

BLOCK 2
**LEGISLATIVE FRAMEWORK,
ELECTION AND PLANNING**

BLOCK 2

Legislative Framework, Election and Planning

Unit 4

Legislative Framework: The Constitution (Seventy-fourth Amendment) Act, 1992 and Conformative Legislation

Unit 5

Municipal Election

Unit 6

Urban Planning in India

THE PEOPLE'S
UNIVERSITY

UNIT 4 LEGISLATIVE FRAMEWORK: THE CONSTITUTION (SEVENTY- FOURTH AMENDMENT) ACT, 1992 AND CONFORMATIVE LEGISLATION*

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4.0 OBJECTIVES

After studying this Unit, you should be able to:

- Explain the need for the Seventy-fourth Constitutional Amendment Act;
- Describe the Constitutional Provisions with regard to Urban Local Governance;
- Discuss the Statutory changes made in Punjab Municipal Laws and the Actual Position after the Seventy-fourth Constitutional Amendment;
- Compare between the Statutory Provisions and the Real Position of the Karnataka Municipal Laws;
- Highlight the Performance of ULBs; and
- Discuss measures for ensuring conformity with the 74th Constitutional Amendment Act.

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4.1 INTRODUCTION

Urban Local Self-Government (ULG) system in India was initiated by East India Company with setting up of Madras Municipal Corporation in 1688. In 1870, Lord Mayo, and in 1882, Lord Ripon followed by Royal Commission (1907), the Government of India Act, 1919, Simon Commission, 1925 and Government of India Act, 1935 attempted at empowering the Local Self-Government Institutions. Despite all these efforts, the ULGs continued to function without any clear demarcation of functions, jurisdiction and financial autonomy. After Independence, India adopted its own Constitution, but there had been inadequate provisions in the Indian Constitution with regard to the ULG, which shows that activities of the ULG in urban areas were initially not considered as an obligatory function. The Directive Principles of State Policy refer only to Village Panchayats. The state list, containing the subject of the ULG shows only implicit reference to the Constitution and conferring of powers to municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration (Entry 5).

Urban development is an integral component for bringing sustainable development in any country. Thus, active participation of citizens in managing the affairs of urban local areas becomes mandatory to strengthen the democracy at the grassroots level. Almost every State had its respective Municipal Acts but due to lack of Constitutional mandate, these bodies were left as creature of states. The irregular elections to these bodies, indefinite and frequent suspensions, inadequate devolution of powers and funds led to the weakening of the democratic character of urban local bodies. In the above scenario, strong need was felt to evolve mechanism guaranteed by the Constitution so as to strengthen the ULG in India in terms of defining and improving relationship with the State government, clear demarcation of functions and taxation powers, ensuring regular elections and participation of elected members in planning and implementation of various development schemes and projects and ensuring adequate representation of all sections of the society through reservation of minimum of seats for vulnerable section-member particularly women, Scheduled Castes and Scheduled Tribes.

Constitutional Status to ULGs

1985 was the beginning of urban reforms, when for the first time a Ministry known as Urban Development (UD) was created in the Government of India. The Ministry of UD also created National Commission on Urbanisation (NCU) in 1986, which studied urban issues and strategies in detail and held several workshops, seminars, consultations before finalisation of its reports. The processes included local, district and state level consultations and a range of research studies on contemporary issues. The report of NCU paved way for legislative actions. The Joint Parliamentary Committee conducted extensive and in-depth study of the functioning of the municipalities and held detailed discussions with the State Governments. The proposed Bill with regard to legislation concerning Urban Local Self-Government was passed by

the Lok Sabha on 22nd December, 1992 and by Rajya Sabha on 23rd December, 1992. It received the assent of the President on 20th April, 1993. The Constitution (Seventy-fourth) Amendment Act, 1992 /74th Constitutional Amendment Act, 1992 came into force on 1st June, 1993. Time period of one year was given to the State Governments to bring about necessary changes in their existing laws so as to ensure conformity with the provisions of the 74th Constitutional Amendment Act. The State Municipal laws have been amended to incorporate various provisions with regard to the constitution and composition of municipalities; tenure of 5 years (fixed term); re-election within 6 months in case of dissolution; administrative and financial functions and powers; and setting up of State Finance Commission, State Election Commission, District Planning Committee, and Metropolitan Planning Committee.

In this Unit, we will discuss in detail the provisions and features of 74th Constitutional Amendment Act and status and level of conformity of various State Municipalities Laws with the aforesaid Amendment Act.

4.2 PROVISIONS UNDER THE CONSTITUTION (SEVENTY-FOURTH AMENDMENT) ACT, 1992

As stated above, the 74th Constitutional Amendment Act, (74th CAA) came into force on June 1, 1993 and new part in the Constitution was inserted namely IXA relating to the Municipalities (Article 243P up to 243ZG with clauses explaining various provisions) and Twelfth Schedule, which defines the matters/functions in respect of which schemes for economic development and social justice are to be implemented by the Municipalities with regard to 243W.

i) Constitution of Municipalities

According to the 74th CAA, it is the duty of the State Government to constitute following three types of municipalities depending upon the population, population density, size of the area, revenue generated for local governing body, percentage of employment / dependence on agricultural or non-agricultural activities etc., as per article 243Q

- a) Nagar Panchayat for a transitional area, that is transition from rural to urban, which means an area that is neither absolutely rural but is yet to develop as a fully urbanised area with regard to its social, economic and cultural aspects. It is to say that such an area has population less than 25 percent dependent upon agriculture and imbibing rural social and cultural norms and remaining on industrial and service sector employment;
- b) Municipal Council for a smaller urban area; and
- c) Municipal Corporation for a larger urban area.

Military Cantonment areas are excluded from the area covered under any of these three forms. Any area declared as Industrial Township is also

not covered under any of the three forms of Urban Local Government. Demographic and other factors, on which the constitution of these bodies is based varies from State to State. Thus, the respective State Legislatures frame their own laws to declare the form of Urban Local Government for any particular area.

ii) **Composition of Municipalities**

State Government is responsible for holding direct elections for the Councillors [243R(1)]. The number of councillors to be elected is also fixed by the State Government. The purpose of holding direct election is to provide opportunity to the local people to govern their area and participate in the planning and implementation of schemes, projects and programmes at local level thus, achieving the true purpose of bringing democratic setup up to the grassroots level.

Along with the directly elected councillors, persons with special knowledge or experience in the functioning of municipality, who, otherwise, for varied reasons don't participate in the election process, can also be nominated [243R(2ai)]. The purpose is to channelise and utilise their potential for the betterment of the local area though they don't have the right to vote in the ULG. Any person elected to the House of People and State Legislative Assembly hailing from the area of municipality is also its ex-officio member. Any registered elector serving as the member of the Council of States and the State Legislative Council is also its ex-officio member. This provision particularly helps in boosting the resources of the local body, as such members namely elected members of the Lok Sabha/Rajya Sabha/State Legislative Assembly often serve as coordinating, linkage between the Local and State/ Union Administration. All the Chairpersons of the Committees, constituted as per the Clause 5 of Article 243S are its members. Various committees including ward committees are constituted for the overall development of the area as a whole, thus, having their Chairpersons as members ensure realistic and feasible plan formulation and implementation.

Evolving the process of election of the Chairpersons of these bodies is also entrusted to the State Governments. It is also in the purview of the State Government to decide the matters related to disqualification of any member of the Municipality as provided under article 243V (2).

iii) **Constitution and Composition of Wards Committees**

The State Government has to constitute and also decide the composition of the ward's committees in all municipalities, having population of 3 lakhs or more. (243S). The Ward committees can serve as a bridge between the Urban Local Self-Government and citizens, and provide a space for citizen participation in local level planning. They are to perform duties such as preparation and submission of ward development schemes for allotment of funds, ensure proper utilisation of allotted funds, and maintenance of public utilities and safeguarding the assets of the Corporation.

iv) **Reservation of Seats**

In order to ensure adequate representation to Scheduled Castes, Scheduled Tribes and women, seats have been reserved under article 243T. The proportion of seats reserved for SC /ST to the total member of seats is nearly same as the proportion of the population of SC/ST in the municipal area. Minimum one-third of the total member of seats reserved for SC/ST is reserved for women belonging to SC/ST.

One-third of the total member of seats including seats reserved for women belonging to SC/ST are reserved for women. Most states have increased the women reservation to 50 percent. The above discussed mandatory provision is applicable only on directly elected members. The State Government decides reservation criteria to the offices of Chairpersons in case of SC/ ST and women. The State Government has the optional power for reservation of member of seats with regard to Backward Classes as Members or Chairpersons of Municipalities.

v) **Duration of Municipalities**

In order to bring uniformity, the term for each Municipality has been fixed for five years from the date appointed for its first meeting (243U). The State Government through the office of Chief Election Commission is responsible for conducting elections before the expiration of the duration of the municipality. The State Government has no power to supersede/suspend the ULBs but have the power to dissolve any municipality. In this regard, a reasonable opportunity must be provided to the concerned municipality, before its dissolution. In case of dissolution, elections have to be conducted within six months from the date of dissolution. As per the provisions of the Act, the municipality constituted due to dissolution of the previous one will enjoy only the remaining term.

vi) **Powers, Authority and Responsibilities of Municipalities**

Decentralisation demands balanced sharing of power and authority between the Union and State governments; and between the State and Urban Local Governments to make the Municipalities truly a unit of Local Self-Government, enable them to administer their respective areas and ensure participatory democracy.

Functional Domain

- State governments are to bestow requisite powers and authority so as to enable them to prepare plans for bringing economic development and ensuring social justice to carry out their functions and responsibilities conferred upon them including those in relation to the matters listed in Twelfth Schedule; and to implement various schemes, projects and programmes etc. The Twelfth Schedule of the Constitution under Article 243W elaborates upon the matters/functions (18 functions) entrusted to the Municipalities, which are as follows: Urban planning including town planning;

Regulation of land use including construction of buildings; Planning for economic and social development; Provisions for Roads and bridges; Water supply for domestic, industrial and commercial purposes; Public health, sanitation conservancy and solid waste management; maintaining Fire services; Urban forestry, protection of the environment and promotion of ecological aspects; Safeguarding the interests of the weaker sections of the society including the handicapped and mentally retarded; Slum improvement and up gradation; Urban poverty alleviation; Provision of urban amenities and facilities such as parks, gardens and playgrounds; Promotion of cultural, educational and aesthetic aspects; burials and burial grounds and cremations, cremation grounds and electronic crematoriums; cattle pounds and prevention of cruelty to animals; vital statistics including registration of births and deaths; Public amenities including street lighting, bus stops, parking lots and public conveniences; and last but not the least, Regulation of slaughter houses and tanneries. It is not exhaustive list of matters as Municipalities can be entrusted with other functions along with the above mentioned functions so as to bring forth the quality change in the lives of the people and ensure overall sustainable development.

vii) Finances of Municipalities

To carry out the above-mentioned functions successfully, it's essential to provide adequate financial resources. In this regard, Article 243X explains the provisions.

