
ADVANCING HUMAN RIGHTS THROUGH HOUSING AND URBAN DEVELOPMENT POLICIES

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INTRODUCTION:

The Housing and Urban Development Department (HUDD) typically operates within a framework of objectives and scopes outlined by legislation and policy documents. While the specifics can vary depending on the country or region, the general objectives and scopes of such an act usually include Affordable Housing: To ensure that adequate, affordable, and quality housing is available to all segments of the population, particularly low-income and vulnerable groups.

Urban Planning and Development: To promote sustainable urban growth and development by planning and implementing infrastructure projects, land use regulations, and zoning laws. Improvement of Living Conditions: To enhance the quality of life in urban areas through the provision of essential services such as water, sanitation, transportation, and public spaces.

Economic Development to stimulate economic growth by fostering investments in urban areas and creating job opportunities through development projects. Environmental Sustainability to incorporate environmental considerations into urban planning to ensure that development is sustainable and minimizes negative impacts on the environment. Social Inclusion to promote social equity by addressing housing disparities and ensuring that marginalized communities have access to urban services and opportunities. Disaster Resilience to enhance the resilience of urban areas to natural and man-made disasters through effective planning and infrastructure development.

SCOPE OF THE DEPARTMENT:

Regulatory Framework Establishing and enforcing regulations related to land use, zoning, building codes, and housing standards to guide urban development and construction.

Infrastructure Development Planning and implementing infrastructure projects such as roads, public transit, parks, and utilities that support urban living. Housing Programs, Administering programs aimed at providing financial assistance for homebuyers, supporting rental housing, and facilitating the construction of affordable housing units.

Urban Renewal and Redevelopment Managing efforts to revitalize deteriorating urban areas through redevelopment projects, preservation of historic sites, and improvement of public spaces. Data Collection and Research: Conducting research and collecting data on housing markets, urban trends, and demographic changes to inform policy and planning decisions. Collaboration and Coordination: Working with other government agencies, local authorities, private sector partners, and community organizations to implement housing and urban development initiatives.

Policy Formulation Developing and updating policies and strategies related to housing and urban development to address emerging challenges and opportunities. Public Outreach and Education: Engaging with the public to raise awareness about housing issues, urban planning, and available programs, and soliciting feedback to improve services. These objectives and scopes reflect the broad mandate of a Housing and Urban Development Department to create livable, equitable, and sustainable urban environments. The specific details can vary, so it's always good to consult the relevant legislation or official documents for precise information related to a particular jurisdiction.

The Housing and Urban Development Department (HUDD) is crucial in shaping the living conditions and quality of life within urban areas. Understanding the necessity and purpose of its objectives and scopes provides insight into why such an entity is vital for societal development. Here's a breakdown.

STAGES OF THE HUDD:

Addressing Housing Shortages: Many urban areas face significant shortages of affordable housing. The HUDD plays a critical role in addressing these shortages by developing and implementing housing policies and programs.

Managing Urban Growth: Rapid urbanization can lead to unplanned and haphazard growth. The HUDD is necessary to ensure that urban expansion is managed in a way that

promotes orderly development and prevents issues such as overcrowding and inadequate infrastructure.

Improving Living Standards: Urban areas often grapple with issues like poor living conditions and inadequate infrastructure. The HUDD's focus on improving housing quality and urban infrastructure helps elevate living standards and public health.

Promoting Economic Development: Urban areas are often economic hubs. Effective urban planning and development are necessary to foster economic growth, create jobs, and attract investment.

Ensuring Environmental Sustainability: Urban development can strain natural resources and contribute to environmental degradation. The HUDD's role in incorporating sustainability into urban planning helps mitigate these impacts.

Supporting Social Equity: Disparities in access to housing and urban services can exacerbate social inequalities. The HUDD aims to ensure that all residents, including marginalized groups, have access to housing and urban amenities.

Enhancing Disaster Resilience: Urban areas must be resilient to various risks, including natural disasters. The HUDD's focus on disaster preparedness and infrastructure resilience helps safeguard communities.

PURPOSE OF THE PLAN:

Formulating Policies and Regulations To create a structured approach for housing and urban development, establishing policies and regulations that guide land use, zoning, and construction practices.

Developing Housing Programs To design and implement programs that provide affordable housing options, assist low-income families, and support various housing needs.

