



REFORM MEASURES IN MUNICIPAL ADMINISTRATION- A CASE STUDY OF TELANGANA

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1. New Legislation and the Features

The recent Telangana Municipalities Act 2019 covering municipalities and municipal corporations excluding Greater Hyderabad Municipal Corporation repealed Telangana Municipalities Act of 1965 and Telangana Municipal Corporations Act of 1994. The repealed Acts of 1965 and 1994 have the genesis of Madras District Municipalities Act of 1920 and Hyderabad Municipal Corporations Act of 1955, respectively. Thus the 2019 Act replaced decades-old legislations and introduced emerging reforms to meet the national and global needs of urban system. The Act also incorporated the aspirations of the people of nascent and developing State. The prominent reform measures, *inter-alia* include:

- i) Cleansing of city
- ii) Greening of city
- iii) Model town concept/E-governance system and online services
- iv) Accountable and responsive governance
- v) Ease of getting permissions
- vi) Citizen-centric governance
- vii) Discipline and control

2. Cleansing of city

The primary responsibility as well as one of traditional service activities of the municipality is sanitation, which includes cleansing of the city. Various novel and innovative measures have been introduced under cleansing of cities, the prominent among them is preparation of City Sanitation Plan, which includes ward-wise and town-wise plan for collection, segregation, transfer and processing of waste, ensuring lifting of 100% municipal solid waste on daily basis.

Unlike earlier practice of the municipality owning the whole responsibility in all cleansing activities, the individual householders as well as managements of gated communities and apartments, etc. are made responsible in some of the sanitation activities in the present system. Every individual household or user, whether domestic or non-domestic has to segregate solid waste at source and hand over segregated waste to municipality and in case of failure to comply with this responsibility, municipality will get the segregation and collect costs thereof from him. The Resident Welfare Associations (RWAs) and associations managing gated communities, apartments, residential and non-residential building complexes, etc. are responsible to segregate waste at source, provide community bins and other facilities in their premises, and ensure that waste is lifted daily.

However, management of dump yards is the responsibility of the municipality. The municipality has to process entire solid waste duly adopting scientific methods covering bio-mining, bio-processing or any other technology. Similarly, the municipality has to encourage setting up of compost yards wherever possible and make efforts to have in-situ composting

in parks, apartments, function halls etc. Measures to deal with bio-medical waste, hazardous waste and construction & demolition waste are also addressed.

As a progressive step, it is desired to set up of a specialized body corporate, either stand alone, or under the superintendence of Director of Municipal Administration to bring in focused institutional attention to scientific waste management.

The health and sanitation aspects also covered food safety and standards, and provision of sufficient public convenience places and facilities like restrooms, urinals, washrooms and child-feeding centres. Another novel measure is to ensure that the non-residential premises which are accessible to public by nature of their trade or activity like commercial complexes, cinema halls and such other public places should provide requisite parking place and public conveniences for use by public free of charge.

Environment management, disaster management, abatement of nuisance and management of domestic animals are also addressed. As a measure to reduce stray animal population, it is proposed contrary to usual practice of destruction of animals, that domestic animal left unattended and straying in the municipal limits is handed over to the Animal Protection Committees or any other such agency.

Apart from regular officers and employees of sanitation department of the municipality to undertake and supervise the work, the ward member (elected representative) is made equally responsible within his/her jurisdiction to ensure proper sanitation, door-to-door garbage collection from all residential and commercial establishments and in situ composting of wet waste and processing of dry waste at ward level. To ensure compliance of the responsibility, Government holds power to remove the member from office, if Government is of opinion that he failed to carry out the functions referred above.

3. Greening of city

Government of Telangana has undertaken an ambitious and massive tree plantation in the State under 'Telanganaku harithaharam' project. Harithaharam is a large-scale tree-planting program to increase the amount of green cover in the state from 24% to 33%. To meet the goal of massive tree coverage, greening of city has taken a big role in the municipal activities.

Like City Sanitation Plan under cleansing of cities, Green Action Plan is contemplated under greening of city. A District Level Committee headed by District Collector and consisting of District Forest Officer (Social Forestry) and Municipal Commissioners in the district will draw up municipality-wise and ward-wise "green action plan" over a period of five years specifying the species to be developed and number of plants to be planted, keeping in mind the area, topography and availability of possible species .