The State Legislature through due process of law can authorise the Municipalities to levy, collect and appropriate taxes, duties, tolls and fees. It can also assign share in taxes, duties, tolls and fees, which are levied and collected by the State Government; and grants-in-aid from the Consolidated Fund of the State. It also provides for Constitution of funds by the Municipalities for crediting and withdrawal of money.

viii) Constitution of Finance Commission in accordance with Article 243Y

The Finance Commission constituted under Article 243 Y for reviewing the financial position of Panchayati Raj Institutions has also been assigned the task of reviewing the financial position of Municipalities. It makes recommendations:

- i) for distributing between the State and Municipalities the net proceeds of taxes, duties, tolls and fees, which are leviable by the State Government;
- ii) for allocation of share of such proceeds between Municipalities at all levels in the State;
- iii) to determine the taxes, duties, tolls and fees to be assigned or appropriated by the Municipalities;

- iv) for Grants-in-aid to Municipalities from Consolidated Fund of State; and
- v) for measures needed to improve the financial position of Municipalities.

ix) Audit of Accounts of Municipalities

The maintenance of accounts of Municipalities and their audit under article 243Z is to be done as per the provisions of the respective State Law. The State Legislatures can make appropriate provisions for this purpose as per the local needs and available institutional framework.

x) Election to the Municipalities

State Election Commission constituted under article 243K of Part IX of the Indian Constitution has been vested with the power to superintend, direct and control, for the preparation of electoral rolls and for the smooth, free and fair elections to the Municipalities also. This function has been entrusted under Article 243ZA

xi) Committee for District Planning

Municipalities have the power to prepare and implement the plans for bringing economic development, ensuring social justice and implementing various schemes within their respective jurisdictions, as discussed earlier in this Unit. But a major fact has to be kept in mind that municipalities are governing bodies for urban areas only, and District being the basic unit of administration comprises of rural areas as well. Thus, to bring coordination and cohesiveness between different governing bodies like Panchayats Raj Institutions (PRIs) and Municipalities, comprehensive planning mechanism has to be evolved. It is necessary for optimal utilisation of limited resources and for making judicious investment of resources.

With this aim, provision for the constitution of Planning Committee at the District Level has been incorporated in this Act under Article 243ZD for the consolidation of plans of PRIs and Municipalities so as to ensure overall development of the District as a whole.

It has been prescribed that four-fifth of the total member of its members must be elected from among the directly elected members of PRIs and Municipalities and their representation should be in proportion to the ratio of rural and urban population in the District.

District Planning Committee is to prepare the plans giving due regard to:

- Common interest between panchayats and municipalities including spatial planning, sharing of water, other physical and natural resources, integrated development of infrastructure and environment conservation, the extent and type of available financial and other resources.

- Draft plans are to be forwarded by the Chairperson of the Committee to the State Government.

xii) **Committee for Metropolitan Planning**

There is a provision for constituting a Metropolitan Planning Committee under Article 243ZE for the areas designated as Metropolitan with the size of population of 10 lakhs and above. The purpose is to prepare a consolidated and comprehensive plan for the Metropolitan area as a whole.

It has been prescribed that two-thirds of the total member of its members must be selected from among the directly elected members of Municipalities and elected chairpersons of Panchayats in the Metropolitan area; and their representation should be in proportion to the ratio of rural and urban population in that area. To ensure better planning, close cooperation and coordination between Union, State and Local government—provision has been made to have representation of various Union and State level Committees, organisations and institutions, if deemed necessary.

Metropolitan Planning Committee is to prepare the draft plans giving due regard to:

- Draft development plans prepared by panchayats and municipalities of the area, common interest between panchayats and municipalities including co-ordinated spatial planning, sharing of water, other physical and natural resources, integrated development of infrastructure and environment conservation, the extent and nature of investments likely to be made by the Union and State government and type of available financial and other resources. The draft plan has to be prepared keeping in view the overall objectives and priorities set by both the Union and State Governments.
- Draft plans are to be forwarded by the Chairperson of the Committee to the State Government.
- In terms of article 243ZC, nothing in part IXA shall apply to Scheduled areas and Tribal areas as referred to in the article 244 of the Constitution. However, the Parliament may by law, extend the provisions of the part IXA to these areas, subject to such exceptions and modifications as may be specified in that law.

Ministry of Urban Development undertook necessary steps to ensure that the provisions of State Municipal Laws were brought in conformity with the provisions of the above discussed Act. May 31st 1994 was fixed as the target date for having conformity legislations by the State Governments. It was achieved through various measures undertaken by the Ministry of Urban Development including organising meetings and frequent correspondence with the State level functionaries.

Check Your Progress 1

Note: i) Use the space given below for your answers.

ii) Check your answers with those given at the end of the Unit.

- 1) Discuss the financial arrangement for effective functioning of municipalities by highlighting the role of Finance Commission.

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- 2) Distinguish between the District Planning Committee and Metropolitan Committee.

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4.3 THE PUNJAB MUNICIPAL ACT, 1911 AND THE PUNJAB MUNICIPAL CORPORATION ACT, 1976

It is important to share the provisions and features of legislations of various states of India so as to find out the status and level of conformity of their respective Municipal laws with the 74th CAA.

In Punjab, first attempt to provide the legal status to the urban local self-government was made in early 20th century with Punjab Municipal Act, 1911 followed by the Punjab Municipal Corporation Act 1976. Punjab Municipal Corporation Act was amended in 1994 to incorporate the provisions of 74th CAA. The purpose of Act was to provide autonomy to Urban Local Self-Government with minimal interference of the State Government in their day-to-day functioning.

The Conformity Legislation of 1994 passed by the Punjab State Legislature reveals only verbatim incorporation of the provisions of the 74th CAA. Devolution of power, authority and funds to enable these bodies to function in truly democratic manner has been partly fulfilled. Municipalities have neither been empowered nor have requisite manpower or skill to undertake the task of plan preparation. Poor managerial and administrative capabilities, outmoded technology, lack of funds, inadequate infrastructure with

insufficient delivery of services particularly to the urban poor and other vulnerable sections of the society were the major issues hindering the growth of these bodies in serving the ever-increasing population of urban areas in Punjab.

The concentration of population in urban areas and disproportionate increase due to migration from rural areas have led to poor delivery of the basic civic services such as water supply, sewerage, solid waste management; and urban infrastructure, housing, roads and transport. Twelfth Schedule enlists the functions to be performed by Municipalities. As elsewhere in Punjab also, in performing most of the functions, there is a parallel participation of parastatal agencies like Water Supply and Sewerage Board, Punjab Urban Planning and Development Authority etc. in regulating the water supply and urban planning respectively. This has led to dilution of the authority and autonomy of ULBs on one hand and has also led to overlapping of the functions and brought uncertainty in fixing up the responsibility at the same time.

Power to impose taxes is still exercised by the State Government without any participation of the Municipalities. Budget estimates are approved by the higher authorities of the State Government. Section 61 of Punjab Municipal Act, 1911, and Section 90 of Punjab Municipal Corporation Act, 1976, deal with taxation powers of the ULBs in terms of taxes and fees. But the State government decides rates of taxes, exemptions and revisions. Due to the policies of the State government, there are serious deficiencies in valuation, rate determination, administration and management of important taxes such as, property tax and user charges etc.

Six State Finance Commissions have been constituted so far. The 6th Finance Commission in its report submitted to the State Legislature had stated that the State Government had not released any funds to local bodies throughout the decade, i.e., from 2011-12 to 2019-2020, despite accepting the recommendations of 4th and 5th State Finance Commissions. The report further stated that release of Grants recommended by the 14th Union Finance Commission and compensation for loss of revenue due to the abolition of Octroi to ULBs were also partial and delayed.

The State Finance Commission has emphasised on the need to put mechanism in place for implementation of the accepted recommendations and timely release of grants and compensatory payments to the ULBs. It is recommended that the ULBs need to strengthen their financial resource base by mobilising income from property tax, user charges and other taxes and levies so as to improve the fiscal performance of these bodies.

4.4 THE KARNATAKA MUNICIPALITIES ACT, 1964 AND THE KARNATAKA MUNICIPAL CORPORATIONS ACT, 1976

In State of Karnataka, ULBs are governed by two Acts namely the Karnataka Municipalities Act, 1964 and the Karnataka Municipal Corporation (KMC) Act, 1976. These Acts have been amended to incorporate the provisions of the 74th Constitutional Amendment Act. With regard to constitution,

composition, duration of the ULBs, formation of ward committees, the provisions have been carried out up to reasonable extent. It has been found out that the State Government through amendments to the existing laws transferred 17 out of 18 functions listed under the Twelfth Schedule. Fire services were not transferred. Only three functions related to burials, cattle pounds and slaughter houses were fully assigned to these bodies. With regard to 14 functions including planning, safeguarding interests of weaker sections and poverty alleviation schemes etc., the ULBs have limited role to play, acting as merely implementing agencies without any participation in the preparation process as the State Government and the Parastatal Agencies hold the actual power. The need to seek approval of the District Administration for works to be taken up from own sources of the ULBs, despite prior approval by the respective Councils went against the autonomy of the ULBs. Therefore, existence of Parastatals, significantly eroded the autonomy of the ULBs in the implementation of functions such as urban planning and regulation of land use, slum improvement and water supply and sanitation.

The State has limited financial and administrative powers of the ULBs, which hampered the utilisation of funds. Budget exercise was flawed and resulted in preparation of unrealistic and unscientific budgets. The ULBs were largely dependent on fiscal transfers, which constituted about 63 percent of their total revenue.

Own revenue of the ULBs constituted only 37 percent of their total revenue. The State laws did not provide complete autonomy to the ULBs in generating their own revenue. The ULBs do not have a large independent tax domain. The property tax on land and buildings is the mainstay of ULB's own revenue. The own non-tax revenue of the ULBs comprises water charges, rent from commercial establishments, trade licences, fee for sanction of plans/mutations, etc. The State laws revealed that while the authority to collect certain taxes like property tax, and advertisement tax vested with the ULBs, powers pertaining to the rates and revision thereof (advertisement tax), procedure of collection (property tax), method of assessment, exemptions, concessions (property tax, advertisement tax) etc., were vested with the State Government. The ULBs, thus, lacked full autonomy in generating their own revenue.

