for restoration of civil heritage, construction on and demolition of heritage structure. • Lack of political commitment and public awareness on heritage value. • Lack of Public facilities in and around the monuments and area. • Poor Solid Waste Management in old city. • Public Private Partnership for development of tourism and heritage conservation.