

Chapter-1

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1.1 74th Constitutional Amendment Act

In order to enable the Urban Local Bodies (ULBs) to perform effectively as vibrant democratic units of self-government, it was considered necessary that provisions relating to ULBs are incorporated in the Constitution of India through an amendment. Such an amendment was to put on a firmer footing, their relationship between the State Government with respect to the functions, resources as well as for regular conduct of elections and providing adequate representation for the weaker sections like Scheduled Castes, Scheduled Tribes and women.

The Constitution (Seventy Fourth Amendment) Act 1992, which came into effect on 1 June 1993, provided a constitutional status to ULBs in the country. Article 243W of the Constitutional Amendment Act authorised the 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-governance and make provisions for devolution of powers and responsibilities. The 12th Schedule of the Constitution enumerates 18 specific functions to be devolved to ULBs.

1.2 Trend of Urbanisation in Uttarakhand

As per census 2011, the urban population of State of Uttarakhand was 30.5 Lakh including cantonments & census towns¹. The overall urbanisation rate, was around 30.2 *per cent*. The average annual urban growth rate of four *per cent* is much high compared to rural growth rate of 1.2 *per cent*.

Apart from the resident urban population, the State has a number of tourist destinations and places of pilgrimage *e.g* Mussoorie, Nainital, Haridwar, Rishikesh, Badrinath, Kedarnath, Gangotri and Yamnotri. Consequently, large number of tourists and pilgrims ply throughout the year. This also increase the load on the urban infrastructure and urban services.

Being a hilly State, most of the ULBs are located in the remote hilly areas of the State. Thus, the Urban Development planning is a challenging task in the State and different strategies are required to meet requirements of residents. The topography and geographical features of the State are additional challenges for planners.

¹ Census town is one which is not statutorily notified and administered as a town, but nevertheless whose population has attained urban characteristics like population exceeds 5,000 at least 75 *per cent* of main male working population is employed outside the agricultural sector and minimum population density of 400 persons per km.

The ULBs are categorised as Municipal Corporation [Nagar Nigam (NN)], Municipal Council [Nagar Palika Parishad (NPP)] and Nagar Panchayat (NP) based on population and are constituted for a period of five years. These bodies have been given the power to legislate and implement scheme for economic development and social justice. The State legislature can assign specific taxes, duties, tolls, *etc.* for the effective functioning of ULBs.

1.3 Profile of the Urban Local Bodies

There are two divisions in the State *viz.* Garhwal and Kumaun. There are 91 ULBs in the State as detailed in **Table-1.1** below.

Table-1.1: Category wise ULBs in Uttarakhand

Type of ULB	Garhwal Division	Kumaun Division	Total Number of ULBs
Nagar Nigam	05	03	08
Nagar Palika Parishad	23	18	41
Nagar Panchayat	25	17	42
Total	53	38	91

Source: Information provided by Urban Development Department.

The NNs are governed by the Uttaranchal (Uttar Pradesh Municipal Corporation Act, 1959) Adaptation and Modification order 2002 while the NPPs and NPs are governed by the Uttar Pradesh Municipality Act, 1916 (Uttaranchal Amendment), 2002. The ULBs have been further divided into wards which are determined and notified by the State Government for the purpose of election of councillors. All the ULBs have an elected body. The NNs comprise of Mayor and councillors while the NPPs and NPs comprise of President/Chairman and Ward Members.

1.4 Organisational Set-up

The overall control of the ULBs rests with the Principal Secretary/Secretary (ULB) to the Government of Uttarakhand. Urban Development Directorate (UDD) is the administrative department for the ULBs in the State. The organisational structure with respect to functioning of ULBs in the State is given in **Appendix-1.1**.

In addition to ULBs, the UDD has a number of key parastatal agencies for undertaking part of the functions expected to be performed by the municipal bodies under the 74th CAA. The key parastatal entities under its control are Uttarakhand Housing and Urban Development Authority (UHUDA), Uttarakhand Peyjal Sansadhan Vikas evam Nirmaan Nigam, Mussoorie Dehradun Development Authority (MDDA), Uttarakhand Urban Sector Development Agency and Dehradun Smart City Limited.