As per Section 140 of KMC Act, 1976, the duty on transfer of immovable property shall be levied in the form of a surcharge at the rate of two percent of the duty imposed by the Karnataka Stamp Act, 1957, on instruments of sale, gift, mortgage, exchange and lease in perpetuity of immovable property situated within the limits of a larger urban area. The entire amount collected in respect of the lands and other properties situated in the urban areas shall be passed on to the ULBs in the State, in proportion to the population of the ULBs by the Inspector General of Registration and Commissioner of Stamps after deducting 10 percent towards collection charges. But there has often been unnecessary delay in transferring it to the ULBs (Performance Audit of Implementation of the 74th Constitutional Amendment Act, Report of the Comptroller and Auditor General of India, Government of Karnataka Report no.2 of Year 2020, cag.gov.in/en/audit-report/details/1107601#).

4.5 COMPLIANCE OF STATES MUNICIPAL LAWS WITH THE CONSTITUTION (SEVENTY-FOURTH AMENDMENT) ACT, 1992

It has been stated by the Ministry of Urban Development that the states have brought in the necessary amendments in their respective Municipal Laws to ensure conformity with the 74th CAA. But the data collected from various State Government Reports reveals that though statutory amendments have been brought in but some of the provisions particularly constitution of Ward Committees, District Planning Committees etc. have not been carried out in reality. An attempt has been made to provide the status of compliance for some of the states in following table 4.1, which depicts the State wise position, in this regard.

Table 4.1: Position of Conformity of State Municipal Laws with the 74th CAA

S. No	State	Composition of ULBs	Reservation of Seats	Regular Conduct of Elections	Constitution of Ward Committees	Constitution of DPC	Constitution of SFC
1.	Andhra Pradesh	YES	YES	YES	YES	UC	YES
2.	Arunachal Pradesh	UC	UC	UC	UC	YES	YES
3	Assam	YES	YES	YES	UC	YES	YES
4	Bihar	YES	YES	YES	UC	YES	YES
5	Chhattisgarh	YES	YES	UC	YES	YES	YES
6	Delhi	YES	YES	YES	YES	UC	YES
7	Goa	YES	YES	YES	UC	UC	YES
8	Gujarat	YES	YES	YES	UC	UC	YES
9	Haryana	YES	YES	YES	UC	YES	YES
10	Himachal Pradesh	YES	YES	YES	UC	UC	YES
11	Jharkhand	YES	YES	UC	UC	UC	YES
12	Karnataka	YES	YES	YES	YES	YES	YES
13	Tamil Nadu	YES	YES	YES	YES	YES	YES
14	Punjab	YES	YES	YES	YES	UC	YES
15	Madhya Pradesh	YES	YES	YES	YES	YES	YES

Source: Various reports of State Governments, depicting position the ULBs in states.

*UC – Under Consideration

4.6 APPRAISAL

The discussion, in previous part of the Unit, shows that though all the states in the country have carried out changes in their respective Municipality Laws but much remained on paper. Provisions relating to constitution, composition, fixed duration, reservation in the ULBs have been met with.

Before the 74th Constitutional Amendment Act, Municipalities were classified under “local or Other Authorities” under Article 12 of the Indian Constitution. Through Constitution Amendment Bill 2016, an Institution of Self-Government status for Municipalities had been sought thus, widening the ambit of the definition of State under article 12 of the Indian Constitution.

Various governmental reports and research studies reveal that only marginal changes, which were mandatory have been carried out; and the real purpose of the Act stands defeated because of the State and Parastatal agencies are performing the functions of ULBs.

Functions are assigned as per article 243 W, which is introduced as per discretionary clause and fiscal powers are assigned as per 243X, which is also discretionary. Even, mandatory clauses of 243 D and ZE are not implemented in its letter and spirit. In this regard, it is important to consider following actions:

- i) To improve the functioning of ULBs, it is strongly recommended that State should relook into assigning the functions and funds and delimit the role of State departments and other parastatal agencies; and provide requisite freedom to the ULBs to act independently in order to function as autonomous bodies at the grassroots level.
- ii) There is a need to fully involve the democratically elected ULBs in the planning, regulation, slum development and water supply and sanitation functions. District Planning Committee and Metropolitan Planning Committee should be empowered to undertake realistic and economically feasible planning.
- iii) State Finance Commissions be timely constituted and their recommendations be implemented so as to strengthen the fiscal base of the ULBs. There should be timely release of grants and shared tax proceeds. It will definitely have a positive impact on the service delivery by the ULBs.
- iv) Local fiscal autonomy is inversely related to local dependency, thus, if fiscal autonomy is high then there will be less dependency on fiscal transfer. Fiscal autonomy can be achieved through decentralisation of financial and administrative powers.
- v) Create an efficient and reliable administration with coordination between Elected and State appointed functionaries.
- vi) Intensify and improve the local governance with more involvement of elected representatives.
- vii) Enhance accountability and responsiveness with the improved capacity of the local people to participate in the decision-making process, especially with regard to service delivery; and increased motivation, etc.

Check Your Progress 2

Note: i) Use the space given below for your answers.

ii) Check your answers with those given at the end of the Unit.

- 1) Examine the status and conformity of the Municipal laws with the 74th CAA in Punjab.

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- 2) “In Karnataka, the Karnataka Municipalities Act, 1964 and Karnataka Municipal Corporation Act, 1976 have been amended satisfactorily to incorporate the provisions of the 74th Constitutional Amendment Act”. Examine.

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4.7 CONCLUSION

The 74th Constitutional Amendment has brought about substantial change in the manner in which citizens, governance and devolution of powers is to be conducted. It has aimed at bringing uniformity among the ULBs, strengthening the base of administration through representation and participation of local people, conduct of free and fair elections, devolution of power and financial resources and transfer of functions. The 74th CAA entrusts to the State the flexibility of defining scope and ambit of Municipalities through Conformity Legislations but the objectives can be achieved only through strong political will of the State Authorities to share and extend necessary administrative and financial powers and authority to serve as the autonomous unit of local self-government.

4.8 GLOSSARY

Committee: means a Committee constituted under article 243S. Ward committees can serve as a bridge between the urban local self-government and citizens and provide a spaces for citizens’ participation in local level planning. They are to perform duties such as preparation and submission of ward development schemes for allotment of funds, ensure proper utilisation

of allotted funds, and maintenance of public utilities and safeguarding the assets of the corporation.

Metropolitan Area: means an area having a population of ten lakhs or more, comprised in one or more districts and consisting of two or more Municipalities or Panchayats or other contiguous areas, specified by the Governor by public notification to be a Metropolitan area for the purposes of this Part.

Municipal Area: It refers to the territorial area of a Municipality as is notified by the Governor.

Municipality: It means an institution of self-government constituted under Article 243Q.

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4.10 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1) Your answers should include the following points:

- Refer Section 4.2 (vii and viii)
- 2) Your answers should include the following points
 - District Panning Committees
 - Metropolitan Planning Committees
 - For more details, refer Section 4.2 (xi and xii).

Check Your Progress 2

- 1) Your answers should include the following points
 - Refer Section 4.3
- 2) Your answers should include the following points
 - Refer Section 4.4



UNIT 5 MUNICIPAL ELECTION*

Structure

- 5.0 Objectives
- 5.1 Introduction
- 5.2 Significance of Municipal Elections
- 5.3 Municipal Elections: A Brief History
- 5.4 Municipal Election Process in India
- 5.5 Role of State Election Commission
- 5.6 Election Tribunals
- 5.7 Some Common Corrupt Practices in Elections
- 5.8 Municipal Elections: Some Peculiar Cases
- 5.9 Conclusion
- 5.10 Glossary
- 5.11 References
- 5.12 Answers to Check Your Progress Exercises

5.0 OBJECTIVES

After studying this Unit, you should be able to:

- Highlight the significance of municipal elections;
- Describe the election process;
- Explain the role of State Election Commission; and
- Discuss the common corrupt practices in elections.

5.1 INTRODUCTION

Technically, the elections in India are entrusted with two constitutional authorities — the Election Commission (EC) of India and the State Election Commissions (SECs) as per article 243K and 243ZA in the Constitution of India. The EC is entrusted with the responsibility of conducting polls for the President and Vice-President of India, and to the Parliament, the state assemblies and the legislative councils. The SECs, on the other hand, as per article 243K and 243ZA (as per the 74th CAA) take up superintendence, direction and control of the preparation of electoral rolls of municipalities (ULBs). In this Unit, we will focus on the significance, brief history, process of municipal elections; and the role of State Election Commission.

* Contributed by Prof. Swinder Singh, USOL, Panjab University, Chandigarh

5.2 SIGNIFICANCE OF MUNICIPAL ELECTIONS

Democracy is built on participatory and representative governance. The Constitution of India provides strong democratic base. Accordingly, specific focus was given on local democracy with creation of Universal Adult Franchise (UAF) through voting (Article 326). It was further strengthened by the inception of Articles 243K and 243ZA i.e., elections to local bodies – Panchayats and Municipalities—are the responsibility of the State government.

It is in this regard that the nation witnessed a breakthrough political development in the form of 74th Constitutional Amendment Act, 1992 and the barometric measure of grassroots democracy is the electoral process undertaken by it.

5.3 MUNICIPAL ELECTIONS: A BRIEF HISTORY

Historical Perspective

The origin of Local Self-Government had very deep roots in ancient India. On the basis of historical records, excavations and archaeological investigations, it is believed that some form of local self-government did exist in the remote past. In the Vedas and in the writings of Manu, Kautilya and others, and also in the records of some travellers like Megasthenese, the origin of local self-government can be traced back to the Buddhist period. The Ramayana and the Mahabharata also point to the existence of several forms of local self-government such as Paura (guild), Nigama, Puga and Gana, performing various administrative and legislative functions and raising levies from different sources. Local government continued during the succeeding period of Hindu rule in the form of town committees, which were known as “Goshthis” and “Mahajan Samitees”(www.mospi.nic.ip/sites/default/files/statisticas-year-book-India-chapter/local-bodies.Pdt?

Download=1.

Post-Independence Period

The dawn of independence brought in new horizons of public life and its associated activities. Although, the British era in India also successfully managed to create new developments in the urban administration yet it was only in the post-independence period that the state of local self-government saw a new light of transformation, as the Constitution allotted many new powers to the Local Self-Government. This also witnessed the creation of committee, whose prime motto was clearance of practical approach. A few to name are, Centre Council for Local Self-Government, Rural-Urban Relationship Committee, National Commission for Urbanisation, etc. However, the most effective and efficient landmark came from the 73rd and 74th Constitutional Amendment Acts, which literally strengthened the foundation of rural and urban local governance in India. The Act stipulates

the mandate of the fact that Urban Local Bodies (ULBs) cannot be superseded anymore; and if, the state government dissolves the municipality then there must be an election within six months. This conduction of electoral polls is entrusted with the authority of the State Election Commission (Article 243ZA), rather than executive authorities.

