## Urban Services Planning Professor Debapratim Pandit Department of Architecture and Regional Planning Indian Institute of Technology, Kharagpur Lecture 03 Regulatory Framework

(Refer Slide Time: 00:28)



Welcome back, in lecture 3, we will talk about regulatory framework for provision of urban services. The different concepts that we will cover are about municipal governance and how

service is being provided. Then we will talk about the urban local governments. And then finally, we will talk about how different service planning aspects are considered in urban plans.

(Refer Slide Time: 00:51)



So, we have already learned this that as per the Indian constitution, the state government is responsible for provision of different municipal services. Now, even though the state government is the sole responsible authority for provision or creating the laws that govern how services has to be provided or what services has to be provided, but as per the 74th constitutional amendment act, lot of these responsibilities were transferred to the urban local bodies.

So, the different responsibilities and the services or the functions that urban local bodies has to provide that is covered in the 12th Schedule. Now, we have already discussed in the earlier lecture, we have already discussed about what are the services that are covered in the 12th Schedule. Now, so, because ULB's are there and as you can understand that in India, we have different size of urban areas and accordingly we have to frame different kinds or we have to form different kinds of ULB to govern the services that has to be provided in an urban area.

The reason being each urban area is of different size, and with different sizes of areas, the economic activities vary, and the way the problems also are the issues that these areas face is

also different. So, we require different hierarchies of municipal governments to provide service to these urban areas. So, overall urban areas are classified as statutory towns and census towns.

Now, usually census towns are those areas which are transitioning from rural to urban area and primarily we can define them as areas with more than 5000... minimum number of people is around 5000. And with most of the male working population is following non-agricultural pursuits, around more than 75 percent of them and also the density of those areas would be more than around 400 persons per square kilometer.

So, that is a definition of a census town that means these are the transitional areas which are growing from rural and gradually becoming urban, but beyond that, there are different hierarchies of towns starting from towns of size, so small as 10,000 20,000 or towns of size 1 lakh or more or 5 lakhs or even more than 10 lakhs. So, accordingly we require different kinds of ULB's or ULB's are different organizations that has to be created to govern provide some urban services in this particular urban areas.

So, the first category of this ULB is Municipal Corporation, otherwise known as the Mahanagar Nigam and this is usually for larger towns and larger urban areas. And then comes the municipal bodies or the municipalities, which is known in different terminologies are used to define municipalities such as municipal council, Municipal Board, municipal committee, and also sometimes we call them Nagar Palika.

And finally, the smallest body or the smallest size of ULB's are Nagar Panchayats, which are also known as Notified Area Council or Town Panchayats. So, these... as sometimes we say that the at least the urban this particular area has to have a population of more than 1 lakh to have a Nagar Panchayat. But still there are many examples where intermediate sized towns such as with population of 20,000 or 60,000, they are also being governed by Nagar panchayats. So, in addition to the municipal bodies, which are primarily run under the aegis of the state government, we also have some special purpose agencies, for example, which carries on some specific functions on behalf of the State Government.

So, these are independent bodies and they are departments of the state government and overall they function under the laws that the state has created or as per the acts that the state has created

as per the act a state legislature. So, sometimes we do know them as water supply and sewerage boards, which provides water supply and sewerage services, pollution control boards, electricity supply boards, urban development authorities, housing boards, and so on. So, these kind of agencies provide the municipal services, they do both capital infrastructure projects as well as your maintenance services and so on, but they are not a municipal body, they do not have other functions of the municipality such as governance or collection of tax and all these things cannot be done. So, they are specifically designed to provide a service.

So, in addition to that, we sometimes have other smaller bodies such as cantonment boards, townships, Port trust, which are usually this kind of bodies helping governance governing smaller urban areas such as a small Township, which is run by a large public sector enterprise and to govern that you requires authority to manage the services in that area. So, usually, it is those people are employed by the company itself or we have a cantonment board which is under the Defense Ministry. So, these are areas where there are people... our defense, people stay in these particular areas, and they are also run by as per the cantonment act of 2006 administrative bodies from which runs the or provides the services in this particular boards.

And in case of Port trust also, this as you can understand from the term it is for port areas, and we usually have both elected and nominated members, who are actually in charge of governing this Port Trust areas. So, overall, we see a variety of municipal bodies, we see a variety of non-municipal bodies also such as the Special Purpose Agencies, which provide services or municipal services in urban areas.