Planning and Implementing Infrastructure: To ensure that essential services such as transportation, water supply, sanitation, and public spaces are well-planned and executed to support urban living.

Facilitating Urban Renewal To manage and oversee projects aimed at revitalizing

deteriorating areas, improving public spaces, and preserving cultural and historical sites. Conducting Research and Analysis To gather and analyze data on housing and urban trends to inform decision-making and adapt policies to changing conditions. Coordinating with Stakeholders To collaborate with local governments, private sector entities, and community organizations, ensuring a cohesive approach to urban development.

Educating and Engaging the Public To raise awareness about housing and urban issues, engage the public in planning processes, and ensure transparency and accountability in decision-making. Implementing Disaster Resilience Measures To incorporate strategies into urban planning that enhance the ability of urban areas to withstand and recover from disasters. In summary, the objectives and scopes of the Housing and Urban Development Department are necessary for addressing fundamental urban challenges and achieving the broader goals of equitable, sustainable, and well-planned urban environments.

The purpose of these objectives is to guide effective management and development of urban areas, ensuring they meet the needs of current and future residents.

POST-ERA OBJECTIVES AND SCOPES IN TAMIL NADU

AFFORDABLE HOUSING AND SHELTER:

Objective: To provide affordable and quality housing solutions for different income groups, including the economically weaker sections (EWS) and lower-income groups (LIG). Scope: This includes the construction of affordable housing projects, implementation of housing schemes like the Tamil Nadu Housing Board (TNHB) schemes, and initiatives to improve slum conditions.

URBAN INFRASTRUCTURE DEVELOPMENT:

Objective: To enhance urban infrastructure to support growing urban populations and improve quality of life.

Scope: Development of essential infrastructure such as roads, public transportation systems, water supply, sanitation, and waste management facilities.

URBAN PLANNING AND SMART CITIES:

Objective: To promote sustainable and well-planned urban growth through smart city initiatives and improved urban planning. Scope Implementation of smart city projects, development of master plans for urban areas, and integration of technology into urban management to create efficient and sustainable cities.

ENVIRONMENTAL SUSTAINABILITY:

Objective: To incorporate environmental considerations into urban development to ensure sustainable growth. Promotion of green building practices, waste management systems, and the creation of green spaces and parks within urban areas.

SLUM IMPROVEMENT AND REDEVELOPMENT:

Objective: To improve living conditions in slums and redevelop slum areas to integrate them better into the urban fabric. Upgrading slum infrastructure, providing better housing options, and ensuring that slum redevelopment projects include community participation and support.

DISASTER RESILIENCE AND MANAGEMENT:

Objective: To enhance the resilience of urban areas against natural and man-made disasters. Developing disaster management plans, improving infrastructure resilience, and ensuring that new developments adhere to safety standards.

ECONOMIC DEVELOPMENT AND EMPLOYMENT GENERATION:

Objective: To boost local economies and create job opportunities through urban development projects. Scope Encouraging private investment, supporting local businesses, and integrating economic development into urban planning.

PUBLIC PARTICIPATION AND TRANSPARENCY:

Objective: To involve citizens in the planning and implementation of housing and urban development projects. Scope to Engaging with communities, ensuring transparency in decision-making processes, and incorporating public feedback into planning initiatives.

RECENT DEVELOPMENTS:

Tamil Nadu Urban Habitat Development Board (TNUHDB):

Recently, TNUHDB has been actively involved in developing housing projects, slum improvement, and urban infrastructure initiatives, reflecting a continued focus on enhancing urban living conditions.

Smart Cities Mission:

Tamil Nadu has been participating in the Smart Cities Mission, aimed at transforming selected urban areas into smart cities through innovative solutions and technology integration.

Sustainable Development Goals (SDGs):

The state has increasingly aligned its urban development policies with the United Nations' Sustainable Development Goals (SDGs), focusing on sustainability and inclusivity in urban planning.

Public-Private Partnerships (PPPs):

There has been a greater emphasis on leveraging public-private partnerships to fund and implement urban development projects, enhancing efficiency and resource utilization.

Revitalization Projects:

Projects to revitalize historical and culturally significant urban areas have gained traction, aiming to preserve heritage while promoting tourism and local development.