5.4 MUNICIPAL ELECTION PROCESS IN INDIA

There are 4259 Urban Local Bodies (Municipal Corporations-209, Municipalities -2171, Town Panchyats-1879) in the country. Their state wise details are evident in Table 5.1. All of them have a system of elections of councillors through eligible voters. In addition, seats are reserved for weaker sections, Scheduled Caste/Tribes, Women and other groups as per respective municipal Act. Further, membership is also extended as per respective Municipal Act to certain categories of persons in ex officio capacity such as members of parliament and state legislature. States also may nominate persons of high significance to widen the representation such as sports person, physician, cultural expertise etc.

Table 5.1: Total number of Municipal Corporations, Municipal Councils and Nagar Panchayats

States	Municipal Corporations	Municipal Councils	Nagar Panchayats	Total
Andhra Pradesh	14	72	24	110
Arunachal Pradesh	0	2	0	2
Assam	1	31	56	88
Bihar	13	44	85	142
Chhattisgarh	13	44	109	166
Goa	1	13	0	14
Gujarat	8	162	0	170
Haryana	10	71	0	81
Himachal Pradesh	2	31	21	54
Jammu and Kashmir	2	76	0	78
Jharkhand	10	20	18	48
Karnataka	11	173	88	272
Kerala	6	87	0	93
Madhya Pradesh	16	362	0	378
Maharashtra	27	231	133	391
Manipur	1	21	5	27
Meghalaya	0	6	0	6
Mizoram	1	0	0	1
Nagaland	0	3	29	32
Odisha	5	47	62	114
Punjab	10	101	56	167
Rajasthan	7	34	150	191
Sikkim	1	3	3	7

Tamil Nadu	12	124	528	664
Telangana	6	45	23	74
Tripura	1	13	6	20
Uttar Pradesh	16	198	438	652
Uttarakhand	8	42	42	92
West Bengal	7	115	3	125
India (All States)	209	2171	1879	4259

Source: ICRIER, 2019.

The decentralisation of 1992 has brought in fresh air of grassroots democracy in India. Wherein, the magnitude of diversities and complexities is rather high, elections are imperative with an adherence to the political process, regularity of elections, free press, etc. In the light of the above mentioned and Article 243ZA, the municipal election process has been discussed hereunder:

- i) **Enabling Legislation:** Elections for the Municipal Corporations are held as per the Municipal Corporation Act framed by the legislature of respective state government, whereas elections for the Municipalities and the Town Panchayats are held as per respective Municipal Act.
- ii) **Election of the Corporation:** preparation, conduct and superintendence of all elections vest with the Election Commission appointed by the respective state government.
- iii) **Duration:** The Corporation, unless dissolved, shall continue to constitute for a term of five years from the date of its first meeting. If an election is conducted to constitute the Corporation before the expiry of its term or before the expiry of the period of six months of its dissolution Sub-Section I; wherein, in the latter case it would continue only for the remaining period of the term.
- iv) **Procedure for Election of Mayor:** The election of Mayor is also decided as per respective Municipal Corporation Act. Accordingly, it varies from state to state. In most cases, election, is held in the elected body of Corporation by using single franchise by the Councilors, whereas in some cases (like Uttar Pradesh) elections are held directly by eligible voters. For the election of Mayor, notwithstanding any provision contained in Section 59 a meeting for the election shall be convened wherein a Councillor who is not a candidate shall preside over the meeting. Every candidate for election as Mayor shall be nominated by a nomination paper in Form I, which shall be signed by the candidate and two other members of the Corporation as proposer and seconder; and delivered to the Municipal Secretary or such other authority as may be identified for this purpose by the Presiding Officer. The mayors are elected by city Councillors, who themselves are directly elected by urban voters. Despite being considered the political and executive head of the municipal body, the Mayor assumes a largely titular position with the government-appointed Municipal Commissioner holding executive power.

- v) **The Tenure of the Mayor:** It varies from state to state. In some states, the Mayor is elected for five years. Whereas in some cases (Karnataka, Delhi), elections are held for one year. The reservation of seats for mayoral elections is also made in both the cases.
- vi) **General Election of Councillors:** For the purpose of election of Councillors, a general election shall be conducted under Section 4. For the same, Administrator must issue a gazette to notify, wherein, one or more notifications must be published to call upon wards to elect Councilors in accordance with the provisions of this Act with the rules and orders made in the notifications.
- vii) **State Government holds the power to carry out the Elections:** The state governments under their respective Municipal Acts may issue orders to conduct general elections to the local bodies specifying the dates for the elections for all the municipalities or groups of municipalities. As soon as the notification is issued under the relevant section of the Municipal Act, the Election Commission shall take necessary steps for holding the general elections or to fill the casual vacancies. Whenever a vacancy occurs, by death, resignation, removal or otherwise of a member, the same is required to be filled by the way of election. If the vacancy so occurred relates to women or the Scheduled Castes or Backward Classes, it is filled with the person belonging to that particular category person only. Moreover as per the law, the person elected for the casual vacancy is to be elected for the remainder period of the successor's term of office. In a municipality, out of the total elected members some seats are kept reserved for the persons belonging to SCs, STs, or BC and for women as per the respective provisions in the Municipal Act of a particular state.
- viii) **Election of the President and Vice-President:** Like in the case of Mayor of a Municipal Corporation, every municipality elects one of its own members to be the President of the Municipal Committee and such election is notified by the State Government towards the appointment of the President. Similarly, every Municipal Committee member elects one or two of its members to be the Vice-President. In general, an ex-officio member is not eligible to be elected as a President or a Vice-President.
- ix) **Wards and Membership:** For the purpose of elections, the city is divided into electoral wards and generally one person is elected from each ward. In case of single member wards the municipal area is divided into the number of wards equal to the total number of council seats. For instance, if the number of elected councillors is 50 then the municipal area is divided into 50 wards. The demarcation of wards may be revised with the growth of city limits and its population. Every citizen, who has attained the age of 21 and qualified to vote in a municipality may contest the election for the council, unless that person:
- is an employee of the municipality.
 - is an employee of the government or gets remuneration.
 - is not qualified to vote for the state on national legislature.

- is a declared person of unsound mind.
- is a declared insolvent.
- is convicted of some offence and sentenced.
- is a member of some other municipality.

5.5 ROLE OF STATE ELECTION COMMISSION

We have already noted down the significance of local elections in a democratic set up. However, ever since independence, most of the state governments have not been showing much interest towards the growth of local bodies. In many cases, the states were deliberately delaying the timely elections to local bodies or were not holding elections at all for very long periods as in some cases this period crossed more than a decade or two. In order to remove this problem, there has been a repeated demand from various corners to devise a mechanism for regular and fair elections to the local bodies. It was fulfilled as a part of the 73rd and 74th Constitutional Amendment Acts, which carried the provision of establishing a State Election Commission (SEC) to be appointed by the Governor to supervise, direct and control the elections to the Panchayat and Municipal bodies. In this regard, Article 243ZA with Article 243K provides that superintendence, direction, control relating to the conduct of all elections of Panchayats and Municipalities is to be the responsibility of the SEC. The Article 243U, incorporated through the Constitutional amendment, provides for fixing the tenure of all local bodies at five years; and in case of dissolution before the expiry of five years, the local bodies would go for re-election within a period of six months of dissolution. This highlights the role of a SEC to conduct regular elections after the expiry of every five years, and whenever required in between for the residue term only.

Election Commission as a Civil Court

The Election Commission has the power of a Civil Court for an inquiry, in the following matters:

- i) Summon and enforces the attendance of any person.
- ii) Requires the discovery and production of documents or other material object producible as evidence.
- iii) Requisition of public record or a copy thereof from any court or office.
- iv) Receives evidence on affidavits.
- v) Issues orders for the examination of witness or documents.

In addition, the SEC has the power to inquire any person subject to any privilege, which may be claimed by her/him to furnish information on such points or matter as in its opinion may be useful for the subject matter of inquiry. The State Election Commission is deemed to be a Civil Court and when any such offence (section 175, section 178, section 179, section 180 or 228 of the Indian Penal Code 1860) is committed in the view or presence of

the Commission, it forwards the recorded facts constituting the offence and the statement of the accused to a Magistrate having jurisdiction.

The State Government may make rules for carrying out various purposes relating matters such as:

- i) The duties of the Presiding Officers and Polling Officers.
- ii) The checking of voters with reference to the electoral roll.
- iii) The manner in which votes are to be given in the constituency.
- iv) The procedure to be followed in case of tendering a vote by a person representing herself/himself to be an elector.
- v) The manner of giving and recording of votes by means of voting machines, and the procedure as to be followed at polling station where such machines will be used.
- vi) The security and counting of votes before the declaration of result of election.
- vii) The procedure for counting of votes recorded by means of voting machine.
- viii) The safe custody of ballot boxes, voting machines, ballot papers and other necessary papers for the specific period for which such papers shall be preserved; and inspection and production of such papers.
- ix) The place, date and time at which claims or objections shall be heard; and the manner in which such claims or objections shall be heard and disposed of.
- x) The final publication of electoral rolls for the constituencies.
- xi) Election agents, election expenses and so on.

Check Your Progress 1

Note: i) Use the space given below for your answers.

ii) Check your answer with those given at the end of the Unit.

- 1) Explain the election process in India.

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2) What are the major powers of a State Election Commission?

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As noted earlier, the State Election Commission in each state has been constituted to conduct free and fair elections to the local bodies. For this purpose, the Commission is required to undertake a large number of functions and related activities. For all these functions, the authority is vested in the SEC under Article 243K under which it has been empowered with superintendence, direction and control of elections of local bodies. We can, now, elaborate a bit on the following functions of SEC being undertaken in most of the States:

- i) **Preparation of Electoral Rolls:** For every Panchayat and Municipality there is an electoral roll, which is prepared under the superintendence, direction and control of the State Election Commission. The electoral roll for each constituency is prepared in the prescribed manner and comes into force in accordance with the rules made under the Act. The Electoral Rolls for every Constituency is revised:
 - a) before every general election; and
 - b) before every bye-election to fill a casual vacancy.
- ii) **Appointment of Dates for Nominations, etc.:** As soon as the notification calling upon a constituency to elect a member is issued, the SEC appoints:
 - a) last date for making nominations, which is the seventh day after the date of publication of the first mentioned notification; and in case of public holiday, the next succeeding day, that is, not a public holiday;
 - b) date for the scrutiny of nominations for election;
 - c) last date, for the withdrawal of candidature by the candidate;
 - d) date when a poll has to be taken; and
 - e) last date, before which the election is to be completed.
- iii) **Public Notice of Election:** On the issue of a notification, the Returning Officer gives public notice of the intended election, inviting nominations of candidates for election and specifying the place at which the nomination papers will be delivered.
- iv) **Nomination of Candidates for Election:** Any citizen may be nominated as a candidate for election to fill a seat, if s/he is qualified.