(Refer Slide Time: 07:16)



So, overall, municipal governance and service provision is as defined or what has to be provided is defined as per the state municipal acts, that means, how a municipal body has to run this is determined by the laws print by the state government. So, even within one state, there could be multiple acts to for different kinds of urban areas. For example, for large municipalities and small municipalities, there are a different set of laws which are being framed to run this provide services in these urban areas.

So, overall, in India, in 2003, the model municipal law was created. And this actually gives... this acts as a guide for provision of services in different or framing of the different laws for municipal acts in each of the different urban areas. So, this is the overall different parts or the different areas that are covered under this municipal law include that how a municipal area has to be formed, how the wards has to be defined, how the ward committees have to be defined, what committees are at the administrative bodies or some elected bodies, which actually looks into different aspects of or different kinds of services that has to be provided in ward areas.

Then how recruitment of staff has to be done, then the otherwise the core functions such as water supply, drainage or a solid waste management, roads, how this kind of core functions has to be conducted or provided in urban areas. And then based on the implementation or the recommendation of the State Finance Commission, which are the programs that has to be funded

or which are the works that has to be taken up or so, this actually is also governed, determined, or how this has to be done is stated in the municipal laws.

So then, finally, the municipal laws also talks about accounting and budgetary functions of the municipality, the different assets and liabilities or the inventory of properties of the municipality. Now, why this is important? Because if based on the properties the municipality own, or based on the liabilities, and what kind of earnings the municipality can get in future years, the municipality would be able to frame a debt policy, which determines that how much or the state government actually helps in framing the debt policy or it tells the municipality that this is the amount that you can borrow from the markets and this amount that is being borrowed from the market is utilized for provision of or construction of different infrastructure or maybe for larger projects, we need to invest a lot of money. So, this kind of borrowing is for that purpose.

Then finally, the taxation, user charges, fees and fines, development charges, advertisement charges and many other taxes and tolls, how they should be collected on what aspects they should be collected, this is also covered by the municipal laws. Finally, the private sector and participation of non-governmental organizations how they should participate, will they be involved in construction will they be involved in financing or they should be involved in service delivery including they should be able to do the bills or they should collect money on behalf of the municipality. All this is determined by the municipal laws.

And finally, other things, for example, how the municipality should convey their concerns or how they should negotiate or how they should deal with the district and the metropolitan planning committees, how the municipal licenses for provision of certain or conduct of certain businesses is urban areas to be provided municipalities all these are governed by the model municipal law.

So, model municipal law gives us a framework a model framework to frame these laws. And using this framework, we can actually frame the municipal laws for different urban bodies.

(Refer Slide Time: 11:34)



So, urban local bodies usually is governed by a fully elected representative. It is a fully elected representative body, but it is of course, guided by the state government or state governments actually can supervise the election process that is conducted there. And sometimes if it feels that, no, there has been some discrepancy in the process of election or there are some other issues, it can also cancel that particular elected body or they can they can remove that particular elected body. So, primarily it is a body it is a governing body based on elected members and to govern the municipality effectively the municipality is divided into multiple wards and usually a counselor is single or multiple counselor depending on the size of the ward could be also elected from each ward, who is the representative of the people from that particular ward.

So, he is the voice of the concerns or the different issues or the different problems these people face or due projects that has to be done in that area. So, he is the voice of the people for this particular area. So, now, coming into the different types of municipal urban bodies, each of them are governed by a different set of if they could follow the similar set of laws, but as per the state, we can have different state laws for different kinds of bodies. And as we have discussed municipal cooperation is the highest order of body for urban governance in a state and a lot of fiscal autonomy and also a lot of functions has to be provided by municipal corporations. Now, fiscal autonomy actually means that they are able to take a lot of decisions on their own in

regards to collection of taxes or collection of user charges and fees and so on. So, they can decide on how to collect or earn income for that particular urban area.

And similarly, when we talk about functions, the functions provided in a bigger urban area is obviously much higher, much very varied compared to a smaller urban area. So that is what the job of municipal corporations are. And this usually, municipal corporations are also determined via some acts like the Corporation Act of 1835 is actually utilized to form municipal corporations and municipal elections are held every 5 years. So once the municipal election is held, usually councilors are elected from different wards and based on that feedback of the councilors, and another set of election among the councilors a mayor is selected. And sometimes along with the mayor, we also have a deputy mayor or assistant mayor who would support this particular mayor. So under one mayor, there could be multiple Deputy mayor's as well.