In summary, the post-era objectives and scopes of the Housing and Urban Development Department in Tamil Nadu reflect an evolving focus on sustainability, smart urban planning, infrastructure development, and inclusivity. These objectives aim to address contemporary urban challenges and enhance the overall quality of life for residents across the state.

In India, the Housing and Urban Development Department (HUDD) operates under the broader framework of constitutional provisions and legislative acts that provide the legal and

administrative foundation for its functions. Here's an overview of the constitutional provisions and the purpose of the relevant acts related to housing and urban development:

CONSTITUTIONAL PROVISIONS:

Article 246 and the Seventh Schedule:

Article 246 outlines the distribution of powers between the Union and State legislatures. The Seventh Schedule divides powers into three lists: the Union List, the State List, and the Concurrent List. **Housing and urban development primarily fall under the State List (List II) in the Seventh Schedule.** This means that state governments have the authority to legislate on matters related to housing and urban development.

Article 243W:

This article provides for the establishment of municipalities and outlines their powers, functions, and responsibilities. It mandates the creation of urban local bodies to ensure local governance and address urban planning, housing, and infrastructure needs.

Directive Principles of State Policy (Part IV of the Constitution):

Articles 38, 39, 40, and 46 highlight the principles aimed at promoting socio-economic justice and ensuring adequate housing and living conditions. These principles guide state policies and legislation on housing and urban development.

Purpose of the Relevant Acts:

The Tamil Nadu Town and Country Planning Act, 1971:

To provide a framework for the systematic planning and development of urban and rural areas in Tamil Nadu. This act facilitates the preparation of development plans, land use regulations, and zoning laws to guide urban growth and ensure orderly development.

The Tamil Nadu Housing Board Act, 1961:

To establish the Tamil Nadu Housing Board and empower it to develop and manage housing projects, especially for the economically weaker sections and lower-income groups.

The act aims to address housing shortages and improve housing conditions in urban and semi-urban areas.

The Urban Land (Ceiling and Regulation) Act, 1976 (Repealed):

Although repealed, this act was initially aimed at imposing ceilings on land holdings to prevent land concentration and promote the availability of land for urban development and housing. Its objectives included redistributing surplus land for public purposes.

The National Buildings Organization Act, 1978:

Purpose To establish the National Buildings Organization (NBO) for the collection, analysis, and dissemination of data related to building construction, housing, and urban development. The act supports the development of national policies and standards for building and housing.

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 201 Purpose To provide a fair and transparent process for land acquisition, ensuring fair compensation to landowners, and facilitating the rehabilitation and resettlement of displaced persons. This act addresses issues related to land acquisition for urban development and infrastructure projects.

The Smart Cities Mission Framework:

Purpose: Launched by the Government of India, this mission aims to develop 100 smart cities across the country with a focus on sustainable and inclusive urban development. The framework provides guidelines and objectives for the creation of smart, efficient, and citizen-friendly urban environments.

The constitutional provisions and legislative acts related to housing and urban development in India provide a comprehensive framework for managing and guiding urban growth, infrastructure development, and housing policies. The constitutional provisions grant states the authority to legislate on these matters, while various acts serve specific purposes ranging from urban planning and housing development to land acquisition and smart city initiatives. Together, these provisions and acts aim to ensure orderly, sustainable, and equitable urban development across the country.

The Housing and Urban Development Department (HUDD) in Tamil Nadu plays a pivotal role in managing urban growth, improving living conditions, and addressing housing needs. Here are some of the advantages and disadvantages of the department's functions and initiatives:

Systematic Urban Planning:

Advantage: The HUDD facilitates comprehensive urban planning and development through the Tamil Nadu Town and Country Planning Act. This helps in creating well-structured cities and towns with organized land use and zoning regulations.

Impact: Promotes orderly growth, reduces urban sprawl, and ensures efficient land utilization.

Affordable Housing Initiatives:

Advantage: The department works to provide affordable housing solutions through various schemes like the Tamil Nadu Housing Board (TNHB) projects and other housing schemes.

Impact: Increases access to housing for low-income and economically weaker sections, improving living standards and reducing homelessness.

Infrastructure Development:

Advantage: The HUDD oversees the development of crucial urban infrastructure such as roads, public transportation, water supply, and sanitation facilities.

Impact: Enhances the quality of urban life, supports economic activities, and ensures better service delivery.