- v) **Publication of List of Contesting Candidates:** After, the expiry of the period within which candidatures are withdrawn, the Returning Officer prepares and publishes a list of contesting candidates, that is, the list of validly nominated candidates; and not withdrawn their candidatures within the laid period. The list contains the names in alphabetical order and the addresses of the contesting candidates, as given in the nomination papers, which were together with other particulars.
- vi) **Fixing Time for Poll:** The SEC fixes the hours during which the poll will be conducted, and the fixed hours are published. The period allotted for polling at an election cannot be less than eight hours a day.
- vii) **Adjournment of Poll in Emergencies:** If the proceedings at any polling station are interrupted or obstructed, the Presiding Officer may announce an adjournment of the poll under his/her jurisdiction.
- viii) **Counting of Votes:** After every election of Panchayat or Municipality, votes are counted under the supervision and direction of the Returning Officer.
- xi) **One Nation One Election** There is a move to make it mandatory to have a single electoral roll for all elections in the country. Idea is to have elections together for all the three tiers of government (Central/State/Local) and minimise the expenditure in the electoral process. The EC also argued in favour of single list in 1999 and 2004. The Law Commission also in its 255th report in 2015 mentioned the need for single electoral list. First, we have to develop a consensus on the issue and make a common electoral roll. Currently, as may be seen from Table 5.2, the practice of electoral roll varies from one state /UT to other.

Table 5.2: Electoral Roll used by Select States

State	Same Electoral Roll used for municipal elections	Separate Electoral Roll used for municipal elections
Delhi	Same	-
Haryana	Same	-
Punjab	Same	-
Himanchal Pradesh	Same	-
Jammu & Kashmir	-	Separate
Ladakh	-	Separate
West Bengal	-	Partially different
Arunachal Pradesh	-	Separate
Mizoram	-	Separate

5.6 ELECTION TRIBUNALS

Some of the states have provided for a provision to set up an Election Tribunal at the State level to take up election related disputes. In this regard, in Punjab an Election Tribunal is constituted by the State Government, in consultation with the SEC, for each district or part thereof, at the District or Sub-Divisional Headquarters. The State Government by Notification in the official gazette appoints an IAS or PCS Class I/Group A Officer of the State Government having adequate administrative, legal or magisterial experience, as the Presiding Officer of an Election Tribunal.

It is to be noted that no election is called in question, except by an Election Petition presented in accordance with the provision of the Act. In this regard, only the Election Tribunal, having jurisdiction, has the power to adjudicate upon the election petitions. However, the Election Tribunal in its discretion may, in the interest of justice or convenience try an election petition wholly or partly, at a place other than its specified headquarters.

Procedure before the Election Tribunal

Subject to the provision of the Act, every Election Petition is tried by the Election Tribunal, as nearly as may be in accordance with the procedure contained in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) to the trial of suits. “The Election Tribunal shall have the discretion to refuse, for reasons to be recorded in writing, to examine any witness or witnesses, if it is of the opinion that the evidence of such witness or witnesses is not material for the decision of the election petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings of the election petition”(Punjab State Election Commission Act, 1994). The provisions of the Indian Evidence Act, 1872 (Central Act 1 of 1872) subject to the provisions of the Act, apply in all respects to the trial of an Election Petition. First of all, we will discuss the corrupt practices and electoral offences, which can be observed during elections.

5.7 SOME COMMON CORRUPT PRACTICES IN ELECTIONS

Here it would also be appropriate, if we have a look into the general corrupt practices during the elections.

The following are deemed to be corrupt practices under the SEC Act (Punjab):

- I) Bribery
 - i) Any gift offer or promise by a candidate or her/his election agent of any gratification to any person directly or indirectly inducing:
 - a) A person, to stand or not to stand as a candidate at an election; or

- b) An elector to vote or refrain from voting, especially at an election or as a reward to:
 - a citizen for having so stood or not stood as a candidate, or
 - an elector for voting or refrained from voting.
 - ii) The receipt agreement to receive, any gratification, whether as a native or reward:
 - a) by a person for standing or withdrawing from being a candidate; or
 - b) by a person for herself/himself for voting or refraining from voting, or inducing any elector to vote or refrain from voting, or any candidate to withdraw her/his candidature.
- II) Undue influence, that is, any interference or attempt to interfere on the part of the candidate or her/his election agent, with the free exercise of any electoral right. In this context, the Act provides that:
- i) Without prejudice to the generality of the provisions of this clause, any such person who:
 - a) threatens any candidate or any elector, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or
 - b) induces or attempts to induce a candidate or an elector to believe that s/he, will be considered an object of divine displeasure or spiritually censure, shall be deemed to interfere with the free exercise of an electoral right of candidate or elector.
 - ii) A declaration of public policy or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference.
- III) The appeal by a candidate or his agent with the consent of a candidate to vote or refrain from voting for any person on the basis of her/his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of national symbols, like the national flag for the furtherance of the prospects of the election of that candidate.
- IV) The promotion of feeling of enmity or hatred between different classes of the citizens of India on basis of religion, race, caste, community, or language, by a candidate or her/ his agent with the consent of a candidate or her/ his election agent for the furtherance of the prospects of the election of that candidate.
- V) The propagation of the practice or the commission of Sati or its glorification by a candidate or her/his agent with the consent of the candidate for the furtherance of the prospects of election of that candidate. Explanation for the purposes of this clause, “sati” and

“glorification” in relation to sati shall have the meaning respectively assigned to her in the commission of Sati (prevention) Act, 1987.

VI) The publication by a candidate or her/his agent with the consent of a candidate or her/his election agent, of any statement of fact, which is false, and which, s/he either believes to be false regarding the personal character or conduct of candidate, in relation to the candidature, or withdrawal, of any candidate, being a statement reasonably calculated to prejudice the prospects of the candidate's election.

VII) The hiring or procuring, any vehicle by a candidate or her/his agent with the consent of a candidate or her/his election agent, or the use of such vehicle for the free conveyance of any elector other than the candidate herself/himself, the members of her/his family or an agent, to or from any polling station. The hiring of a vehicle or vessel by an elector or by several electors at their joint costs for conveying her/him or them to and from any polling station or place fixed for the poll is not deemed to be a corrupt practice, if the vehicle so hired is a vehicle or vessel not propelled by mechanical power. The use of any public transport vehicle or vessel or any trolley or railway carriage by any elector at her/his own cost for going to or coming from any polling station or place fixed for the poll is not deemed to be corrupt practice.

VIII) The obtaining or, procuring or abetting or attempting to obtain or procure by a candidate or her/his agent with the consent of a candidate any assistance other than giving of vote for the furtherance of the prospects of that candidate's election, from any person in the service.

IX) Booth capturing

In case of booth capturing by a candidate or her/his agent, the expression "agent" includes an election agent, a polling agent who is held to have acted as an agent in connection with the election with the consent of the candidate.

5.8 MUNICIPAL ELECTIONS: SOME PECULIAR CASES

The Eighth Five-year Plan (1992-97), reaffirms the need for participatory development with an aim to create and strengthen institutions at various levels. For this, the institutions are entrusted with adequate financial, managerial, technical and decision-making authority. This amendment in many ways initiated the culmination of a democratically decentralised structure by conferring the electoral power in the hands of the local institutions with a mandate of elections once in five years, inclusion/ quotas for women and weaker sections of the society, financial devolution of funds and a broad delineation of areas of responsibility. However, this has been a mixed response to this decentralised and democratic third tier of the government, which is discussed as hereunder:

i) **Mayoral Election:** 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, some states, such as Uttarakhand, Chhattisgarh, Jharkhand, Uttar Pradesh and Tamil Nadu – have mayors who are elected directly. The powers of the mayors, however, are limited and varied.

- ii) **Women Participation in Municipal Elections:** Although women constitute a major portion of the society, however, there is an altogether different story in developed and developing nations. To combat this situation, India implemented the Constitutional Amendments but till now the situation remains grim. There are many states such as Kerala, Punjab, etc. wherein they have depicted active women participation. However, in some states such as Andhra Pradesh, Madhya Pradesh and Uttar Pradesh there is extremely low levels of women participation. The government has tried to ensure active political participation of women through legislation but the situation is not uniform.
- iii) **Unwillingness of Urban Voters for Ballot:** Maharashtra is one of the most urbanised states of the country with 45.22 percent of its population enjoying urbanisation. The local body elections are conducted by the State Election Commission Maharashtra. Since its inception, 1994, it has conducted four (4) rounds of the electoral procedure from 1994 to 2017; however, the most alarming issues witnessed by all Municipal Bodies were a low voter turnout. Accordingly, it was estimated that the average voter turnout has been only 54.5 percent, rather more astonishingly the bigger corporation with the most well to do and affluent areas had the least participation.

Check Your Progress2

Note: i) Use the space given below for your answers.

ii) Check your answer with those given at the end of the Unit.

- 1) Discuss any three major tasks regarding municipal elections.

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- 2) Enumerate any four corrupt practices and electoral offenses during municipal elections.

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5.9 CONCLUSION

Election to the Urban Local Government assumes special importance in the light of recent urban sector reforms and representative democracy. At the same time, electoral reforms have brought continuity in the elected body. It is also promoting bottom-up leadership development, which is good for healthy democracy. The present scenario also shows that reforms, characterised by devolution of powers and functions to municipalities, conduct of regular and fair elections to the municipalities, reservation of seats in municipalities, constitution of various types of committees, etc. need to be supplemented for a significant change in the functioning of Urban Local Government.

There is much improvement in the case of regular and timely elections. Also, in regard to fairness and smooth conduct of elections, mostly positive reports have been observed. However, there is always a scope for improvement. The UNDP in one of its reports has suggested certain steps on part of the government as policy recommendations to improve the system of local body elections. It has suggested to, first of all, analyse the election laws, capacity building of local bodies, focus on civic education, scrutinising the timing of elections to make these synchronised for better efficiency and outcome, using the local elections as a springboard for introducing better techniques for higher levels, and also the gender equality and overall good management practices.

5.10 GLOSSARY

Decentralisation: Administrative decentralisation seeks to redistribute authority, responsibility and financial resources for providing public services among different levels of government. It is the transfer of responsibility for the planning, financing and management of certain public functions from the Central Government and its agencies to field units of the government agencies, subordinate units or levels of government, semi-autonomous public authorities or corporations, or area-wide, regional or functional authorities.

Elections: An election is a formal group decision-making process by which a population chooses an individual or multiple individuals to hold public office. Elections have been the usual mechanism by which modern representative democracy has operated since the 17th century.