So this elected body of counselors, they are the sole legislative authority, and they are the ones who decide on what are the course of actions that the municipality should focus on. They are the sole decision making body for the municipality. So there are 3 layers of administration that is there in the municipal corporation. One is of course, the Municipal Council, which is the highest authority and then there are standing committees and then they is the municipal commissioner. Now the job of standing committee is again, it is composed of elected members, but they there are small groups of elected members instead of the overall Council and the small groups of elected members looks into specific issues or specific functions, like for example, one group can look into the different public works, one group can look into the education part, one group can look into the health part or the taxation part and so on.

So, these groups deliberate on the different issues for this particular sectors. And actually, they will provide some solutions or they will provide some suggestions, or they will take some decisions which they convey to the Municipal Council, and then the council acts upon it. So in so one part is, of course, the elected body, the members the decision making body and all. And the other part is the execution party. That means there has to be a team of engineers, a team of specialists or technical people who have to implement the decisions or administrative people even who have to implement all the decision taken by the elected body. So that is the main the head of that body is the municipal commissioner.

So he is the chief executive authority or he or she is the chief executive authority of that particular Municipal Corporation and CEOs job is to implement the decisions taken by the Council and the standing committee members. And usually, a commissioner is an IES officer and also appointed by the state government. So that is how the overall governance of municipal corporations happen.

(Refer Slide Time: 16:38)



So, the municipal, now coming to the smaller municipal body, which is a municipality or a municipal council. So, here also ward wise elected representatives are selected and via election which is conducted every 5 years. And of course, the jurisdiction is less or that whatever tasks that has to be provided is lesser than a municipal corporation. But and of course, that guidance by it is directly guided by the state Directorate of municipalities, or the Department of Urban and Municipal Affairs.

So that is the state government body and that, so the amount of autonomy, so that municipalities have is less than a municipal corporation, because the amount of the number of people who are actually engaged there are different sizes of Municipality of course, and there cannot be too many technical and too many staff members that is that will be there in a municipal council. So, some amount of functions, some amount of activities has to be taken up by the state government or the Department of Urban and Municipal Affairs, and they provide some guidance, some, some conduct keep a certain amount of control over the governance of municipal councils.

So again, the head of Council is the chairman or president. It is similar to the deputy mayor or the mayor and the deputy mayor. So here also, the chairman or president is assisted by a vice president or chairman, same as municipal cooperation, there are standing committees, maybe the number of committees would be less and a CEO is also appointed by the state government.

And in many cases, CEO is not an IAS officer, because for small municipal corporations or municipal municipalities or councils IES officer cannot be sent instead so, other kinds people members of the State Administrative Service can also be appointed as a CEO and sometimes they are assisted by engineers, sanitary inspector, health officer, education officers. So these are the other technical members who actually assist the CEO in taking or conduct or executing the different decisions of the standing committees or the council members.

So finally, the smallest order of body is the Nagar Panchayat. And usually here, the council includes both elected members as well as a few nominated members, nominated members are people who are people who have some say in matters of that particular municipality or technical people who can give suggestions and so on. So, who can help in conducting the governance of that municipality and so on. So, this Nagar Panchayat as we have discussed, so, these are smaller urban areas and these we can also call them transition areas, gradually they are converting from rural to urban. So, accordingly their governance is, again is a little bit different compared to municipal corporations or municipal councils. And here again, the state government plays a large role in, taking care of many of the functions of this Nagar Panchayat.

(Refer Slide Time: 20:00)

.No.	Classification	Sub-category	Population Range	Governing Local Authority	Number of Cities as per Census of India, 2011	
1	Small Town*	Small Town I	5,000 – 20,000	Nagar Panchayat		
		Small Town II	20,000 – 50,000	Nagar Panchayat/ Municipal Council	7467	
2	Medium Town	Medium Town I	50,000 - 1,00,000	Municipal Council		
		Medium Town II	1 lakh to 5 lakh		372	
3	Large City		5 lakh to 10 lakh	Municipal Corporation	43	
4 Metro City	Metropolitan	Metropolitan City I	10 lakh to 50 lakh	Municipal Corporation/ Metropolitan Planning Committee	45	
	City	Metropolitan City II	50 lakh to 1 Crore		5	
5	Megapolis		More than 1 Crore		3	Same of

Now, coming to URDPFI guidelines, as you can see that the local authorities or how the state governs their municipal areas depends on the state's traditions, the state's laws and so on. So, over here you can in this table you can see that in many of the, smaller towns you will find both Nagar panchayats as well as municipal councils. So, sometimes in towns which are very small 5000 to 20,000, you will usually see Nagar Panchayat but in towns which are 20,000 to 50,000, sometimes we have Nagar Panchayat and sometimes we even have municipal councils.