Apart from regular horticultural and urban forestry officials of the municipality, the Chairperson and Commissioner are made responsible for setting up the nursery (at the city-level) and proper upkeep and growth of nursery to meet the requirements of the municipality. A municipal employee has been designated at the ward level exclusively for tree plantation. The ward member and the municipal employee designated for the purpose are responsible to ensure 85% survival of plants. To ensure the compliance of the responsibility of ward member, it is provided that he would be disqualified and removed, when the plant survival is less than 85% and/or there is lack of involvement of the ward member resulting in poor survival of plants. Similar check has been provided in respect of the municipal employee too.

A 'green cell' has to be constituted at city level and 10% of funds in the budget have to be earmarked for the cell. This responsibility falls on Chairperson. Apart from it, he is also responsible for development of nurseries and species as decided by the District level committee at the municipal level. The Chairperson as a ward member is also responsible to undertake plantation in his ward and ensure 85% survival of such plantation. In case, Government is of the opinion that the Chairperson has failed to carry out these functions, it holds power to remove him from office.

To ensure strict implementation of the programme, the District Collector may engage flying squads to take up regular inspection of the maintenance of nursery and ward-wise plantations and take necessary action if the survival rate of plantations is less than 85%.

Further, as a measure of greening the city, it is provided that the Energy Conservation Building Code or Green Building Code or any other energy and water conservation measures as deemed appropriate by the Government, will be made applicable to buildings on specified plots and/or built-up area. Similarly, certain number of trees/plants have to be planted in the open area of the plot where building is being constructed.

4. Model town concept/ E-governance system and online services

Two novel features have been introduced under municipal functions. One is transformation of the town into model town, under which the municipality has to prepare a perspective plan. The other feature is multi-faceted and covers:

- (a) Adoption of e-governance system for delivery of municipal services on anytime anywhere basis and providing better, speedy, accountable and transparent administration.
- (b) Arrangement to deliver the services through online for convenience of citizens in a timebound manner.

- (c) Establishment of one or more Citizen Service Centres for the purpose of providing online services and facilitating redressal of citizen grievances.
- (d) Preparation of citizens charter and listing the municipal services, the officers responsible to deliver the services and timelines.
- (e) Taking action to recover penalty from the person responsible for delay in not adhering the timelines for delivery of service as per citizen charter.
- (f) Adoption of electronic and other machines during collection of amounts, which enable auto-updation in online application and accounting application.

Some of the provisions where online submission of applications and issue of permissions are made include:

- (a) Application for layout has to be made online.
- (b) Building application on small plots (75 sq. yd. or less in extent) has to be registered online duly self-certifying the plot size.
- (c) Building application on big plots (upto 500 sq. mt.) would be processed through online based self-certification system and online approval released.
- (d) Building permission fee and other charges have to be paid by the applicant along with the application on online mode.
- (e) Online services for collection of taxes, fees and user charges.
- (f) Instantaneous transfer of property in the name of transferee in property tax records on payment of prescribed fee by transferor and transferee at the time of registration.
- (g) Application for trade license submitted online and permission issued online.

Details of sanction of layout applications and building applications are discussed under 'ease of getting permissions' in the later part of the paper.

5. Accountable and responsive governance

The Act provides that administration of municipality vests in the Council and the Council exercises such powers and perform such functions as conferred under the Act. The functions of the municipality are listed and are performed through Commissioner. The list is exhaustive. Besides traditional municipal functions and the functions listed in Twelfth Schedule of the Constitution, certain additional functions like use of Information Technology in service delivery, citizen centric services and census-related functions are also listed.

Other authorities, i.e., Chairperson, Commissioner and Ward Member have only duties and responsibilities and they have been specified in the Act.

5.1 Chairperson

The Chairperson being the head of the council presides over the meetings of council. Besides council meetings, he is responsible to certain executive functions and service-related functions. While responsibilities relating to council meetings include presiding over meeting, maintaining order during meeting, convening of meeting once in a month and signing of minutes book within 24 hours, etc., other responsibilities include mandatory service activities and regulatory activities.

The service activities are maintenance of sanitation, water supply and streetlights, ensuring door-to-door garbage collection from all residential and commercial establishments and scientific process and disposal of solid waste and liquid waste; constitution of green cell and earmarking 10% of funds in the budget, development of nurseries and species in the municipality, development and maintenance of parks; protection of water bodies and undertaking plantation in his ward and ensure 85% survival of such plantation.

