

# **Urban Decentralisation and Regional Planning in India: Negotiating State - Local Relations**

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## **Abstract**

This paper on discusses urban decentralisation and regional planning in India and attempts to bring out the issues in negotiating state - local relations. It begins with a brief overview of urban decentralisation in India and delves into the case of the state of Karnataka. It makes reference to an assessment of the implementation in the state of Karnataka and highlights the huge gaps in implementation of the 74<sup>th</sup> Constitution Amendment Act and urban decentralisation in Karnataka. It then looks at the specific case of preparation of regional plans and brings out the fact that even in the case of regional planning, there is no decentralisation and it is the state machinery, as against the municipal elected bodies as mandated by the Constitution Amendment Act, which undertake the regional planning exercises. In conclusion, the paper brings to front the urgent need to renegotiate the inherent dichotomy of state - local relations and balance the power equation so that urban local bodies are able to chart out their civic destiny on their own.

Urban population in India was around 14 percent at the time of independence of the nation from British colonial rule in the year 1947. Urban activities till then were mostly centered around the Presidency towns of the then Bombay, Calcutta and Madras, since renamed as Mumbai, Kolkata and Chennai. However, after independence, the city of Delhi became the seat of power and started witnessing a sudden jump in growth and development. Thus, for long, the big four metropolitan cities of India were Delhi, Mumbai, Kolkata and Chennai and continue to be so even today, albeit some other cities racing to join them. While the concomitant growth of other human settlements in India had also happened over the last eight decades, the primal focus has been on these four cities. As a result, concentration of population in these four cities has led to the usual problems of congestion, increasing land prices, shortage of housing, growth of slums, traffic problems, infrastructure shortages, etc. In short, the difficulty of managing large human settlements became clear.

Civic administration in India had been one of the many outcomes of British colonial administration of the nation as a whole. The concept of the Victorian Town Hall type of civic administration made its inroads into the urban settlement system in the country. While there have been swings in terms of whether these urban local bodies should be organs of local self-government or arms of the state government machinery, the Seventy Fourth Constitution Amendment of the year 1992 finally tilted the balance in favour of 'localism' and transfer of power to the urban local bodies to carry out local governance. India joined the global debate on democratic decentralization and finally implemented the same through the enactment of the 74<sup>th</sup> Constitution Amendment Act.

The 74<sup>th</sup> Amendment introduced Part IX A (the Municipalities) containing Articles 243P to 243ZG in the Constitution. This amendment which came into effect on 1 June 1993 authorised State Legislatures to enact laws to endow local bodies with powers and authority as may be necessary to enable them to function as institutions of self-government and make provisions for devolution of powers and responsibilities (Article 243W). The 12<sup>th</sup> Schedule lists out the 18 functions to be carried out by ULBs.

However, after more than a decade, studies conducted by various institutions such as the Indian Institute of Public Administration, National Institute of Urban Affairs and others in India, at the instance of the Government of India, Ministry of Urban Affairs have revealed that the implementation has been only partial and far from complete. Whilst the necessary amendments have been made in the respective state legislation, the actual transfer of funds, functions and functionaries have not really happened.

### **Municipal Decentralisation - The Case of Karnataka**

Let us take the case of Karnataka, one of the southern 'progressive' states of the country. In a recent Audit Report of the Comptroller and Audit General of India in the year 2020 for the state of Karnataka, it was concluded that the implementation has been far from complete:

**Transfer of functions** - The State Government transferred 17 out of the 18 functions. Fire Services was not transferred. Of the 17 functions, 12 were obligatory and 5 were discretionary for CCs and it was 11 and 6 respectively for CMCs/TMCs/TPs. Further, ULBs were solely responsible for only three functions. They had no role in two functions and had limited role in

eight functions. While the ULBs were mere implementing agencies for three functions, they functioned as implementing agency under Roads and Bridges besides being responsible for implementation of this function within their jurisdiction. The discharge of devolved functions was thus, highly restricted.

