

<b>Course title:</b> Urban Governance				
<b>Course code</b> MEU 143	<b>No. of credits:</b> 3	<b>L-T-P:</b> 37-8-0	<b>Learning hours:</b> 45	
<b>Pre-requisite course code and title (if any):</b> None. However, a basic knowledge of civics and understanding of political processes will be useful. Basic familiarity with urban spaces is presumed				
<b>Department:</b> Sustainable Engineering				
<b>Course coordinator(s):</b>		<b>Course instructor(s):</b> Dr Abhijit Datey		
<b>Contact details:</b> abhijit.datey@terisas.ac.in				
<b>Course type:</b> Compulsory		<b>Course offered in:</b> Semester 1		
<b>Course description</b>				
<p>Governance assumes great significance in the context of urban development and management. This course is intended to equip students not from a legal background with a basic understanding of the law and policy related to the governance of cities and the process of urbanisation in India. It looks at urban governance through four main themes: administration, planning, environment and citizenship, and is divided into five modules.</p> <p>The course opens with an introductory module covering the basics of the Indian legal system, an overview of urban governance in India, and the Constitutional foundations of urban local bodies. The next module provides an overview of the legal and administrative framework dealing with the creation, composition, powers and functions of these bodies, with an emphasis on their role in decentralised democratic governance and not merely as providers of urban services. The third module looks at urban planning as a legal function, and its role in maintaining State control over urbanisation as a process. This module also focuses on the role of informal systems and processes that exist outside formal urban planning, and how their relative fluidity plays an important role in the growth of cities. This is followed by a module examining environmental laws and processes in the context of urban issues.</p> <p>The course closes with a module on urban citizenship, which looks at how regulatory processes affect different classes of the city's residents and the kind of recognition the law accords to them. Drawing on earlier parts of the course, this module will use livelihood, housing, and public order to illustrate how despite formal equality before the law, planning and administrative processes have tended to push the urban poor to the margins of cities. At the end of the course, students will examine to what extent the ideals of decentralised democratic urban governance enshrined in the Constitution have translated into practice.</p>				
<b>Course objectives</b>				
<ol style="list-style-type: none"> <li>1. Introducing students to the laws, policies and institutions governing cities and urbanisation in India.</li> <li>2. Enabling students to understand processes and structures play an important role in the administration of these laws and policies vis-à-vis different classes of citizens.</li> <li>3. Equipping students with the skill to analyse legal and policy documents in their application to urban governance.</li> </ol>				
<b>Course contents</b>				
<b>Module</b>	<b>Topic</b>	<b>L</b>	<b>T</b>	<b>P</b>
	<b>Module I: Introduction</b> <b>A. Government and Governance</b> <ul style="list-style-type: none"> <li>• Social Contract Theory</li> <li>• Good Governance</li> <li>• Decentralisation, Deconcentration, and Devolution</li> </ul> <b>B. Introduction to the Constitution of India and the Indian legal system</b> <ul style="list-style-type: none"> <li>• Federal structure, three tiers of government</li> <li>• Fundamental rights; Directive Principles of State Policy</li> <li>• Legislation: Parliament and State Legislatures; Acts and Rules; Difference between law and policy</li> <li>• Judicial remedies: High Courts and Supreme Court</li> </ul> <i>Constitution of India: Articles 32, 226</i>	9	1	0