The regulatory activities are closure and audit of accounts every year, removal of encroachments on municipal properties, protection of government land and open spaces, reduction of non-revenue water and transmission loss of water, reduction of power bores, encouraging construction of rainwater harvesting structures and complying with energy conservation building code and cool roofing.

5.2 Commissioner

The duties and responsibilities of Commissioner are also detailed in the Act. The Commissioner is the Chief Executive of the Municipality. Besides performing the functions of municipality, Commissioner is basically responsible to keep the municipality clean and take measures for general upkeep of sanitation ensuring human safety. These functions have to be performed by Commissioner through various officers and employees of the municipality.

5.3 Ward Member

Similarly, ward member also has specific responsibilities and duties. While the responsibilities are as a member of the Council, the duties are as a ward member to be performed within his/her jurisdiction.

The responsibilities as a member of Council include

- a) Calling the attention of Chairperson to any grievance
- b) Moving resolution on any matter relating to municipal administration
- c) Ensure consideration by Council and taking appropriate resolution on any matter or subject raised or submitted by him/her.

The duties as a ward member to be performed within his/her jurisdiction are:

- a) Ensure proper sanitation, water supply and streetlights
- b) Ensure door-to-door garbage collection from all residential and commercial establishments
- c) Along with concerned official, ensure segregation of waste at source and collection of waste on regular basis
- d) Ensure in situ composting for wet waste and processing of dry waste at ward level
- e) Take up plantation in accordance with the District Action plan and ensure at least 85% survival
- f) Reduce non-revenue water, transmission loss of water and usage of power bores
- g) Safeguard and protect water sources, lakes or other water bodies
- h) Undergo training on developmental activities in the administration of the municipality

In addition to the functions specifically conferred by this Act, he is also responsible for any other function assigned by Government from time to time.

5.4 Ward Committee

Four ward committees are constituted for every ward separately representing (i) youth, (ii) women, (iii) senior citizens and (iv) prominent people from the ward to consider and advise on issues referred to them. Each Ward Committee consists residents among the resident welfare associations, community-based organizations and other such groups and individuals from the ward. They are entrusted with taking up issues pertaining to each of the groups in the ward. In addition to the group issues, they would also discuss and advise on matters relating to sanitation, solid waste management, tree plantation, water supply, parks and playgrounds, and sports and cultural activities in the ward.

5.5 Licensed technical personnel (LTP)

The municipality licences LTPs and a code of conduct would be prescribed for them. The LTPs are qualified architects and engineers and are well acquainted with master plan, detailed plan or local area plan regulations and building rules of the municipality. They have been given a greater responsibility under the Act in matters relating to the layout applications and building applications and also in supporting the applicants in submission of various self-certificates.

All the functionaries are thus made accountable and responsible and action on non-performers are discussed under 'discipline and control' in the later part of the paper.

6. Ease of getting permissions (EOGP)

Getting permissions in municipality relate mostly in town planning section (land development /layout permissions and building permissions) and to some extent in health section (trade licences).

The town planning section basically concerns with development of land and construction of buildings. In these two cases, permissions would be given by the municipality and major reforms have been introduced in easing out the permission era.

6.1 Development of Land/Layout approvals

In addition to the usual land use plans of Master Plan and Local Area Plan, the concept of 'integrated township' has emerged. The integrated township is a self-contained township based on 'walk to work' concept. This concept minimizes distance between workplace and residence, reduces pressure on roads and provides more productive time for people. The integrated township acts as a hub containing residential, office space, commercial, entertainment and services with planned infrastructure in place. Government proposed to encourage integrated townships by prescribing minimum threshold area and providing appropriate incentives.

Development of land, besides land use planning, also covers layout approvals. Major reforms have been introduced to process layout approvals very easily through measures like self-certification, online submission, timely disposal, and deemed disposal, etc.

The owner or developer who intends to develop a land (raw material) as a layout (commodity) has to pay the layout fee, development charges and other fees and make an application to the municipality along with required documents for its approval. The application for layout has to be submitted online. It will be processed through self-certification system in accordance with the layout rules, and as per the provisions of master plan and detailed planning scheme or local area plan. If all required documents are furnished and required fee is paid through a web based online system, a tentative layout plan would be approved within 21 days and communicated online to enable the layout owner to carry out the infrastructure and other amenities within the timeframe.

