

Rajasthan City Mayors' Learning Platform



Urban Local Governance in Rajasthan

Role of Multiple Development Agencies

– Research Brief

A stylized, light brown map of the state of Rajasthan is positioned in the bottom left corner of the cover.

Tracking implementation of 74th
Constitutional Amendment in strengthening
Urban Local Bodies and improvement of
urban service delivery

Supported by:



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INTRODUCTION

A revision of urban local prospects' report by United Nations in 2012 said that India will witness the largest increase in urban population in the next four decades, followed by China. The rapid pace at which the urban population is increasing, demands for a comparable increase in provision of jobs, energy, housing and infrastructure in advance for a sustainable urban development. Goal 11 of Sustainable Development Goals (SDGs) mentions: "Make cities and human settlements inclusive, safe, resilient and sustainable". To confront and adapt to this change, India needs a governance structure which is flexible and adequate to fulfil the growing demands. The three tier planning and governance structure was introduced with 74th Constitutional Amendment in 1992 and the three levels are National, State and Local.

The 74th Constitutional Amendment Act (CAA) incorporates provisions for devolution of certain powers and functions to the third tier of governance structure popularly known as Urban Local Bodies (ULBs). The 12th Schedule of the Constitution lists the specific 18 functions under economic and social development that are best devolved to the ULBs. However, the institutional structure is not uniform across states or in metropolitan areas, and is confounded with political and administrative barriers.

Apart from these three levels, there exists another level in between the State and the Local Level, and is often known as the 'Parastatals'. Parastatals are development agencies, often owned or controlled wholly or partly by the government and involved in city planning and development works, including land acquisition. It is generally criticised that the existence of these multiple agencies intricate the governance framework of the city and their overlapping functions with ULBs result in challenges related to powers, authority, accountability and coordination.

RAJASTHAN CITY MAYORS' LEARNING PLATFORM

CUTS International in partnership with The Asia Foundation (TAF), has implemented urban governance intervention in Rajasthan since August 2012, using social accountability approaches. During the implementation of the project, it was found that there is lack of resources and delegation of powers to ULBs along with policy-related issues which need to be taken forward through collaborative efforts of all stakeholders including heads of ULBs. To address the need, CUTS with the support of TAF initiated 'Rajasthan City Mayors' Learning Platform'(RCMLP) with the objective of creating space for Mayors to discuss common issues of ULBs for improvement on 'Sharing and Learning' basis.

Rajasthan State government formed multiple urban development agencies, such as City Development Authority (JDA), Public Works Department (PWD), Public Health Engineering Department (PHED) and several others with specialised technical expertise. In one of the Mayors' Conference organised by CUTS, it came forth that in the city of Jaipur alone, more than nine agencies are working to implement infrastructure projects.

The issues regarding the lack of coordination and cooperation between multiple agencies which were raised during Phase I of RCMLP were converted into subject of brief research for Phase II of RCMLP. In Phase II of RCMLP, CUTS conducted a study on urban local governance in Rajasthan and on role of these parastatals to understand the challenges of urban governance in the state after 25 years of 74th CAA.

CUTS STUDY ON URBAN LOCAL GOVERNANCE IN RAJASTHAN & ROLE OF PARASTATALS

Key Findings

74th CAA is not properly implemented in Rajasthan and ULBs were found to be dependent on State government even for petty decisions.

While there are 18 functions (mandatory and discretionary) under the sphere of urban Local Self Government (LSG), but sanitation and related works stand at priority, with most ULBs in Rajasthan.

As Local Self Government (LSG) is under List II of the Seventh Schedule of the Constitution, only State is empowered to make laws on the subject, which is often reluctant to devolve powers to ULBs.

The presence of multiple development agencies for each function has led to decrease in role of ULBs.

Parastatals are inevitable in the governance structure of the state due to their specialised technical expertise but their existence should not reduce the role and power of ULBs.

Parastatals are not accountable and answerable to ULBs and often end up working in silos without the involvement and consideration of ULBs.

The councillors are not provided with any specific funds and even the process to get funds sanctioned is cumbersome which restricts their

ability to work freely for development of their wards.

Many a times, elected representatives do not have any political background and experience so there should be some short training sessions to provide them orientation regarding their roles and responsibilities.

Challenges like insufficient funds, less-accountable staff, no formal training for newly elected representatives need urgent attention.

There is no formal common platform where public representatives can meet and discuss governance issues and enhance coordination amongst themselves.