	<b>C. Introduction to Urban Governance in India</b> <ul style="list-style-type: none"> <li>Constitutional history of the 74<sup>th</sup> Constitutional Amendment</li> <li>Overview of legislation on urban local bodies</li> </ul>			
	<b>Module II: Administration</b> <p><b>A. Institutions and processes</b></p> <ul style="list-style-type: none"> <li>Types of urban local bodies <i>Constitution of India: Article 243-Q</i></li> <li>Composition of urban local bodies</li> <li>Elections and reservation; Councillors and wards <i>Constitution of India: Articles 243-R, 243-T, 243-U</i></li> <li>Mayor in Council</li> <li>Standing Committee and other committees</li> <li>Municipal Commissioner and other officers</li> <li>Functions of urban local bodies</li> <li>Devolution of functions from state governments to urban local bodies <i>Constitution of India: The Twelfth Schedule</i></li> </ul> <p><b>B. Finance</b></p> <ul style="list-style-type: none"> <li>Overview of Municipal Finances</li> <li>State Finance Commission</li> <li>Functionaries: municipal auditors and accountants <i>Constitution of India: Articles 243-I, 243-Y</i></li> <li>Municipal Funds; Special Funds</li> <li>Municipal budgeting and sub-budgets</li> <li>Contracts and tenders</li> <li>Loans and borrowing powers</li> <li>Introduction to municipal taxation</li> <li>Property tax; classification and assessment of buildings</li> <li>Octroi; water, sanitation and other taxes <i>Constitution of India: Articles 243-X, 265</i></li> </ul> <p><b>C. Public Participation</b></p> <ul style="list-style-type: none"> <li>Importance of participatory processes in democratic governance</li> <li>Wards Committees; Ward/Area Sabhas</li> <li>Smart cities and public participation</li> <li>Mohalla Sabhas in Delhi: experiments in participative democracy <i>Constitution of India: Article 243-S</i></li> </ul>	10	2	0
	<b>Module III: Planning</b> <p><b>A. Regulation</b></p> <ul style="list-style-type: none"> <li>The importance of planning: “ideal” cities and the rule of law</li> <li>Role of the law in regulating development: formal and informal settlements</li> </ul> <p><b>B. Institutions and systems</b></p> <ul style="list-style-type: none"> <li>Violations of the planned city</li> </ul>	6	2	0
	<b>Module IV: Environment</b> <p><b>A. Overview</b></p> <ul style="list-style-type: none"> <li>Sources of Indian Environmental Law <i>Constitution of India: Articles 21, 48A, 51A</i></li> </ul>	8	2	0

	<p><b>B. Institutions</b></p> <ul style="list-style-type: none"> <li>Ministry of Environment, Forests and Climate Change</li> <li>Central and State Pollution Control Boards</li> <li>National Green Tribunal</li> </ul> <p><b>C. Environmental governance and the city</b></p> <ul style="list-style-type: none"> <li>Polluter Pays; Sustainable development; Precautionary Principle.</li> <li>Overview of Urban Water, Sanitation and Hygiene (WASH)</li> <li>Discussion of Cases</li> </ul>			
	<p><b>Module V: Citizenship</b>  <b>Understanding Right to the City and Planned Exclusions</b></p> <ul style="list-style-type: none"> <li>Differing judicial responses to issues of the urban poor: slums, street vendors and the homeless</li> </ul>	4	1	0
	<b>Total</b>	<b>37</b>	<b>8</b>	<b>0</b>
<p><b>Evaluation criteria:</b>  <b>Weightage (%)</b>  <b>Minor Tests I and II: 20%</b>, Small Assignments per week connected to lectures taken in the class (Individual, Written tests on theory, Assignments containing literature review and summarisation, Assignments are specifically linked to learning outcome 1 &amp; 3. The students would become comfortable reading laws, policies and understand their relevance in larger context of urban governance. They would also gain confidence in using such documents for analysis.)</p> <p><b>Project Work-I: 20%</b>, Duration of 1 month after first month of lectures (Individual, understanding comparative differences between state level legislations, this project is linked to learning Objective-2, where the students would assess and evaluate differences between laws and policies and understand their working)</p> <p><b>Project Work-II: 20%</b>, Duration of 1 month after second month of lectures (Group, analysing any current urban problem and its solution from the perspective of law, linked to learning objective-4, student would learn the socio-political processes behind law formation and challenges and gaps of implementation)</p> <p><b>Major Test: 40%</b> (End of the semester) (Individual, Written exam, written exam is linked to all the four outcomes to test the comprehensive understanding of the subject and its linkage with various components of urban development and management)</p>				
<p><b>Learning outcomes</b>  On successful completion of this course, students will be able to:</p> <ol style="list-style-type: none"> <li>Understand the various aspects of urban governance and the role of law and policy therein.</li> <li>Have a basic understanding of legal processes and documents and how to read them.</li> <li>Appreciate the role played by socio-political processes in the implementation of law and policy.</li> <li>Evaluate the functioning of laws, policies and institutions of urban governance from the perspective of democratic governance and other constitutional values.</li> <li>Understand the need for reforms in urban governance and the steps taken in this direction.</li> </ol>				
<p><b>Mandatory reading</b></p> <ol style="list-style-type: none"> <li>K.C. Sivaramakrishnan, <i>Governing Megacities: Fractured Thinking, Fragmented Setup</i>, <b>Introduction</b> (Oxford University Press: 2014)</li> <li>Anuj Bhunia, <i>Courting the People: Public Interest Litigation in Post-Emergency India</i> (Cambridge University Press: 2017)</li> <li>Praveen Donthi, <i>The Road to Gurgaon</i>, Caravan Magazine (January 2014)</li> <li>Reserve Bank of India, <i>Municipal Finance in India: An Assessment</i>, <b>Chapter 3</b> (December 2007)</li> </ol>				