Government constitutes a Layout Approval Committee for every district with the District Collector as Chairman and Superintendent Engineers or Executive Engineers of Roads and Buildings Department, Panchayati Raj Department and Irrigation Department as members. The Committee would process the application for approval of layout plan and releases the final layout plan after actual development of the land in conformity with the tentative layout. The role of municipal officers in sanctioning layout plans has been eliminated. The whole process of approval of final layout plan is detailed below and it has to be carried out in the manner prescribed by Government.

- a) The layout proposal has to comply and conform to the master plan and detailed planning scheme or local area plan regarding land use, road network and reservation of land for public purposes, etc.

- b) Besides road network, certain percentage of land is to be reserved towards open space, i.e., parks, playgrounds, common parking place and social infrastructure for solid waste management, etc. in the layout.
- c) The layout owner has to complete the infrastructure and other amenities within two years from the date of approval of tentative layout plan.
- d) Certain percentage of plotted area, the value of which is equivalent for carrying out the infrastructure has to be mortgaged with the municipality and it would be released only upon completion of all infrastructure and other works.
- e) If the layout owner fails to execute the required works within the said time period, the Commissioner will get the left-over works executed within an year by meeting the expenditure on selling the mortgaged plots for its equivalent value; and, the owner and developer may be blacklisted and not allowed to undertake further layouts in the State either individually or in partnership.
- f) After completion of infrastructure and other works in the layout plan, all roads and open spaces, such as parks, playgrounds, and common parking area as earmarked in the layout, have to be registered, free of cost and free from all encumbrances, in the name of municipality. The Commissioner has to make a record of them in the register of roads and register of open spaces.
- g) Upon completion of the infrastructure and other works as per the layout plan, the layout owner has to submit online application along with a self-certification duly attested by a licensed technical person, declaring that the layout has been developed as per norms and tentative layout plan, and all roads and open spaces in the layout have been handed over in favour of municipality through a registered gift deed. Based on the self-certification, the approval of layout plan would be processed and the district level layout approval committee issues final layout plan online to the layout owner.
- h) The development and implementation of layout would be verified by the Committee.
- i) After the issue of final layout plan, Commissioner would release the area mortgaged with the municipality to the layout owner within 21 days.
- j) On release of final layout plan, the landowner can dispose the house plots. Any transaction involving the land which is part of earmarked road or open space is illegal, and the owner or developer who sells or claims such land for any use is penalized and punished, including imprisonment for a period not exceeding three (3) years.
- k) No new plot or sub-division be registered by the registration authority unless it is approved by the authority as per the provisions of this Act
- l) In case, the layout is obtained by making false statement or misrepresentation of material facts, it would be revoked.
- m) Any person or developer who takes up unauthorized development of land without obtaining necessary permission is liable for punishment with imprisonment for a term which may extend to three (3) years, or with fine which may extend to twenty five

percent (25%) of the value of land in question at the time of using the land as fixed by the Registration Department.

- n) The developers or occupiers of all unapproved or unauthorized layouts, as on the date of commencement of this Act, have to apply to the Commissioner within a year and cause or carry out necessary developments or amenities. If they fail to do so, the Commissioner will carry out the developments and amenities, and expenses thereof would be recovered from them.

A major check for due compliance of the above events is also made. It is categorically mentioned that if the concerned official fails to take up timely action, he is liable for disciplinary action.

The layout permission process has been streamlined with the following measures introduced in the new legislation.

- a) Self-certification
- b) Online submission of application
- c) Prescribed timelines for approval of various processes
- d) Approval by District level committee and absence of municipal functionaries in the process
- e) Major role of LTPs in processing and uploading of applications
- f) Accountability of LTPs in case of omissions
- g) Major punishment for defaulters including imprisonment.

6.2 Building permissions

Another major area where permissions issued by the municipality is building permissions. Various measures have been introduced for getting building permissions easily. Along with the ease, measures to check the misuse have also been incorporated. The measures include:

- a) Categorisation of plots into small, big and bigger
- b) Online submission of applications
- c) Online and timely approvals
- d) Deemed permission in case of bigger plots
- e) Non-involvement of municipal functionaries
- f) Approval by District level committee
- g) Detection and monitoring of unauthorised construction

In the process of building permissions, the first requirement is land use certification. No piece of land is used as a site for construction of a building, and no building will be constructed or reconstructed without the self-certification-based declaration relating to the land use of building site or construction or reconstruction of building.