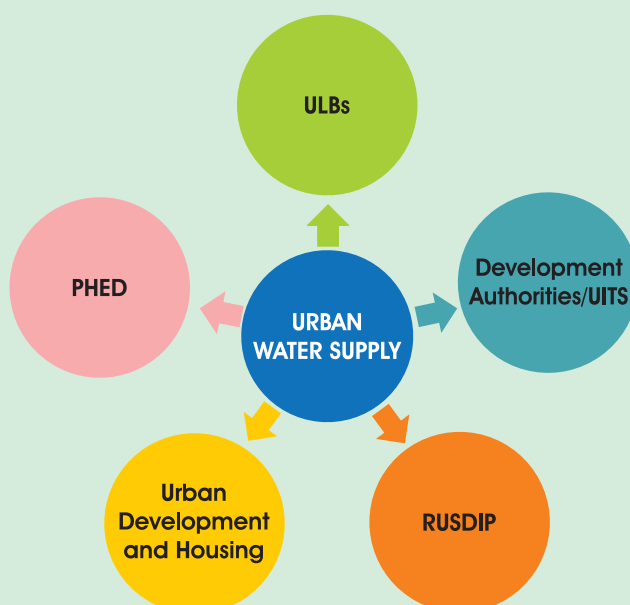
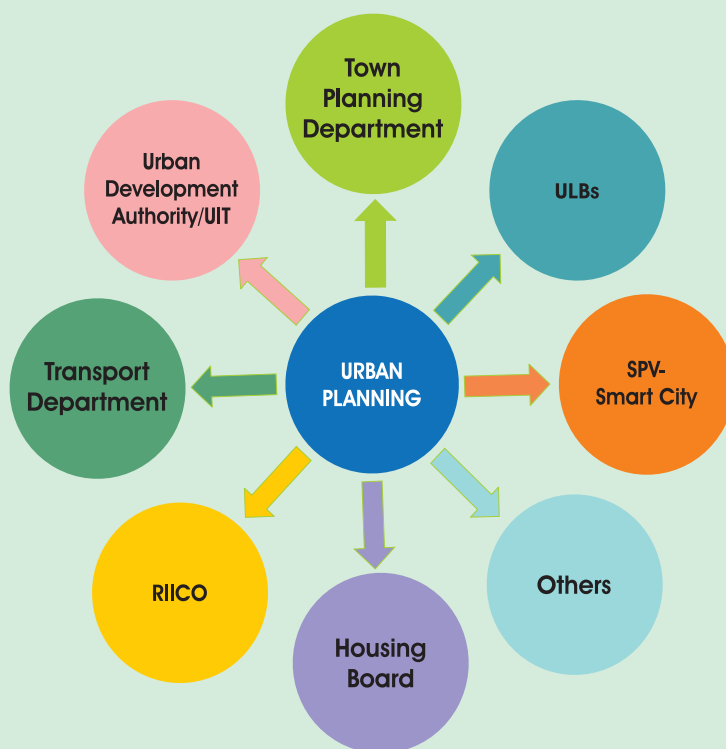
Direct election of Mayor is preferred by heads and members of ULBs and is considered more relevant in promoting democracy at grassroots level.

EXISTENCE OF MULTIPLE AGENCIES FOR URBAN SERVICES IN RAJASTHAN



Urban Planning

Town Planning Department plays the main role in urban planning with technical inputs in framing master/regional/zonal plans. The implementation of these plans involves major efforts of ULB and development authority of the city. At the same time, the coordinated efforts of agencies like Housing Boards, RIICO, RUS DIP, RUDSICO, PWD, PHED, Transport Department and now SPV for smart cities cannot be ignored for an inclusive planning process.



Urban Water Supply

In accordance with Rajasthan Urban Development Policy 2017, the responsibility of operation and maintenance of selected urban water supply schemes has been transferred to ULBs as envisioned in 74th CAA. However, the PHED is the main entity responsible for planning, designing, and building, operating and maintaining urban and rural drinking water supply in the state.