Urban Renewal and Redevelopment:

Advantage: The department is involved in revitalizing deteriorating urban areas and slums, leading to improved living conditions and the creation of better public spaces.

Impact: Upgrades infrastructure, promotes social integration, and boosts local economies.

Disaster Resilience:

Advantage: The HUDD incorporates disaster management and resilience measures into urban planning.

Impact: Enhances the ability of urban areas to withstand and recover from natural and man-made disasters.

Smart City Initiatives:

Advantage: Tamil Nadu participates in the Smart Cities Mission, focusing on technology-driven urban development.

Impact: Improves efficiency in urban services, enhances livability, and fosters sustainable development.

Implementation Challenges:

Disadvantage: Implementing large-scale housing and urban development projects can face delays and inefficiencies due to bureaucratic red tape, funding issues, and logistical challenges.

Impact: Can result in slow progress and unmet project timelines, affecting overall effectiveness.

Affordability Issues:

Disadvantage: Despite efforts to provide affordable housing, the demand often exceeds supply, and the cost of housing in urban areas may remain high.

Impact: Low-income groups may still struggle to find affordable and quality housing.

Urban Sprawl:

Disadvantage: Rapid urban growth can lead to uncontrolled sprawl, putting pressure on infrastructure and resources.

Impact: Can result in increased travel times, traffic congestion, and environmental degradation.

Inequality in Development:

Disadvantage: Urban development initiatives may not be evenly distributed, leading to disparities between different regions and social groups.

Impact: Can exacerbate socio-economic inequalities and result in uneven access to amenities and services.

Environmental Impact:

Disadvantage: Urbanization and infrastructure development can have adverse environmental impacts, including loss of green spaces, increased pollution, and depletion of natural resources.

Impact: Can affect overall sustainability and quality of urban life.

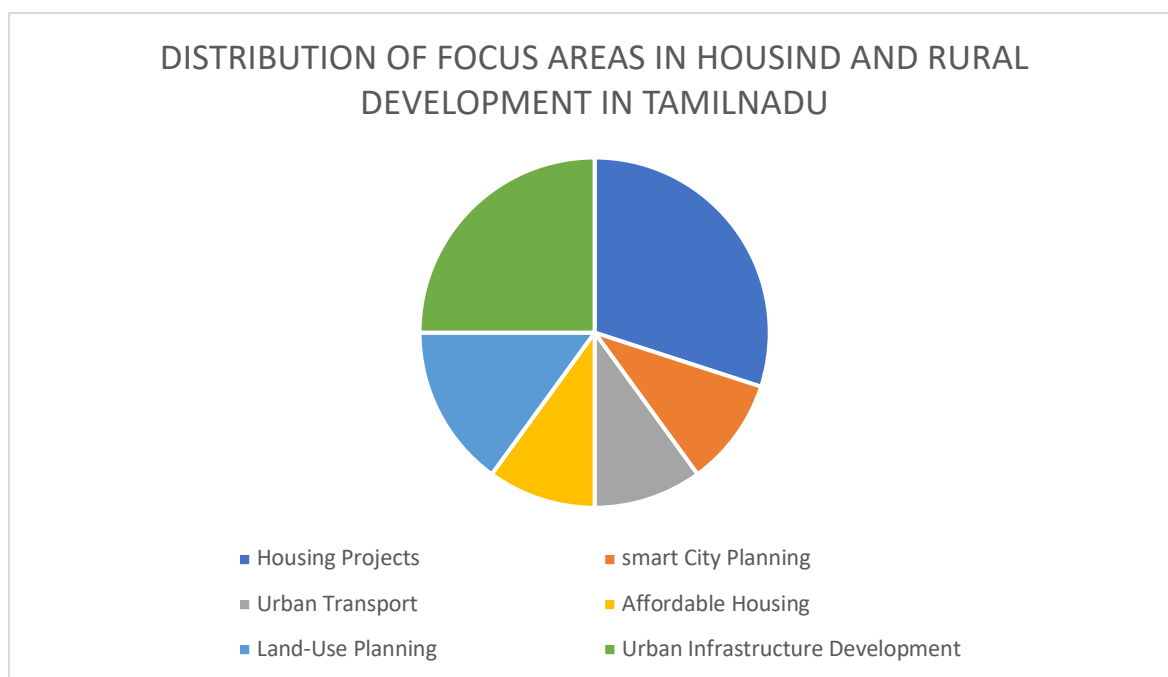
Public Participation and Transparency:

Disadvantage: There can be a lack of sufficient public involvement and transparency in planning and implementation processes.