**Formation of Councils** - Out of 273 ULBs, elections were not held, though due, in 23 ULBs as there were court cases relating to reservation policy of the Government in respect of wards. In 187 of the balance 250 ULBs where elections were held, councils were not formed owing to court cases regarding rotation in reservations for the offices of the Mayor/Dy. Mayor and President / Vice President. Hence, Administrators were appointed to these 210 ULBs. This rendered the democratic process meaningless.

**Mayoral tenure** - In the State, the term of office of Mayor and Deputy Mayor in the case of CCs was one year from the date of election while the term of the President and Vice President in the case of other ULBs was for a period of thirty months from the date of their election. The tenures were not coterminous with the duration of the Municipality. The term of Mayor was too little for bringing in stability and to provide a long term vision. The Mayors of cities in Karnataka are on a weak footing.

**Committees** - Ward Committees were not constituted in any of the CCs except BBMP. Hence, there was no community participation in local governance. Though District Planning Committees were constituted in 29 out of 30 districts, meetings were not held regularly resulting in non-preparation of the consolidated District Development Plan involving matters of common interest between the panchayats and the municipalities. Metropolitan Planning Committee, though constituted for Bengaluru area, did not prepare a comprehensive development plan. State Finance Commission - There were delays in constitution of SFCs ranging from 10 days to 1,606 days (1st to 4th SFC). Hence, 4th SFC was in place instead of 6th SFC due. Acceptance and implementation of the SFC recommendations were also delayed by 238 days to 1,284 days. The State Government had not implemented many of the recommendations of SFC and undertook modifications of recommendations relating to fiscal devolution. This was a setback to the process of strengthening ULBs.

**District Urban Development Cell** - The action plans of ULBs for development works to be taken up under municipal funds were being approved by DUDC after approval by the Council. This system undermined the autonomy of ULBs.

**Impact of parastatals on ULBs** – The functions of urban/town planning, regulation of land use, water supply and sanitation and slum development were delivered by parastatals in the State. These parastatals had their own governing bodies which did not include elected representative of ULBs. The State did not amend the statutes so as to make the parastatals accountable to ULBs. This arrangement infringed on the ability of ULBs to discharge their mandated functions and undermined the objective of accountability to the people.

The Audit Report observed that compliance to the Constitutional provisions by law does not guarantee effective decentralisation on ground unless followed by effective implementation. The Audit observed that the legal provisions were not backed by decisive actions resulting in a situation in which the spirit of the 74th CAA has not fructified. This was especially true in case of provisions pertaining to the devolution of functions and creation of appropriate institutional mechanisms for effective decentralisation. This is the state of affairs even after 30 years of the Constitution Amendment in the state of Karnataka. The situation in other states of the country is not very different.

## **Regional Planning**

We now take, in particular, the case of town planning, one of the 18 functions to be devolved to the urban local bodies. Historically, town planning has been in the fold of the state governments. Almost all the states in the country have Town and Country Planning Departments which prepare the master plans for cities and towns. This practice continues even to this day and there has been no transfer of this function to the ULBs. Further, there are parastatal organisations such as development authorities, particularly for each of the larger urban areas, where town planning is undertaken by the authorities and not by the local bodies.

Whilst town planning is confined to the process of preparing a plan for planned development of a town and perhaps its immediate surroundings, a Regional Plan is related to the planned development of an entire region which would comprise of not only one town, invariably the parent town, but also several other nearby towns and villages which form the region. Whilst decentralization has not happened in the area of town planning, let us examine the case of regional planning. Given below is the status of regional plan preparation in the country

## Status of Regional Planning in Various States of India

State	Regional Plan	No. of Regional Plans	Latest Update	Jurisdiction	Organization and Governing Legislation
Tamil Nadu	Regional Planning Area	12	12 Planning Areas have been notified Dated: 04/10/2021	Vellore, Ranipet, Tirupattur, Tiruvannamalai, Salem, Namakkal, Krishnagiri, Dharmapuri, Villupuram, Cuddalore, Kallakurichi, Coimbatore, Erode, Tiruppur, Chengalpattu, Kancheepuram, Tiruvallur, Chennai Metropolitan Area, The Nilgiris, Tiruchirapalli, Ariyalur, Karur, Perambalur, Pudukottai, Thanjavur, Tiruvarur, Nagapattinam, Mayiladuthurai, Madurai, Theni, Dindigul, Sivagangai, Virudhunagar, Ramanathapuram, Tirunelveli, Thoothukudi,	<i>Regional Planning Authority</i> Section-11 of Tamil Nadu Town and Country Planning Act, 1971

