

How does Uttarakhand's Urban Laws Perform?

Robust urban laws play a significant role in robust 'city-systems', i.e., governance of cities, thereby, enabling the ability of the cities to deliver good quality of life to its citizens. Here, we capture the good provisions and missing provisions in Uttarakhand's urban laws across planning, capacities (finance and human resources), political leadership, and transparency and citizen participation. This is based on the assessment of nine urban legislations of Uttarakhand, encompassing Uttarakhand (Uttar Pradesh Municipal Corporations Act) 1959, Uttarakhand (Uttar Pradesh Municipalities Act 1916), Uttarakhand Urban and Country Planning and Development Act, 1973, other relevant acts, rules, and relevant reports by the Uttarakhand State Finance Commission, Comptroller and Auditor General of India, and media.

What are the good provisions in Uttarakhand's urban laws?



- Creates State Planning Department to undertake planning policies and reforms in Uttarakhand
- Provides for establishment of a competent technical cell to enable plan preparation
- Enables modifications to notified plans
- Incentivizes green building by providing additional FAR
- Adopts land pooling policy
- Mandates public scrutiny of draft plans (*but not through formal citizen participation platforms such as ward committees and area sabhas*)
- Constitutes State Finance Commission in a timely manner
- Mandates all Urban Local Self Governments (ULSGs) to follow Double Entry Accounting System
- Provides for a dedicated Municipal Cadre System
- Mandates direct election of Mayor/ Chairperson with a five-year tenure, co-terminus with that of the Council
- Constitutes State Election Commission
- Mandates Councillors to declare their assets and income, including that of their immediate family
- Guarantees public service delivery to citizens through the Uttarakhand Right to Services Act, 2011
- Mandates the formation of ward committees as formal platforms for citizen participation (*however, not constituted on ground*)



What are the missing provisions in Uttarakhand's urban laws?

- Lack of municipal legislations that consider the contemporary realities and needs of Uttarakhand's Urban Local Self Governments (*ULSGs of the State are governed by the legacy municipal legislations of the erstwhile united Uttar Pradesh*)
- No mandate for city-region spatial plan for non-metropolitan areas
- No mandate for participation of all parastatals/civic agencies in the preparation of spatial plans
- No mandates on ULSGs to draw up city sanitation plan, city resilience strategy & comprehensive mobility plan
- No policies on land titling
- Lack of robust provisions to ensure enforcement of spatial plans
- No mandates for public participation in the preparation of each levels of plans
- No executive powers for the Mayor; Mayor/Council has only limited powers over staff
- Devolves only 14/18 functions and 16/18 functions of the Twelfth schedule of the Constitution, to 'municipalities' and 'municipal corporations' respectively; ULSGs do not have final approval authority over their budget; No access to advertisement and entertainment taxes
- ULSGs are not empowered to raise borrowings or invest their surplus, without prior sanction of the State
- No mandates for ULSGs to draw up a Medium-Term Fiscal Plan, be audited by an independent external agency, and undertake internal audit of process and controls
- No mandates for ULSGs to have performance management system, periodic scientific estimation of workforce, systematic training and capacity building of municipal staff and Councillors
- SEC not empowered to undertake the delimitation of wards
- No mandates for Councillors to publicly disclose interest in public works and contracts, including that of their immediate family
- No public disclosure law mandating the disclosure of civic data by ULSGs; no mandates for open data

Source: Janaagraha's Annual Survey of India's City-Systems, in turn, based on the assessment of 9 urban legislations of Uttarakhand, including Uttarakhand (Uttar Pradesh Municipal Corporation Act, 1959), Uttarakhand (Uttar Pradesh Municipalities Act, 1916), Uttarakhand Urban and Country Development Act, 1973, Uttarakhand Building Construction and Development Byelaws/ Regulations 2011(2017), Uttarakhand Land Pooling Scheme, Uttarakhand Fiscal Responsibility and Budget Management Act, 2008, Uttarakhand Right to Services Act, 2011, Uttarakhand Lokayukta Act, 2014 and Uttarakhand Municipal Accounting Manual. Assessment is also based on allied rules, and relevant reports of the Comptroller and Auditor General of India, Uttarakhand State Finance Commission and media.