Mayor: The office of Mayor combines a functional role of chairing the Corporation meeting as well as ceremonial role associated with being the First Citizen of the city.

Municipal Corporation: It is a local body that administers an urban area with a population of more than one million.

Nominations: A part of the process of selecting a candidate for election to a public office.

Polling Officer: S/he is an official responsible for the systematic and smooth polling process.

Returning Officer: An official performing the duty for the overall conduct of elections in the constituency.

Urbanisation: It refers to the population shift from rural to urban areas, the decrease in the proportion of people living in rural areas, and the ways in which societies adapt to this change.

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5.12 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1) Your answer should include the following points:

- Refer Section 5.4

2) Your answer should include the following points:

- In order to conduct free and fair elections — making rules, summoning any person, documents; receiving evidence/affidavits; and requisitioning of any public document.

Check Your Progress 2

1) Your answer should include the following points:

- Demarcation of wards,
- Preparation of electoral rolls; and
- Appointment of Returning Officers and other staff.

2) Your answer should include the following points:

- Bribery,
- Influencing voters,
- Creating any feeling of enmity between communities, and
- Booth capturing.

UNIT 6 URBAN PLANNING IN INDIA*

Structure

- 6.0 Objectives
- 6.1 Introduction
- 6.2 Urban Planning: Principles and Objectives
- 6.3 Urban Planning Process
- 6.4 Modes of Urban Planning
- 6.5 Local Area Plans and Town Planning Schemes
- 6.6 Current Scenario of Urban Planning in India
- 6.7 Conclusion
- 6.8 Glossary
- 6.9 References
- 6.10 Answers to Check Your Progress Exercises

6.0 OBJECTIVES

After studying this Unit, you should be able to:

- Explain the meaning and importance of Urban Planning in India;
- Discuss the objectives of urban planning;
- Describe the modes of urban planning;
- Enumerate the Local Area Plans and Town Planning Schemes ; and
- Examine the current scenario of the urban planning in India.

6.1 INTRODUCTION

This Unit traces a history of town planning in India. Evolution of planning in current context along with objectives and instruments of planning are also indicated. At the same time, unit also covers the gap between planning and implementation.

Town planning in India is as old as the history of India. In the ancient India town planning finds a reference in the Indus Valley civilisation (3rd to 2nd millennium BCE) and subsequently Vedic period, which is worth mentioning.

The Indus Valley Civilisation (Harappan Civilisation) a pre-Vedic phenomenon, is the earliest known urban culture in India. It is one of the best example of town planning with excellent drainage and sanitation systems. Both Harappa and Mohenjo-Daro, were divided into two main parts. The

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higher and upper protected portion, like a fort, which was used by high/ ruling class people; and the other portion that was lower in height than the former and generally spread over one square mile was used for living by common people living in that area.

The main streets of Indus Valley were at right angles and extremely broad enough for wheeled vehicles and had street lamps for the welfare of public. The houses were divided into three main groups' viz. dwelling houses, larger buildings, and public baths. The rich lived in the multi-roomed spacious houses, whereas the poorer section used to live in small tenements. Town planning prevailed during Vedic period, as it is evident from the various ancient texts and puranas. Also, the science of building was quite advanced during the Vedic period. Various texts like *Shilpa Shastra* of Manasara and *Artha Shastra* of Kautilya elucidate the development of civic art. According to these texts, ancient towns are categorised on the basis of size, shape and purpose. According to shape and purpose, ancient towns were divided into eight types namely: i) Dandaka, ii) Nandyavarta, iii) Sarvatobhadra, iv) Swastika, v) Prastara, vi) Padmaka, vii) Karmukh, and viii) Chaturmukha. The examples of Vedic towns are Madurai, Kanchipuram with temple at centre and concentric or square streets all around.

During the Mughal period, Muslim architecture and culture flourished within the ambit of town planning. Examples of cities of this period are Agra, Ajmer, Bharatpur, Delhi, Fatehpur Sikri, etc. During this period Emperor with his team of architects and engineers constructed many monuments for use of Emperor's families. during 1720s Jaipur city built by Maharaja Sawai Jai Singh II saw the revival of the Vedic principles of settlement planning with strict architectural and land use controls on the main streets, residential areas, etc.

During the British period towns were developed with strategic linkages to port towns for the purposes of defense, trade and commerce. Britishers evolved techniques and solutions of the municipal problem of maintaining the sanitary conditions in these towns. For which they constituted Town Improvement Committee/ Boards and Sanitary Commissions in Calcutta, Bombay and Madras Presidencies. In the year of 1915, Patrick Geddes, the famous town planner and administrator was invited by the Governor of Madras Presidency to advise on urban planning issues. In the Report on the towns in the Madras Presidency, 1915 Patrick Geddes highlighted, "Town Planning is not mere place-planning, nor even work-planning. If it is to be successful it must be folk-planning". His visit's outcome was enactment of Town Planning Acts by Bombay and Madras Presidencies on the pattern of the British Housing and Town Planning Acts, 1909. Since then, large number of Town Planning Acts have been enacted by various states, yet the progress made under these acts was very slow.

In the Post-independence period, new initiatives were taken up in the urban planning and urban development. The Town and Country Planning Organisation prepared a Model Town Planning Act 1962. Subsequently more legislations were enacted like Land Acquisition Act, Town & Country Planning Act etc., creation of Development Authorities, Ministry of Works,

Housing and Supply in 1952, which was renamed in 1985 to the Ministry of Urban Development, thereafter couple of times the ministry split and merged and finally as of today it is Ministry of Housing and Urban Affairs with mandate of all the urban sectors and issues.

The town planning legislations in the stream of directional planning made the provisions for the preparation of the master plans for cities in terms of physical development of urban space for the provisions of infrastructural services. These legislations did not anticipate planning for supra-urban space extending the boundaries of the city to the peripheral areas and their elevation to the regional constellation of the city and its sub-systems.

The term “Urban Planning” expresses the arrangements of different land uses of an urban settlement— be it a town, city, metro city or mega city in a way the settlement attains its own identity. Urban planning is a technical and political process, which is dedicated to the development of land, protection and use of the environment, public welfare, and the study of environment. Infrastructure comprising of physical and social infrastructure, such as transportation, water supply, sewerage, solid waste management, educational institutions, health institutions, post & communications, and statutory permission are very important aspects of the urban planning.

In this Unit, we will focus on evolution of planning in India; objectives, process and modes of urban planning; and current scenario of the urban planning in India.

6.2 URBAN PLANNING: PRINCIPLES AND OBJECTIVES

Urban Development of a country / state / district / region primarily depends on how effectively the urban settlements, that is, town, city, metro or mega city have been planned and managed. Urban planning and management come within the broad ambit of urban governance. So technically it can be stated that growth of urban sector of a country, which contributes maximum percentage of GDP, depends on good governance of its urban areas. In this regard, good governance has 8 criteria, but its basic premise is to plan and manage the urban areas well. Hence the Planning of settlements - urban or rural occupying land/space is equally important as is economic planning.

The principles of urban planning encompass knowledge of various fields like geography, economics, sociology, engineering and architecture. The guiding principles of urban planning starts with forecasting the population for whom the plan is to be prepared followed by the major 7 aspects to be suitably planned and provided:

- i) Housing
- ii) Public and Semi-Public Offices
- iii) Commercial facilities
- iv) Recreation Centers

- v) Roads and Transportation
- vi) Green Belt / Green Cover
- vii) Zoning.

Statutory and non-statutory plans prepared as part of the Urban Planning give due cognisance to applicable principles of planning. Yet, due to various interest groups, we commonly observe significant variation in the principles and real life situation.

The main aim of Urban Planning is to provide good quality of life to the occupants of urban settlements. This aim can be achieved by formulating the objectives and adopting strategies to provide or maintain the major following four aspects that are essential for urban dwellers/people.

- i) **Convenience/Comfort:** This includes provision of physical infrastructure such as electricity, adequate water supply, transport facilities, easy disposal of sewage and waste. The recreational amenities comprising of open spaces, parks, town halls, playgrounds, malls, stadiums, auditorium etc. are also essential for comfort of people.
- ii) **Aesthetics:** This can be understood by natural elements within and surrounding the urban settlement and also by giving architectural finishes to its various components. It not only includes natural elements but also architectural control on public as well as semi-public buildings, ancient architectural buildings, temples, churches, buildings of cultural and historical significance.
- iii) **Environment:** This can be understood with the approach that activities of man should not have negative impact on both the built and natural environment. In the current context, it also includes impact on climate change.
- iv) **Good Health:** The objective of health is accommodated in urban planning by making right use of land for right purpose by providing social infrastructure, parks and playgrounds for the public, by maintaining the pollution of various forms to the lowest possible degree etc.

6.3 URBAN PLANNING PROCESS

Planning process involves interactions amongst the professional planners, political system and people. In the post-independence period, urban planning process being followed was the classical top-down, wherein professional planners prepare the plan for the city/town and the state government approves it thus, making it a legal document. In case of Delhi, the three Master Plans of 1962, 2001 and 2021 have been approved and notified by the Parliament. Interaction between the planners and political system is dominating one in the top-down approach and involvement of people is limited. Till late 20th century top-down approach of planning being followed, has been summarised as follows:

- Professional planners prepare the draft plan, which is usually for twenty years perspective,
- Draft Plan document (except proposed land use map) is shared for a limited period to call for objections and suggestions of people,
- Draft Plan is finalised by the planners after addressing the objections raised and incorporating the relevant suggestions shared by the people, and
- Final plan, with confidential proposed land use map, presented to the legislative assembly for approval and notification.

This planning process has now undergone change and bottom-up approach has become the preferred option as it involves people in the plan preparation process also. Idea of bottom-up approach is not new; it can be traced in sixties when it started getting noticed amongst planning community and administrators. The 74th Constitutional Amendment Act, 1992 laid the foundation of multi-stakeholders' participation in urban and regional planning. People or community participation need to be involved at all the stages like identifying problems and needs, assessing the resources available and finally projecting and prioritising the proposals. Community participation involves residents welfare associations, community based organisations, social workers, etc. With community participation at all stages of planning, the plan gets finalised with less resistance from public; and people develop a sense of pride in the plan of their city as its the plan prepared by them and they tend to abide by its regulations. In India, stakeholder's participation has improved from awareness to perception and decision-making (Roy 2009).

Check Your Progress 1

Note: i) Use the space given below for your answers.

ii) Check your answers with those given at the end of the unit.

- 1) Discuss the significant initiatives in urban planning and urban development in the post-independence period.

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- 2) Enumerate the four aspects that are necessary in planning to provide good quality life to households.