				Tenkasi, Kanniyakumari	
Andhra Pradesh	Amaravati Capital Region  217.23 sq.km.	1	Draft Perspective Plan - 2050 prepared in 2016	The Capital Region Area VGTM (Vijayawada-Guntur-Tenali-Mangalagiri)	<i>APCRDA</i>  APCRDA Act, 2014
	Visakhapatnam Metropolitan Region  6,764.59 sq.km.	1	Perspective Plan for the horizon year - 2051 First Released - 2021	Vizianagam and Vishakapatnam	<i>VMRDA</i>  VMRDA APMR&UD A Act, 2016.
Telangana	Metropolitan Development Plan, 2031  5,965 sq.km.	1	Published in 2013 for the horizon year of 2031	Hyderabad district, Medchal district, part of Rangareddy district, Bhuvanagiri district, Sangareddy district, Nalgonda district, Medak district and Siddipet district.	<i>HMDA</i>  HMDA Act, 2008
Maharashtra	Regional Plans	15	Sanctioned	Sangli, Akola, Amravati, Washim, Latur, Chandrapur, Gadchiroli, Gondia, Jalgaon, Nandurbar, Nashik, Ahmednagar, Palghar, Ratnagiri, Sindhudurg	<i>District Planning Committees and MMRDA</i>  Maharashtra Regional and Town Planning Act, 1966

		6	In Process	Kolhpaur, Satara, Nanded, Latur, Thane, Jalna	
		4	In Stage of Approval	Solapur, Dahanu, Mahabaleshwar, Pune	
		11	Yet to be Prepared	Dhule, Nandurbar, Buldhana, Yavatmal, Bhandara, Gondia, Beed, Wardha, Osmanabad, Parbhani & Hingoli	
	Regional Plan for Mumbai Metropolitan Region 6,500 sq.km.	3	Plan notified on 7/08/2019	Mumbai City District, Mumbai Suburban District and parts of Thane and Raigad districts	MPC Act 1999
Madhya Pradesh	Gwalior Agro Region	8	All Regional Plans have been Sanctioned	Gwalior, Bhind, Morena, Datia, Shivpuri, Sheopur	<i>Directorate of Town and Country Planning,</i> M.P. Nagar Tatha Gram Nivesh Adhiniyam, 1973
	Bhopal Capital Territory Region			Bhopal, Raisen, Sehore, Shajapur, Rajgarh	
	Indore Agro Industries Region			Indore, Dewas, Dhar, Jhabua, Ujjain, Ratlam, Mandasaur, Neemuch	
	Narmada Tapti Pradesh Regional Plan			Hoshangabad, Harda, Khandwa, Khargone,	

				Burhanpur, Badwani	
	Central Satpura Region			Balaghat, Seoni, Chhindwara, Betul	
	Jabalpur Forest Wealth Region			Jabalpur, Narsinghpur, Mandla, Dindori, Anuppur, Shahdol, Umaria, Katni	
	Bina Petrochemical Region			Sagar, Vidisha, Guna, Ashoknagar	
	Bundelkhand- Baghelkhand Region			Rewa, Satna, Panna, Chhatarpur, Tikamgarh, Sidhi	
Punjab	Greater Mohali Area Development Plan, 2058 1,190 sq.km.	1	Published in 2008 for the horizon year of 2058 Notified in 20.01.2006.	SAS Nagar, Khharar, Banur, Zirakpur, Dera Bassi and, Mullanpur	<i>Greater Mohali Area Development Authority</i>  PRTPD Act, 1995
Goa	Regional Plan for Goa  3,702 sq.km.	3	First: Horizon year 2001 Second: Horizon year 2011 Third: Horizon year 2021 Notified: 16.10.2008	Goa State	<i>State level Committee for Regional Plan for Goa</i>  Section 13 of Goa Town and Country Planning Act, 1974