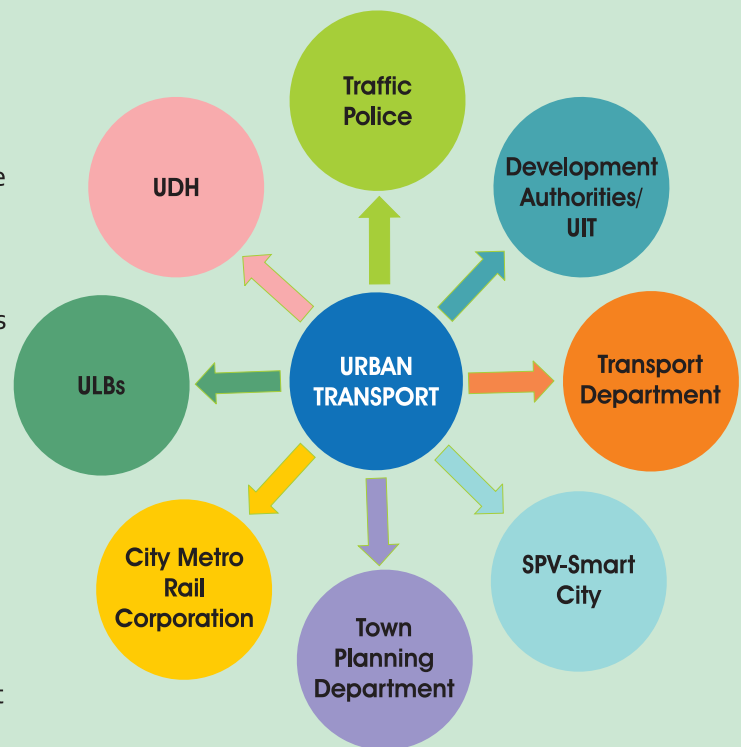
Urban Transport

The missing transport plan in the land use planning is pointed as the root cause of transport problems in the city by policymakers. Also, there are more than eight agencies with overlapping functions which are responsible to deliver urban transportation services in Rajasthan.



Solid Waste Management

This is the only function where ULBs are given the charge and authority, with least involvement of other agencies.



Co-existence of Jaipur Development Authority (JDA) and Jaipur Municipal Corporation (JMC) in Jaipur

JMC was established in the year 1994 under Rajasthan Municipalities Act, 1959 and JDA came into existence 1982 under JDA Act, 1982.

Organisational Structure: The administration, monitoring and coordination of Municipality is under Department of Local Bodies (DLB), which means JMC also works with prior approval of DLB i.e. State government. Also, while Mayor is the political head, the state government appointed Commissioner is the administrative head of JMC. Unlike JMC, the organisational structure of JDA is dispute-free and simple as both the executive and administrative wings are headed by the JDA Commissioner.

Overlapping Functions: JDA which is responsible for development and planning of Jaipur region, the function originally listed for ULBs under 74th CAA, is an important agency concerned with land use in the city development plans and infrastructure for the notified JDA area, which includes the JMC area also.

Finances: Receipts of JDA were around 160 percent of JMC receipts in the year 2015-16. The massive progress of JDA in comparison to JMC can be attributed to lack of revenue sources with JMC and huge availability of land bank with JDA. The revenue of JMC suffers with insufficient revenue system and high dependency on grants and loans.

Consequence: The functions of JDA and JMC are often overlapping, and the two agencies are seen at loggerheads every now and then in the city media, thus affecting smooth rendering of services to residents of the city.

Mayor-in-Council System

The members of the council will be nominated by the mayor from amongst the elected members of the municipality. The Municipal Commissioner would be accountable to the legislative body and the members will be able to impeach the Mayor. Approval of all budgets, building by-laws, city laws and zone changes shall be assigned to council. The elected members of ULBs can be assigned specific mandates like maintenance of urban utilities, water supply and sewage, public health and land-use plans. The Mayor should also be able to raise finances at the city level and look after the rule of law.

RECOMMENDATIONS

The State has to take initiative to promote the idea of free and independent municipal governance by giving more powers (political, administrative and financial) to ULBs for effective implementation of 74th CAA.

The institutions of Mayors, Municipal Planning Bodies and Municipalities need to be strengthened.

Mayor-in-Council system can be adopted to strengthen the role of Mayor in the city as the highest decision making authority.

The colonial concept of 'Dual Authority' in Municipal Corporations in the form of separate Political and Administrative heads should be eradicated.

Municipal Corporation Regulatory Authority and Independent Municipal Ombudsman should be set up.

Short term trainings, exposure visits, and capacity building programmes should be designed for elected representatives of ULBs.

Mayor should be made Monitoring Authority of parastatals to ensure direct accountability to Municipal Corporation.

Funds should be made available to councillors for development of their wards as per the need of the area. The utilisation of funds can be monitored by formation of an auditing committee.