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6.4 MODES OF URBAN PLANNING

The Ministry of Urban Development (since 1985) was renamed to Ministry of Housing and Urban Affairs in July 2017, has been formulating policies and programmes for India's urban sector. In 1996, the Institute of Town Planners prepared the Urban Development Plan Formulation and Implementation (UDPFI) guidelines, which became the bible for urban sector stakeholders. With passage of time, many new developments like rapid urbanisation, globalisation, and advancement of information and communication technologies made the urban sector more dynamic. This resulted in many new aspects to be considered while planning an urban area like inclusive planning; sustainable habitat; regional planning of the region surrounding urban area; integration of land use and transport; disaster resilience; barrier free planning for specially-abled citizens; networks of communication, electricity, roads, water supply, sewerage, solid waste, etc. All these aspects to be considered while plan preparation and implementation, hence in 2015, the Ministry released the revised version of UDPFI guidelines by considering both the urban and its surrounding region for which development plan should be prepared. It is a well-known fact that city as an entity cannot sustain without the surrounding rural area. Based on this premise, majority of metro cities have authorities/boards with mandate of planning their metropolitan areas or regions of which National Capital Region is the first of its kind in India. The new guideline titled Urban and Regional Development Plan Formulation and Implementation (URDPFI) guidelines, 2015 is the new and updated bible for almost all the urban stakeholders.

The URDPFI guidelines suggests an elaborate Planning System Framework with due consideration to statutory and non-statutory plans like urban revitalisation plan, city development plan, comprehensive mobility plan, city sanitation plan, coastal zone management plan etc. This framework is based on Hierarchy, Spatial extent, Scale of Planning, details provided in the Plan, Function and their speciality. The Planning System Framework comprises of four plans for the core area of planning and three for specific and investment planning. These are:

A) Core Area of Planning

- i) Perspective Plan for time frame of 20-30 years with scope of developing vision and a policy framework for urban and regional development and further detailing. Various plans that come under this category are – Long-term Perspective Vision Document, Concept Plan, and Mission Statement.
- ii) Regional Plan for time frame of 20 years with scope of identifying the region and regional resources for development within which settlement (urban and rural) plan to be prepared and regulated by District Planning Committee. Examples - Regional and Sub-regional Plans.

- iii) Development Plan for time frame of 20 to 30 years and provision of review, every 5 years, with scope of preparation of comprehensive Development Plan for urban areas, peri-urban areas under control of Development Authority / Metropolitan Planning Committee. Various plans that come under this category are – District Development Plan (Mobility 1), City /Metropolitan Development Plan (Mobility 2), Master Plan of City Utility, and Revised Development Plan.
- iv) Local Area Plan for time frame of 5 – 20 years and provision of review - every 5 years with scope of detailing the sub-city landuse plan and integration with urban infrastructure, mobility and services. Various plans that come under this category are – Town Planning Schemes, Zonal Plan/Sub-city Plan, Ward Committee Plan, Area Plan, Coastal Zone Management Plan, and Urban Redevelopment Plan. In Mizoram, Local Councils are created to develop and deliver Local Area Plan.

B) Specific and Investment Planning

- i) Special Purpose Plan for time frame of 5 to 20 years, and within city utilities 30-year plan with scope of identifying the needs of the special areas, which require special plan within the framework of the development plan. Various plans that come under this category are – City Development Plan, Comprehensive Mobility Plan, City Sanitation Plan (as per JNNURM); Disaster Management Plan (as per NDMA), Slum Redevelopment Plan (as per Rajiv Awas Yojana); Tourism Master Plan; Environmental Conservation Plan; and Heritage Conservation Plan.
- ii) Annual Plan for time frame of one year with scope of translating Development Plan in the context of annual physical and fiscal resource requirement and monitoring plan implementation with performance milestones. Various plans that come under this category are –Investment Plan, Audit and Monitoring Plan.
- iii) Project / Research for time frame of 5 to 20 years with scope of focus on - project related investments, costing and returns; studies required prior to or post-plan formulation. Various projects/ studies that can come under this category are – Pre-feasibility and feasibility study, Detailed Project Report, Schemes and Sub-projects, Surveys and Studies, and Riverfront Development projects.

6.5 LOCAL AREA PLANS AND TOWN PLANNING SCHEMES

Having explained the planning process and modes of planning, this section elaborates the Local Area Plan (LAP) and Town Planning Scheme (TPS).

i) Local Area Plans

The LAP is a plan, which is prepared for existing smaller area of a functional city/town and is a brown-field development. However, the TPS is prepared for extension/new area abutting the existing city/town and is a green-field development. The LAP focuses on area improvements and also on making the basic services easily accessible. These plans are formulated within the proposed framework of the Development Plan, the statutory /legal plan. Through these plans deficits of infrastructure - transport infrastructure, basic services and social amenities can be identified; mobility and activities of all socio-economic groups, gender and age can be planned; proposals catering to the demand are prepared and integrated into the ward-level plans, which have allocated municipal budget. The LAP can also notify the conflicting land uses. These plans should be linked with the municipal budget, which would make the plans more realistic and easier to implement. Inputs from the LAP should be used, while formulation of Development Plan or during its mid-term review that will enable integration of the top-down planning and bottom-up efforts of compiling the aspirations of the local community. Barring few exceptions, bottom-up planning is not happening. The LAPs will be effective, if these are not integrated with the institutional and financing mechanism. Sequence of activities followed while preparing the LAP for Delhi by Municipal Corporation of Delhi are shown in following Figure 6.1

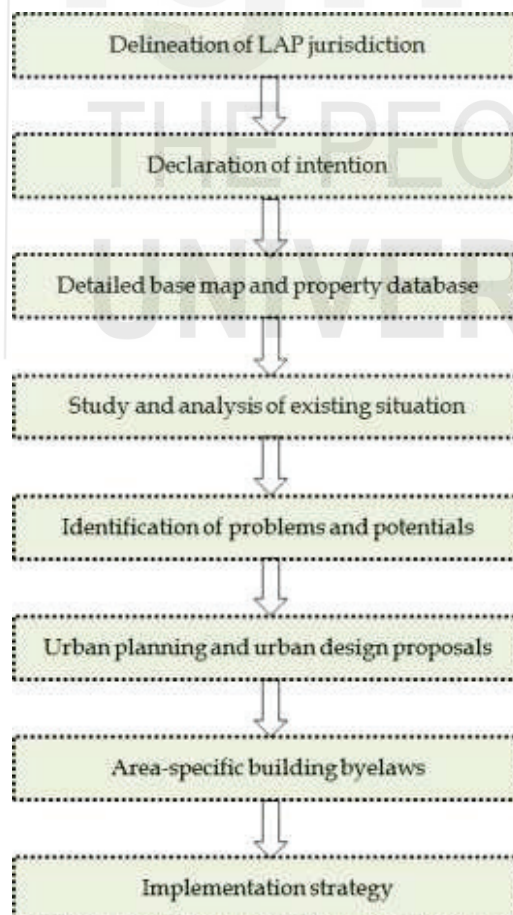


Fig. 6.1: Delhi LAP Process

Source: (EPC & SVC, 2008; EPC & TRF, 2007)

ii) Town Planning Schemes

The Gujarat Town Planning and Urban Development Act (GTPUDA), 1976 is a robust legislation for urban planning as compared to the Acts of other States. The Act mandates a two-step Urban planning process. Here, first step is to prepare a “Development Plan” for the entire city or development area, and second step is to prepare “Town Planning Schemes” (TPSs) for smaller portions of the development area. It involves three main stages:

- a) In Town Planning or Plot Reconstitution Scheme the pockets of land, covering the area to be developed, are pooled and its development is financed with land-owner’s involvement, without compulsorily acquiring land.
- b) The land required for developing network of roads, utilities and services is taken by the development authority /infrastructure providing agency and the developed pockets of land redistributed to the land owners.
- c) The reconstituted plots are allotted to the owners in proportion to their land holdings.

Thus, successful TPS integrates new areas into the developing city. The TPS are usually prepared for 100 to 200 hectares of land, with detailing of infrastructure required and cost estimations for the new development pockets. The TPS is one of the mechanisms used to assemble land and/or develop land. Other mechanisms being: Land Acquisition, Land Reservations, Transferable Development Rights, and Guided Land Development. Preparation of the TPS for land assembly and development was first included in the Maharashtra Regional and Town Planning Act, 1966. Later Gujarat Town Planning & Urban Development Act, 1976 included it as an important step next to Development Plan.

6.6 CURRENT SCENARIO OF URBAN PLANNING IN INDIA

The current concept of planning has emerged from problems of Industrial cities in Europe in 19th Century. This has covered a journey from Garden city, New Town to Smart City concepts. During colonial period, regional and local planning was not practiced on a comprehensive basis.

- The urban planning in India, post-independence, draws from the Delhi Development Act, 1957, which was the first step of its kind. It was followed by Rajasthan Urban Improvement Act, 1959, Maharashtra Regional and Town Planning Act, 1966, Uttar Pradesh Urban Planning and Development Act, 1973, Andhra Pradesh Urban Areas (Development) Act, 1975 and Gujarat Town Planning and Urban Development Act, 1976 etc.
- Subsequently Metropolitan/ District Planning Committees (MPC /DPC) were set up as per article 243ZD and ZE of the 74th Constitutional

Amendment Act of 1992. Further, Government of India brought UDPI 1996, and URDPFI 2015 Guidelines. These developments guided the prevailing urban planning in India.

- Government of India has also prepared Energy Conservation Building Code (ECBC) in 2017 and 2018 to apply green city with specific guidelines and norms. Whereas 2017 ECBC covers commercial use 2018 focusses on residential use.

Accordingly, majority of states have passed Town Planning Acts to enforce town planning activities. As Urban Development is a state subject, the state governments are empowered to notify development areas in a city / town and constitute Urban Development Authorities for such areas. Such authorities are given the following powers as per section 23 of the Act:

- i) To prepare development plans for the urban development area.
- ii) To prepare town planning schemes.
- iii) To carry out surveys in the urban development area for preparing development plans or town planning schemes.
- iv) To guide, direct and assist the local authority or authorities and other statutory authorities functioning in the urban development area in matters pertaining to the planning, development and use of urban land.
- v) To control the developmental activities in accordance with the development plan in the urban development area.
- vi) To execute the works in connection with the supply of water, disposal of sewage and provision of other services and amenities.
- vii) To acquire, hold, manage and dispose off movable or immovable property.
- viii) To enter into contracts, agreements or arrangements with any local authority, persons or organisation.
- ix) To carry out any development work in the urban development area as may be assigned to it by the State Government from time to time.