Himachal Pradesh	Regional Plans	12-2	Notified	-	Section-4 of the Himachal Pradesh Town and Country Planning Act, 1977
Meghalaya	-	2	Proposed	1. Comprising of 3 (three) Districts of Garo Hills 1. Comprising of 4 (four) Districts of East and	<i>Regional Planning and Development Councils</i> - Order by the Governor on 25th Nov., 2004
				West Khasi Hills Districts, Ri-Bhoi District and Jaintia Hills District	
Chandigarh	Chandigarh Master Plan 2031 114 sq.km.	1	Notified 2015	-Regional urban areas of Punjab, Haryana and Chandigarh UT	<i>Chandigarh Administration</i> Capital of Punjab Act 1952
	Inter State Regional Plan for Chandigarh 1360 sq.km.	1	Proposed	Regional urban areas of Punjab, Haryana and Chandigarh UT	Co-ordination Committee

Delhi	NCR Regional Plan-2021  33,578 sq.km.	3	First: NCR Regional Plan- 2001(RP- 2001) 2. Second: NCR Regional Plan- 2021(RP- 2021) Notified: 17.09.2005	Sub-regional areas of Haryana, Uttar Pradesh, Rajasthan and Delhi	<i>National Capital Region Planning Board - The National Capital Regional (NCR) Planning Board Act, 1985</i>
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*Source : Rao, P.S.N. ( 2023 )*

From the above table, it can be seen that while various regional plans have been prepared or are in the process of preparation, the same has been happening through the offices of the parastatals (Statutory Authorities / Boards) and not at the municipal or urban local body level.

The popular reason attributed to this is that urban local bodies do not have the requisite skills to prepare the regional plans. However, the fact of the matter is that even the town planning departments of the states do not have the requisite technical manpower to undertake the regional plan preparation. The severe shortage of town planning professionals in various state government departments has been brought out clearly by the recent NITI Aayog report on the state of urban planning in the country. Town planning departments have therefore been hiring consultants to undertake planning exercises. In fact, even the parastatals have been short of skilled manpower and end up undertaking work through consultants.

It is quite obvious that the state governments do not desire to let go the power over land and its use allocation. More than city planning, regional planning becomes even more important since all new large economic developments require large chunks of lands and those are invariably available only in the region of the city. As regional planning becomes more and more important in urban India, centralisation of the 'town planning' function is seen.

One can thus see that while the Constitution of India has envisaged decentralisation, the state governments have been encouraging centralisation, particularly in the regional planning front. The dichotomy between state and local politics is quite evident here. If all the planning, implementation and management of cities and regions is to be done by local bodies, then what power would be wielded by the state governments? Would local municipal corporators / coucillors become more powerful than the members of the state legislative assembly? These are questions which are becoming important today in the realm of urban governance.

Regional planning relates to the way the region is to be developed. It relates to the use land needs to be put to and has a direct bearing on the local people, their land and their livelihoods. The future of the population, their lives and economy gets impinged when decisions are taken by the state government departments without the involvement of the people or their elected local representatives. Regional planning not only touches the lives of people in several towns but also several villages. Thus, decentralisation and devolution of regional planning becomes extremely important to achieve the spirit of the 74<sup>th</sup> Constitution Amendment Act which aims at democratic decentralisation. Negotiating this dichotomy of state-local relations has cost the nation three decades with little change in the path.

The reality is that while the Centre, State and Local governments all have their respective roles to play, the role of the local government in the area of land, land use, land allocation, land development and land regulation becomes very significant and therefore, the keen interest of the state government in keeping the local very much a part of the state and not fully independent as a third tier of governance. If democratic decentralisation has to be brought to full fruition, then it is essential that the unfinished agenda of full implementation of the 74<sup>th</sup> Constitution Amendment Act needs to be taken up urgently.

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