Building permissions would be considered upon submission of required documents and when they are in accordance with the master plan and detailed planning scheme or local area plan and the building rules.

For approval of building permissions, the plot size is a basic criterion. The plot sizes are categorised into three (3).

i) Buildings on plot size upto 75 square yards (63 square meters) and construction of Ground or Ground plus one (G+1) floor (small plots)

These buildings do not require any permission. However, the applicant has to register online with token amount of one rupee and duly self-certifying the plot size and number of floors. The building does not require completion certification or occupancy certification. Nobody should misuse the provision by splitting the plot or by taking up construction in government, disputed or prohibited land. Action would be taken if anybody violates the provision.

ii) Building in plot size upto 500 square meters and building height of 10 meters (big plots)

The application would be processed through an online based self-certification system in accordance with the master plan and detailed planning scheme or local area plan and the building rules and also upon furnishing the required information when instant online approval is released.

The onus of authenticity of self-certification lies with the applicant, and he is held personally accountable and liable in case of false declaration. The District level committee would verify the documents submitted by the applicant and if any misrepresentation or false statement is noticed, action would be taken against the applicant.

Further, the owner or developer along with the building application has also to furnish an undertaking that, in case of any construction made by him in violation of sanctioned plan is noticed, the Government or the Commissioner or the agency authorized by him would take action to demolish the construction without issue of any notice.

iii) Buildings in a plot above 500 square meters and height above 10 meters (bigger plots)

In respect of such buildings, and also of commercial buildings, high rise buildings, group development schemes, group housing schemes, apartment complexes, multiplexes, non-residential buildings and such other constructions, which require multiple no objection certificates (NOCs), one common application form would be developed.

Such applications have to be submitted through online system and they will be processed under single window system by a single window committee set up for the purpose. The online application has to be submitted with all requisite documents. The shortfalls or incompleteness or instances where further information or clarification is needed would be communicated to the applicant within 10 days from the date of application. The building

application accompanied by all valid and required documents will be considered and sanctioned within 21 days.

If no order is issued on the building application within the time prescribed, the approval will be deemed to have been issued. If there has been delay in arriving at a decision within the timeframe, the official concerned will be liable for disciplinary action.

If it is found that the deemed approval has been obtained by misrepresentation of facts or false statements, and/or against the building rules and master plan provisions, the permission issued under the deemed clause would be revoked by the Commissioner.

The building permission fee and other charges would be prescribed by Government from time to time and they have to be paid by the applicant along with the application through online mode.

The residents are encouraged to bring instances of unauthorized constructions or constructions in violation of or in excess of permissions to the notice of the municipality or the District Collector. The identity of such informer will be kept confidential. All such instances have to be examined within a week and appropriate action would be initiated. The informer will be incentivized if the information furnished by him is found correct.

In addition to the above, Government may constitute special task force at the district level to detect and monitor unauthorized constructions and take timely action. If it is noticed that any person has commenced construction or reconstruction of a building without obtaining the permission or carried out or completed otherwise than in accordance with the sanctioned master plan or detailed town planning scheme or local area plan or in breach of any provisions of this Act, or any rules or bye laws, the Commissioner or the agency authorized by him will demolish the unlawful construction and recover the cost incurred for doing so from him.

The registration authority will not register any building or structure without production of sanctioned plan approved by the municipality. The electricity and water supply connections will be given only for the buildings which have obtained necessary permission.

Another reform measure is constitution of Town Planning Building Tribunal. The Government constitutes municipal town planning building tribunal or tribunals to decide appeals, and to adjudicate the offences contravening the provisions in respect of land development and building regulations.

6.3 Trade licenses

Trade License for carrying out trade is another area where getting permission is made easier. The Municipality publishes a notification specifying conditions and required certificates

including no objection certificate from required agencies, such as pollution control board, and the prescribed form for the purpose of conducting any trade in the Municipality. The request for the licence along with required documents as prescribed shall be submitted online and permission is also issued online. A fine of 25 times of licence fee shall be levied in case it is found that self-certification was done wrongly with mala-fide intention.

7. Citizen-centric governance

In addition to accountable governance, citizen-centric governance is another reform measure in the new legislation. An era of self-certification has been introduced.