So, similarly for medium towns we have got municipal councils mostly, but for larger cities and all where the population is 5 lakhs to around 10 lakhs, we find municipal corporations. Now, usually municipal corporations... so, as you can see that there is no specific guiding factor that beyond this population, we will go for a municipality or a municipal council, municipal corporation or so on. But it is a decision taken based on many other factors. And in case of metropolitan cities, which are very large cities more than 10 lakhs of people and sometimes even more than 50 lakhs of people. Usually we have a municipal corporation and sometimes we also have metropolitan planning committees.

Now, in case of large urban agglomerations such as a megalopolis, we definitely have metropolitan planning committees, which also can govern the development of many municipal corporations in that particular area.

(Refer Slide Time: 21:34)



So, finally, we will come to the different kinds of plans that are prepared for urban areas and the different service aspects that are covered in this particular urban plans. So, first we have talked about the governance structure of an urban area. Next, we are talking about how different kinds of development plans are implemented in urban area and what are the different service aspects. There are other aspects also, but the service provision that are provided by the services that are provided by the municipal corporation or the municipalities and all what are those aspects that are covered within this particular plans.

So, we have, we know that we prepare prospective plans for urban areas, and which is nothing but a conceptual plan for which is maybe it is for a 20 year period. And in this particular plan, we do not do detailed calculation of what sort of infrastructure or services has to be provided, or what should be the design of the services, but we decide on the direction of growth, we decide on what sort of infrastructure is required in the long term. And we it is a vision document and a policy document which considers new kinds of technologies, alternative energy sources the direction that municipality should take in terms of different sorts of infrastructure and service provision.

Then there are regional plans, which is usually done to coordinate between the different individual plans were made for different areas, both urban and rural areas in and out in a particular state. And this, so, original plan consolidates all these plans together and determines

that how mighty ULB cooperation in terms of... has to be achieved, but because we are looking into the service planning aspect, definitely, when we talk about regional plans, there is a component of service provision of service and infrastructure development and regional plan actually looks into how to integrate the different kinds of services and infrastructure which is not only specific to a particular municipality, how they should be shared between the different municipalities or how we can decide on certain locations for certain facilities and all which takes care of the entire region.

For example, a regional landfill site or maybe some sort of that is required for the entire region that has to be determined for this regional area. So, even though the waste that is generated is coming from the different urban areas, but the location of that particular landfill site could be somewhere in that region. So, a regional plan has to talk about that. Similarly, for we can also decide on the location of a district hospital or a health facility or a educational facility, which are our higher order facilities, where it has to be located.

Similarly, we have to reserve spaces and also determine the service norms or particularly for fighting fire, communications, police or security systems. All this thing needs to be looked into in the regional context. Finally, sharing of resources, knowledge and investment opportunities within the region also is part of the regional plan.

(Refer Slide Time: 24:47)



Now, next, coming to the development plan or master plan. It is a statutory plan, which is undertaken for 20 to 30 year period, and this is a statutory plan, because there are some components of this which is actually implement, once the plan is prepared this becomes... you have to follow that plan, it is part of the law you can say it is part of how the municipal area would be governed. So this development plan usually talks about the directions for infrastructure development and we considered both the economic and the social needs of that area, we considered the what the people perceived for the different services or what they want, what is their aspirations, all this thing is considered while we prepare the infrastructure development requirements for an urban area.

So, finally, physical proposals for social and physical infrastructure, all these things are prepared considering the goals of that particular society or we there may be targets of sustainability for that urban area. So, all these things are considered when a development plan is prepared. So, in terms of municipal services, which includes social physical infrastructure and provision of that day to day sort of, services as well. So, here we see that development plans, talks about educational institutions, where they should be located, how many of them should be there, health institutions, recreational spaces, religious spaces and so on.

Similarly, for physical infrastructure a development plan gives directions about water supply the demand, where would be the sources of water for this particular urban area will there what should be the rules regarding rainwater harvesting, then energy infrastructure, the drainage, the sanitation and the solid waste disposal system that has to be adopted, and for where it be the locations of those sites for provision of those particular infrastructure, transport and communication infrastructure and primarily detailed design of the trunk infrastructure, or the major infrastructure lines and all has to be determined as well.

So, this is what the development plan or master plan covers, but as you can understand, we determined the requirements we determined what is required, we determined we reserved spaces or some lands for in the RCT level and also we determined what should be the layout of the major, the trunk for a network of solid, for drainage lines or network of water supply lines, we have determined the major line so, that trunk infrastructure has to be determined.