NATIONAL CONFERENCE ON 25 YEARS OF 74TH CONSTITUTIONAL AMENDMENT ACT 1992

A multi-stakeholder conference to assess implementation of 74th CAA in India was organised on July 10, 2018 in Jaipur by CUTS International in partnership with Niti Aayog. The representatives from NITI Aayog, Delhi; National Institute of Urban Affairs (NIUA), Delhi; ULBs in Rajasthan; various parastatals in Rajasthan; elected representatives; Resident Welfare Agencies (RWAs); and Civil Society Organisations (CSOs) were present in the Conference.

The event brought all the stakeholders on a common platform and opened a fruitful discussion on the progress of 74th CAA in India and particularly for the State of Rajasthan regarding the various issues and challenges. At the same time, various suggestions for improvement of city governance also emerged during the course of discussion.



THINK TANK RAP Niti Aayog director says only 11 states have devolved municipal functions to urban local bodies

www.elsevier.com/locate/jmb

The concept of word construction, also well followed only in Korea and Viet Nam.

As per fifth Korean example, *gongnam* (company) is a noun.

GEORGE CHRYSTIAN, CLU's
International Director

Associate professor in
National Institute of U
Affairs (NIA) in Delhi
Kumar said the 12th should
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"Not even a singularity as that can be a match to the cities like London, New York or even Johannesburg in terms of the concentration," he added.

According to a study conducted by the United Nations Development Programme, the existence of more than 14 agencies involved in urban development and lack of coordination between them poses the challenge to more efficient government in the future. As a result, new urban reform efforts in several municipalities in Bangladesh have emerged and deputy mayors, U.S. officials and contractors and funds in cooperation have been attracted to them.

The elected representatives stressed the importance of the agency's due to technical expertise they have the same time raised on

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CAA in India where only total 11 states and UTs have devolved the functions.

TIMES NEWS NETWORK

Jaipur: The 74th Constitutional Amendment Act (CAA) was lauded as historic and landmark, however, still not properly implemented in India even after 25 years.

Sanjay Kumar Singh, Director NITI Aayog, New Delhi highlighted the sad state of 74th CAA in India where only total 11 states and UTs have devolved the functions to urban local bodies.

Jalpur: Twenty five years after the passing of the 74th Constitutional Amendment, the NITI Aarog official made the remark in his address.

The NITI Aayog official made the remark in his address to a national conference on 25 years of 74th Constitutional Amendment Act, organised by the CUTS International in association with the country's policy think tank here yesterday. He said the Central schemes such as AMBT, Smart City and Housing for All are incentive based and open up huge opportunities for ULBs which



to map their potential source of

Associate professor from National Institute of Urban Affairs (NIUA), Dr Debolina Kundu said the ULBs should have financial autonomy and there should be ways of revenue generation to make

and not implementing its provisions in letter and spirit is unfortunate. Quoting the findings of a study, he said out of 15 delegated functions recommended under 12th schedule of the Constitution, Mumbai and Pune are the two cities which have devolved 14.5 functions (14 fully and one partially), while Jaipur has devolved only seven functions. Not

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July 10, 2018, Jaipur, India

होती। इन्होंने कहा कि पुलिस का कोई ऐसा देश नहीं होगा जहाँ बने कारतब की शर-पूतलत फलाने की न हो। एस्पिनाले और और कदम बचाने का प्रयास करना होगा। उन्होंने कहा कि एस्पिनाले को विकास में न्युनो विधिपन एस्पिनाले को बीस परसेन्ट सम्मय को अभाव में विकास को उद्देश्य पूरा नहीं हो रहा है। एस्पिनाले को सत्य को जल करके लेना न सिर्फ राज्य सम्पत्ति, एस्पिनाले पर निर्भर होना न सिर्फ है बीसक न्युनो को जल करके न्युनो उन्को विकास में धारिणी का निर्वाह भी जलती है।



आर्थिक स्रोतों क

कार्यालय में कार्यरत व्यक्तियों की ओर से प्रस्तुत की। इसमें प्रदेश के राजस्व को पूर्ण तरह से विभाजित प्रदान करने की एग्रीमेंट पर कार्यरत, एम-टू के माध्यम से काम की दृष्टि, जलबंदी और

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इस और आगमन कोचरी का अग्रज है। शिक्षा में लिए कई सम्मानों के साथ-साथ कर्मचारी

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CUTS CART

Also at Delhi, Kolkata and Chittorgarh (India); Lusaka (Zambia); Nairobi (Kenya); Accra (Ghana); Hanoi (Vietnam); Geneva (Switzerland); and Washington DC. (USA).