7.1 Self-certification for layout application

- a) Application for layout has to be made online. It will be processed for issue of tentative layout through self-certification system in accordance with the layout rules, and as per the provisions of master plan and detailed planning scheme or local area plan.
- b) Upon completion of the infrastructure and other works as per the tentative layout plan, the layout owner has to submit online application along with a self- certification duly attested by a licensed technical person, declaring that the layout has been developed as per norms and tentative layout plan, and all roads and open spaces in the layout have been handed over in favour of municipality through a registered gift deed. Based on the self-certification, the approval of layout plan would be processed and the district level layout approval committee issues final layout plan online to the layout owner.

7.2 Self-certification for building application

Self-certification-based declaration relating to the land use of building site or construction or reconstruction of building.

- a) Small plots -These buildings do not require any permission. However, the applicant has to register online with token amount of one rupee and duly self-certifying the plot size and floors.
- b) Big plots - The application would be processed through an online based self-certification system in accordance with the master plan and detailed planning scheme or local area plan and the building rules and also upon furnishing the required information, when instant online approval released.

7.3 Occupancy certificate

- a) In case of non-high rise buildings constructed in plots above 200 square meters and below 500 square meters, the owner or builder in a prescribed form duly attested by

the licensed technical personnel, has to furnish a self-certification stating that the building has been constructed as per the sanctioned plan and as per rules and regulations in force. Based on this, occupancy certificate will be issued online.

- b) In the case of high rise buildings and buildings constructed in plots of 500 square meters and above, the owner or builder would furnish online self-certificate in a prescribed form duly attested by the licensed technical personnel that the building has been constructed as per the sanctioned plan and as per rules and regulations in force; and based on the self-certification, occupancy certificate would be issued within 15 days from the date of application.

7.4 Self-assessment of taxes

The owner of newly constructed or reconstructed building may submit online self-certification and ensure his property is assessed and tax paid. He is responsible for providing correct information during self-assessment. An audit is undertaken at random for self-assessments. If any variation is found, Commissioner would correct the assessment and levy actual tax, and one-time penalty of 25 times of tax amount. Penal action will also be initiated in addition to the penalty.

8. Discipline and Control

8.1 Rationale

Municipalities are created by State as per federal character of the Constitution of India and the State Government is answerable to the Legislature for all actions of the municipalities. Therefore, State Governments across the country hold certain powers of control over municipalities. Besides regular controls like reports, inspections, enquiries, and audit, etc., the major controlling powers are:

- a) Cancellation or suspension of resolution, order, licence or permission
- b) Suspension of Chairperson, Vice Chairperson or Ward Member
- c) Removal of Chairperson, Vice Chairperson or Ward Member
- d) Dissolution of Council.

Government exercises these powers in cases of violation of any provisions of law, likelihood of financial loss or against health or safety or public order, etc. There would also be provision for opportunity.

Secondly, the Act provides various self-certification/declaration provisions to the citizens with a high sense of confidence and trust. To ensure that citizens do not breach the confidence and trust reposed by Government and to check persons doing wrong things, Government retained few measures of control over citizens as well as administration. To enforce 'Rule of Law' which is one of major ingredients of democracy, there are two options to Government,

one is persuasion and the other is punishment. The former option has been put in place all these years, but the result is obvious. So, the Government desired to go for the latter option. The objective is not to punish the defaulters per-se, but to ensure that due discipline is enforced.

The District Collector is a representative of Government at the district level and as such, he is also empowered in addition to Government to exercise control over municipalities in his jurisdiction. The controls exercised by the Government and/or District Collector against the defaulters in various areas are discussed below.

8.2 Cleansing of city

The role of various functionaries and action taken against them if they fail to respond to their duties have already been discussed earlier in 'cleansing of city'. However, under this heading, the control issue is reiterated.

If the ward member within his/her jurisdiction fails to ensure proper sanitation, door-to-door garbage collection from all residential and commercial establishments and in situ composting of wet waste and processing of dry waste at ward level, Government holds power to remove the member from office.

8.3 Greening of city

The role of various functionaries and action taken against them if they fail to respond to their duties have already been discussed earlier in the section 'greening of city'. However, the control portion under this head is reiterated.

The ward member and the municipal employee designated at the ward level exclusively for tree plantation are responsible to ensure 85% survival of plants in the ward. The ward member may be disqualified and removed, when the survival is less than 85% and/or there is lack of involvement of the ward member resulting in poor survival of plants. Similar check has been provided in respect of the municipal employee and he too may be removed.