Impact: May lead to public dissatisfaction, reduced community support, and suboptimal outcomes for urban development projects.

Summary:

The Housing and Urban Development Department in Tamil Nadu offers significant benefits in terms of planning, infrastructure development, and affordable housing. However, it also faces challenges related to implementation, affordability, urban sprawl, and environmental impact. Addressing these disadvantages requires ongoing efforts to improve efficiency, equity, and sustainability in urban development practices.



Here is a pie chart representing the distribution of focus areas in the Housing and Urban Development Department in Tamil Nadu. The chart illustrates how different sectors, such as housing projects, urban infrastructure development, and smart city projects, contribute to the overall development efforts.

The Housing and Urban Development Department of Tamil Nadu is focusing on various future development initiatives to address growing urbanization, housing needs, and sustainable development. Below are some key future development strategies:

1. Affordable Housing Expansion

Objective: Increase housing supply for the economically weaker sections (EWS) and low-income groups (LIG).

Future Focus:

Launching large-scale affordable housing schemes under Pradhan Mantri Awas Yojana (PMAY).

Slum redevelopment and in-situ rehabilitation to improve living conditions.

Encouraging public-private partnerships (PPP) for affordable housing.

2. Smart City and AMRUT Projects

Objective: Transform cities with better infrastructure and digital services.

Future Focus:

Expansion of the Smart Cities Mission in Tamil Nadu's cities, incorporating smart technology for governance, waste management, and traffic systems.

AMRUT (Atal Mission for Rejuvenation and Urban Transformation) projects aimed at improving water supply, sewerage, and green spaces in urban areas.

Transit-Oriented Development (TOD)

Objective: Promote sustainable urban mobility and reduce congestion.

Future Focus:

Integrated urban development projects focusing on creating residential and commercial spaces around major transport hubs (metro stations, bus terminals).

Emphasizing public transport with last-mile connectivity in Chennai and other major cities.

Sustainable and Green Housing

Objective: Develop energy-efficient housing solutions and reduce environmental impact.

Future Focus:

Adoption of green building codes and sustainable construction materials.

Energy-efficient technologies, including solar-powered homes and eco-friendly designs.

Promoting rainwater harvesting, recycling, and waste management practices in housing projects.

Urban Infrastructure Modernization

Objective: Enhance urban infrastructure for future growth.

Future Focus:

Upgrading urban utilities (roads, drainage, waste management) to support growing urban populations.

Investing in smart utilities and grid systems for efficient energy and water use.

Expansion of road networks, bridges, and flyovers to ease traffic flow in major cities.

Satellite Town and New Township Development

Objective: Decongest urban areas by developing new townships.

Future Focus:

Development of satellite towns around Chennai, Coimbatore, Madurai, and other major cities to reduce pressure on core urban areas.

Attracting investments in satellite towns for residential and commercial development, creating job opportunities and enhancing quality of life.

Digitization and Smart Governance

Objective: Improve the efficiency of urban planning and housing services.

Future Focus:

Introduction of e-governance platforms for transparent housing allocations, land-use permissions, and citizen engagement.

Digitization of land records, building approval processes, and online services for faster clearances.

Climate Resilience and Disaster Management

Objective: Build climate-resilient urban areas.

Future Focus:

Developing housing and infrastructure that can withstand natural disasters like floods and cyclones.

Implementing climate-adaptive urban planning by safeguarding vulnerable areas and improving drainage systems.

Integrated Master Plans for Urban Growth

Objective: Provide a long-term urban development framework.

Future Focus:

Comprehensive master plans that integrate housing, transportation, and infrastructure.

Strategic planning for long-term urban growth, balancing development with environmental sustainability.

Promoting Rental Housing

Objective: Address the demand for affordable rental homes, especially in urban areas.

Future Focus:

Introduction of new rental housing policies aimed at promoting affordable rental options for the working population.

Reviving unused and vacant housing units for rental housing.

These future plans aim to create a well-rounded, sustainable, and inclusive urban environment in Tamil Nadu, with a focus on housing for all sections of society and modernizing urban infrastructure.