5. Partha Mukhopadhyay, *Unsmart Cities*, Livemint (June 2016)
6. Centre for Policy Research, *Categorisation of Settlement in Delhi* (May 2015)
7. Shahana Sheikh and Ben Mandelkern, *The Delhi Development Authority: Accumulation without Development*, Centre for Policy Research (December 2014)
8. Diya Mehra, *Protesting Publics in Indian Cities: the 2006 sealing drive and Delhi's traders*, Economic and Political Weekly (July 2012)
9. Partha Mukhopadhyay and Patrick Heller, *State-produced inequality in an Indian city*, Seminar (August 2015)
10. Amit Chandra and Rajul Jain, *Property Rights of Street Vendors*, Centre for Civil Society (June 2015)
11. Gautam Bhan, *"This is no longer the city I once knew": Evictions, the urban poor and the right to the city in millennial Delhi*, Environment & Urbanisation (2009)
12. Ministry of Housing and Urban Poverty Alleviation, *Mission Document: National Urban Livelihoods Mission*, Government of India (2013)
13. Aditya Nigam, *Theatre of the Urban: The Strange Case of the Monkey-man*, Sarai Reader (2002)
14. M.P. Ram Mohan and Anvita Dulluri, *Constitutional mandate and judicial initiatives influencing Water, Sanitation and Hygiene (WASH) programmes in India*, Journal of Water Sanitation and Hygiene for Development (April 2017)
15. Parth J. Shah and Makarand Bokore, *Ward Power-Decentralised Urban Governance*, Centre for Civil Society (2006)
16. Praja, *Report on Working of Ward Committees in the City of Mumbai and Civic Problems Registered by Citizens*, Praja.org (April 2016)

#### **Further reading**

1. Planning Commission, *Report of the Working group on Urban Governance* (2011)
2. Chetan Vaidya, *Urban Issues, Reforms and Way Forward in India*, Department of Economic Affairs, Government of India (2009)
3. Ministry of Urban Development, *JNNURM Reform Papers on:*  
 (i) e- governance (ii) Property Tax (iii) Community Participation Law

#### **Suggested List of Legislations, Cases and Plans**

1. Mumbai Municipal Act 1888: sections 5-5A, 6-6B, 19,36-37, 38-50S, 54, 73A-78, 79, 61, 63-63A, 78A-78E, 111-138, 69-73, 106-106A,109, 50TT
2. Delhi Development Act 1957: sections 2-6,22,7-14
3. Water (Prevention and control of pollution) Act,1974
4. Air (Prevention and control of pollution) Act, 1981
5. National Green Tribunal Act, 2010
6. Environment Protection Act, 1986
7. Masterplan of Delhi, 2021
8. *M.C. Mehta v. Union of India* (relocation of polluting industries)
9. *Manoj Mishra v. DDA* (NGT case on Art of Living celebration)
10. *Olga Tellis v. State of Bombay* (pavement dwellers case)
11. *Pitampura Sudhar Samiti v. Union of India* (JJ rehabilitation case)
12. *Sudama Singh v. NCT of Delhi* (Delhi HC case on eviction process)
13. *Court on its own motion v. NCT of Delhi* (Delhi HC case on night shelters)
14. *E.R. Kumar v. Union of India* (homelessness case)

#### **Course Reviewers**

The course is reviewed by the following experts.

1. Dr. Usha Raghupathi, Former Professor, National Institute of Urban Affairs (NIUA), New Delhi
2. Dr. M.P. Ram Mohan, Professor, Indian Institute of Management (IIM), Ahmedabad

#### **Prepared by:**

Dr Abhijit Datey