Institutions that are involved in planning for the urban areas are fairly diverse. These include:

- i) **National level:** Ministry of Housing and Urban Affairs (MoHUA) as nodal ministry, NITI Aayog, Ministry of Home Affairs - NDMA (National Disaster Management Authority), Ministry of Environment Forest and Climate Change and Ministry of Jal Shakti. These ministries, departments and organisations are advocating agencies, framing guidelines, model acts etc. for states to adopt with or without modifications /amendments.
- ii) **State level:** Urban Development Department, Parastatals - Housing, Water and Sanitation, Environment, Finance, State Planning Board, Infrastructure Agencies, State Disaster Management Agency, State

- iii) **Local level:** City Government, that is, Municipal Corporation, Municipality/Municipal Council, Nagar Panchyats - Ward(s) Committees and Parastatals - Development Agency, Utilities & Services Agencies.
- iv) Institutions were also created for the planning and development of city for the existing / new cities or parts within metro centers. These include various organisation such as Delhi Development Authority (DDA), (City and Industrial Development Corporation (CIDCO), Calcutta Metropolitan Planning Organisation (CMPO) etc. Similarly, we have Development Authorities/Improvement Trust at town level.

Planning Process in Post-independent India

How the legal Plan document i.e., Master Plan of Delhi (MPD), which became the role model for many cities, evolved in six decades is briefly summarised. This will give you a fair understanding of how the aim, objectives, and process of Master Plan has evolved.

i) Master Plan Delhi (MPD) - I (1962-82)

The first Master Plan of Delhi circulated on 1st September 1962, commonly represented as MPD-62 is considered as first step towards modern planning in India. The plan with 20 years perspective i.e 1962-1981, was formulated as per the provision of Delhi Development Act, 1957. Ford Foundation team had assisted the Delhi Development Authority team in plan preparation with aim of integrated development of Delhi. Large scale land acquisition, development of about 25000 ha of land and finally Land disposal policy were the broad tools used by DDA for achieving the aim and objectives of MPD-62.

The plan (MPD-62) was prepared for Delhi's 53 lakh population by 1981. The regional context of Delhi was given due importance by considering Narela, Gurgaon, Ghaziabad, Faridabad etc. as ring towns. The plan had elaborate zoning and sub-divisional regulations. Poly-nodal hierarchical development was introduced in this plan and planning unit was conceived to be neighbourhood with 15000 population and supporting facilities.

Experiences and Lessons learnt from MPD-62: Immense population growth resulted in 15 lakh excess population than the plan projections; mixed land use in residential areas continued, despite land use controls; land was put to extensive use resulting in high densities; informal sector was left out leading to their exponential growth; and proposal for shifting of non-conforming industrial units did not yield desired results.

ii) MPD 1982-2001

The Second Master Plan of Delhi was the modified plan, MPD-2001, approved by the Government of India and circulated on 1st August 1990. It was for the perspective period 1981 to 2001. Important aspects

considered while plan preparation include integrated plan of Delhi and its region to be prepared; ecological balance to be maintained; city center to be decentralised and planned as an integral part of its region; urban development to be hierarchical and to be low rise-high density; and urban heritage to be conserved.

Master Plan Delhi -2001

Guiding Principles for MPD 2001 were i) National Capital Region (NCR) to be developed to contain Delhi's population; ii) Mixed use permitted with restrictions; densification of urban areas except Lutyens Bungalow Zone (LBZ); and iii) industrial policy and parameters prescribed, keeping in view the NCR. Its major achievements reflect Shelter facilities, comprising of variety of housing types and new urban integration projects such as Rohini, Dwarka and Narela; About 2.8 lakh squatters families provided accommodation; Mass Rapid Transit System (MRTS) network was planned to bring needed connectivity; and development of about 5000 ha area under greens at various levels.

iii) Master Plan Delhi 2001-2021

The third Master Plan of Delhi was MPD – 2021 that was approved by the Government of India and notified on 7th February 2007. In May 2010 reprinted edition was brought with amendments/modifications up to October 2009 and again reprinted after incorporating modifications notified by the Government of India up to 31st March 2017. Master Plan envisaged a vision for 2021 and prepared a policy guideline for the perspective period 2001 to 2021. The vision is “to make Delhi a global metropolis and a world-class city, where all the people would be engaged in productive work with a better quality of life, living in a sustainable environment”. Preparation of MPD-2021 involved Experts & Professionals, Eminent Persons, Public Representatives, Concerned Departments, Sectoral Studies, Series of Seminars inviting politicians, administrators, local bodies and resident welfare associations (RWAs) etc. There were Sub-groups covering the broad 12 aspects namely: Demography, Regional and Sub-Regional context, Shelter, Trade and Commerce, Industry, Physical infrastructure, Traffic and Transportation, Social Infrastructure, Mixed Land Use, Conservation and Urban Renewal, Environment and Pollution and Development Controls. In this regard, focusing 18 critical areas the Master Plan has covered the whole city. These critical areas are: Land Policy; Public participation and Plan Implementation; Redevelopment; Shelter; Housing for poor; Environment; Unauthorised colonies; Mixed Use; Trade and Commerce; Informal Sector; Industry; Conservation of Heritage; Transportation; Health Infrastructure; Educational Facilities; Disaster Management; Provision of Sports facilities and Focus on Infrastructure Development. Population forecasted by NCR Plan-2021 for Delhi by 2021 is 220-230 lakh. Master Plan of Delhi 2021 planned various land uses and infrastructure to cater to this population. Stages involved in Master Plan preparation were:

- i) Public participation through series of seminars and interaction with Resident Welfare Associations etc.
- ii) Recommendations of the sub-groups.
- iii) Central / State government and authority advice.
- iv) Draft plan.
- v) Approval of the Government of India for issue of public notice to invite objections and suggestions.
- vi) Consideration of objections and suggestions.
- vii) Final plan.

In this regard, following figure 6.2 depicts the Master Plan of Delhi 2021.

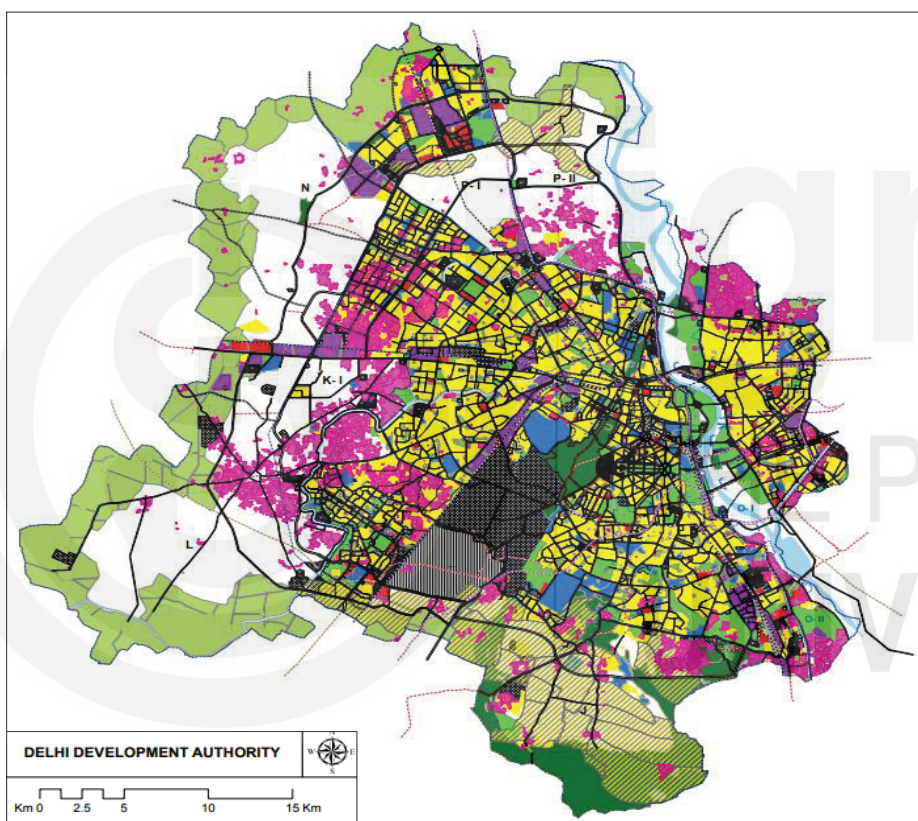


Fig. 6.2: Master Plan Delhi -2021

iv) **Master Plan Delhi 2021-2041**

As of June 2021, the DDA released the Draft Master Plan of Delhi 2041 for inviting suggestions and feedback from public. The Draft MPD-41 would be ready by end of 2021. The DDA has termed this plan as strategic and enabling framework, as it is drawn on the basis of lessons learnt from earlier Master Plans, for guiding future growth of NCT-D. The key focus areas under the 2041 Master Plan are providing high quality green-blue areas for recreation and leisure; and enhance Delhi's preparedness for the impact of climate change and to devise methods to tackle pollution.

Gap between Plan and Implementation

Top-down approach without integrating with bottom-up issues, from Delhi to other towns, reflects that there has been a gap in the plan and implementation. It is quite visible in the scale of unplanned development. There has been couple of main factors causing the gap such as:

- i) Absence of investment plan /resources along with land use/physical plan;
- ii) Multiplicity of agencies - at all (central, state and local) levels several institutions are involved, which include ministries, departments, authorities, Boards and decentralised committees in a city;
- iii) Lack of vertical and horizontal coordination. The agencies as (ii) above mentioned, lack coordination; and
- iv) Diverse and unsettled political economy lacking a consensus on systematic urban development.

Check Your Progress 2

Note: i) Use the space given below for your answers.

ii) Check your answers with those given at the end of the Unit.

- 1) Describe the planning system framework for core area of planning.

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- 2) What are the 9 major powers given to Urban Development Authorities as per section 23 of the State Town Planning Acts?

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6.7 CONCLUSION

India is undergoing a transition from semi-urban to urban society. As part of this process, some states like Tamil Nadu is expected to have achieved status of urban majority whereas many others like Maharashtra, Gujarat, and Karnataka are closer to Tamil Nadu. It is also seen that the GDP of these states is much higher than low urbanised states like Bihar. Accordingly, road

to national development goes through planned urbanisation of different states. Therefore, urban planning in India is an integral and important part of development policies.

6.8 GLOSSARY

Master Plan: It reflects planned development of Delhi, which is the main function of DDA under Sections 7 - 11A of the DD Act of 1957. The Development Authority is engaged in modification of the Master Plans of Delhi - 2001 and 2021; and is preparing MPD with a perspective up to 2041 specially to cater the needs of the increasing population and the changing requirements of the city.

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6.10 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1) Your answer should include the following points:

- Refer Section 6.1

2) Your answer should include the following points:

- Refer Section 6.2

Check Your Progress 2

1) Your answer should include the following points:

- Refer Section 6.4

2) Your answer should include the following points:

- Refer Section 6.6