The Chairperson is responsible to constitute a 'green cell' at city level and earmark 10% of funds in the budget for the cell. He is also responsible for development of nurseries and different species of plantations at the municipal level. As a ward member, he is also responsible to undertake plantation in his ward and ensure 85% survival of such plantation. In case, Government is of the opinion that the Chairperson has failed to carry out these functions, they may remove him from office.

8.4 Layout Approval

The roles of owner, developer and LTP in approval of layouts and action taken for failure to follow the roles have been thoroughly discussed above under 'ease of getting permission'. However, the control measures in case of failure are briefly discussed here.

The onus to ensure authenticity of self-declaration and compliance with the self-certification lies on the owner and the licensed technical personnel, and they are held responsible and accountable in case of false declaration and are liable for punishment. The licenses of LTPs would be cancelled and their names blacklisted in case of any misrepresentation or false statement or false certification of drawings for land development in violation of master plan and building rules. The permissions would be cancelled, if they are obtained on false declaration and/or misrepresentation of facts. They are also liable for punishment which includes imprisonment upto three years, levy of penalty, sealing of the property without any notice besides forfeiture of the mortgaged plots. On release of final layout plan, the landowner can dispose the house plots. Any transaction involving the land which is part of earmarked road or open space is illegal, and the owner or developer who sells or claims such land for any use is penalized and punished, including imprisonment for a period not exceeding three (3) years.

Any person or developer who takes up unauthorized development of land without obtaining necessary permission; or undertakes or carries out development of land in contravention of master plan or without permission, or in contravention of any conditions in the permission is liable for punishment with imprisonment for a term which may extend to three (3) years, or with fine which may extend to twenty five percent (25%) of the value of land in question as fixed by the Registration Department. Further, the owner and developer are blacklisted and are not allowed to undertake further layouts in the State either individually or in partnership. The municipality is empowered to seal the premises if it is unauthorizedly developed. If the owner or developer assures rectification of development and if the Commissioner is satisfied, the Commissioner may, for the purpose of rectification of development, remove the seal.

8.5 Building permission

The roles of owner, developer and LTP in building permissions and action taken for failure to follow the roles have been thoroughly discussed above under 'ease of getting permission'. However, the 'control' aspects are briefly discussed here.

The Commissioner may revoke the building permission, whenever it is found that it was obtained by making false statement or misrepresentation of material facts or violation of rules. The owner, developer and the licensed technical personnel connected with the building would be liable for punishment which includes imprisonment upto three years, levy of penalty, demolition or taking over or sealing of the property without any notice besides cancellation of licenses of technical personnel and forfeiture of the mortgaged built up area in case of flats/ buildings.

Any person who undertakes or carries out construction of any building in contravention of master plan or without permission, or in contravention of any conditions in the permission is punished with imprisonment for a term which may extend to three (3) years, or with fine

which may extend to twenty five percent (25%) of the value of land or building in question as fixed by the Registration Department or with both. Besides penal action, the building would be demolished, and the demolition cost would be recovered from the owner of the building.

The municipality may seal the building if it is unauthorizedly constructed. If the owner or developer assures rectification of construction and if the Commissioner is satisfied, the Commissioner may, for the purpose of rectification of construction, remove the seal.

When earmarked parking place in a building is put to any other use, the municipality would levy a penalty on the owner or developer, which may extend to twenty five percent (25%) of the value of land or building as fixed by the Registration Department.

8.6 Self-assessment of Tax

The owner of newly constructed or reconstructed building may assess his building on self-certification and pay the tax. He is responsible for correct information in self-assessment. If any variation is found later on random audit, the Commissioner corrects the assessment and levy actual tax, and one-time penalty of 25 times of tax amount. Penal action will also be initiated in addition to the penalty.

8.7 General administration

The Commissioner is the Chief Executive of the Municipality and works under overall control and superintendence of District Collector. The Commissioner has to perform various functions through various officers and employees of the municipality. He specifies the duties of the officers and employees of the municipality, exercises supervision and control, and initiates disciplinary action over them.

The District Collector is empowered with authority over municipal functionaries. He may suspend Commissioner or any other employee, if in his/her opinion, the said officer has failed to carry out the duties entrusted under this Act or for any other form of impropriety or dereliction of duties. He can also initiate disciplinary action against the said officer.

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