(Refer Slide Time: 27:39)



Then coming to local area plans, this is a detailed plan and it includes the detail land use of each of or plot wise even land use of each of these particular areas and also what sort of infrastructure and services should be provided in each of these particular areas. So, detail planning for infrastructure and amenities is taken up in the local area plans and we prepare area specific regulations, we also determine how an area should be managed, we look into the health and safety aspects, the economic development, the quality of life, and the environment for this particular urban area or for this particular area.

So, these are the different aspects that are covered. And we also can look into integration of disabled and elderly people like provision of old-age homes, orphanage facilities in this particular areas. Then we have the implementation details in this plans like how they should be provided details of that which is not which was not there in the development plan. And we also have to align the proposals that we do with government policies for, that government provides money for construction of certain infrastructure and also government from time to time prepared some programs for some sort of, this like Swach Bharat mission is a program work from the government.

Similarly, there are Nal se Jal as for there are different kinds of programs, which are implemented, so, we have to align the municipality or that local plan has to be aligned with this particular plan. So, that funding could be we can get funding for provision of those kinds of

infrastructure. So, detailed delineation earlier, we have estimated in the development plan, what is the area required and all but detailed delineation of land like exactly which plots has to be reserved, what should be the cost of that all this thing is determined via the local area plans.

And within that, we also not only we say that we have to provide something or we have to reserve land, we have to also determine what should be the charges for providing this kind of services infrastructure, or maybe we are providing certain infrastructure we can charge a betterment levy for that or we can provide some development rights, user charges all these things are determined in the local area plan. So, usually the planning period is 5 to 20 years and sometimes we know them as Zonal plan, Ward committee plan, Town Planning Scheme or Urban Redevelopment Plans. So, these are different varieties of local area plan that are undertaken for urban areas.

(Refer Slide Time: 30:20)



Finally, in addition to all this, there are also special purpose plans for example, we can prepare which are specific to a particular sector like we can have the National Urban Health mission tells us on how to take up urban health improve the urban health in urban areas. So, we can prepare a plan for just for that or we can have the city sanitation plan, where the city sanitation plan talks about how to provide different kinds of sanitary services or infrastructure in our area.

Within that we can talk about the solid waste management where based on the service level

benchmarks, or we can determine what should be the future demand, what is the gap in the

service provision, what has to be provided, then we have to determine the primary collection

system, the coverage of the collection system, the street sweeping mechanisms, then how do the

generated waste to be segregated and taken for the treatment, then secondary collection from the

local areas how we send via using transportation systems, we can take the waste to different

treatment and disposal sites and along with that, the institutional setups, the health of the

workers, operational maintenance for this particular system all is part of this plan.

So, it is part of the Solid Waste Management Plan. Similarly, other plans are created for maybe

sewerage, drainage management for the city and so on. So, urban national, so see this is basically

a city sanitation plan, which is a specific sector wise plan that also could be created for urban

areas. So, in addition to the special purpose plans, we can also have annual plans and also which

annual plans are like you can say that either Special Purpose plans or local area plans, they can

be broken down into annual plans, like we can say that for every year, this is the kind of work

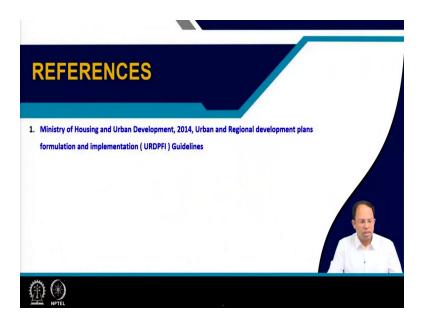
that has to be done, we have to make budgetary provisions for that and subsequently we can do it

for other years as well.

And then comes the project plans that means individual projects, individual works that could be

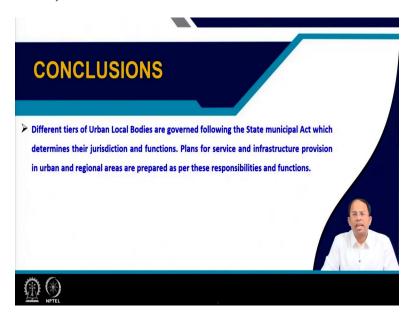
also undertaken for that also we prepare plans.

(Refer Slide Time: 32:43)



So, these are this is the reference that you can take a look at, you can follow the URDPFI guidelines in regards to this.

(Refer Slide Time: 32:50)



And to conclude, we can say that different types of urban local bodies are governed following the state municipal Act, which determines that jurisdiction and functions and plan for service and infrastructure provision in urban and regional areas are prepared as per the responsibilities as per these responsibilities and functions which are defined as per the municipal laws that are defined for that particular state or that particular urban area. Thank you.