CASE ANALYSIS RELATED TO THE SUBJECT:

Here are some notable case laws related to the Housing and Urban Development Department in Tamil Nadu, adjudicated in the Supreme Court of India and the Madras High Court over the past five years:

Tamil Nadu Housing Board vs. R. Chandra (Supreme Court, 2019)

Issue: Land acquisition and compensation disputes.

Summary: The Tamil Nadu Housing Board (TNHB) had acquired land for housing projects, but there were disputes regarding compensation. The landowners claimed that the compensation was inadequate under the provisions of the Land Acquisition Act, 2013.

Outcome: The Supreme Court ruled in favor of the landowners, directing the TNHB to provide fair compensation as per the updated provisions of the law. The judgment reaffirmed the need for transparency in compensation procedures.

Tamil Nadu Housing Board vs. K. Karuppusamy (Madras High Court, 2021)

Issue: Delay in handing over possession of houses and plots.

Summary: The petitioner, K. Karuppusamy, alleged that the TNHB failed to hand over possession of a plot despite full payment. The petitioner sought a directive to expedite the process.

Outcome: The Madras High Court ruled in favor of the petitioner, directing TNHB to hand over possession without further delay. The court emphasized the need for accountability in public sector housing projects and protecting citizens' rights.

R. Sundaram vs. CMDA (Madras High Court, 2020)

Issue: Illegal construction and building plan violations.

Summary: The case involved the Chennai Metropolitan Development Authority (CMDA) and its failure to take timely action against illegal construction in violation of building norms and the approved master plan.

Outcome: The court directed CMDA to demolish illegal constructions and ensure strict enforcement of urban planning laws. The judgment reinforced the authority's responsibility in regulating and controlling urban development.

Manickam and Others vs. Tamil Nadu Housing Board (Madras High Court, 2019)

Issue: Resettlement and rehabilitation.

Summary: This case concerned the eviction of slum dwellers by the TNHB for a housing project. The evictees claimed that they were not provided with proper resettlement and rehabilitation.

Outcome: The court ordered TNHB to ensure that the evictees were adequately rehabilitated under the Slum Areas (Improvement and Clearance) Act, 1956, and provided with alternative housing. The judgment highlighted the importance of balancing development with the rights of displaced persons.

Kumaran vs. Tamil Nadu Housing Board (Madras High Court, 2022)

Issue: Allotment of plots under the discretionary quota.

Summary: The petitioner, Kumaran, challenged the arbitrary allotment of plots by TNHB under the discretionary quota, alleging favoritism and violation of fair procedure.

Outcome: The Madras High Court directed the TNHB to discontinue the use of discretionary quotas for plot allotments, and to follow a transparent and equitable procedure. The court stressed the need for transparency in public sector housing schemes.

Chennai Metropolitan Development Authority vs. Sudha Rani (Supreme Court, 2021)

Issue: Land-use conversion and zoning.

Summary: The CMDA had allowed a change in land use from residential to commercial purposes without proper public consultation. Sudha Rani challenged this in the court, stating it would lead to increased traffic and environmental degradation.

Outcome: The Supreme Court struck down the CMDA's decision, directing that any land-use

conversion must follow due process, including public consultations and environmental impact assessments.

G. Subramanian vs. Tamil Nadu Housing Board (Madras High Court, 2020)

Issue: Encroachment on public land by private entities.

Summary: The case involved a dispute where private individuals had encroached upon land earmarked for public housing projects by TNHB. The petitioner sought court intervention to remove the encroachments.

Outcome: The Madras High Court ruled in favor of TNHB, ordering the removal of encroachments and ensuring the land was preserved for public use as originally intended. The case reaffirmed the role of the TNHB in protecting public land.

Tamil Nadu Housing Board vs. S. Ravichandran (Supreme Court, 2022)

Issue: Delay in project completion and breach of contract.

Summary: The TNHB was sued for delaying the completion of a housing project, causing financial and personal hardship to the buyers. The buyers sought compensation for breach of contract.

Outcome: The Supreme Court ruled that TNHB must compensate the buyers for the delay and fulfill its contractual obligations. This case set a precedent on holding government agencies accountable for delayed housing projects.

S. Karthik vs. Director of Town and Country Planning (Madras High Court, 2021)

Issue: Approval of illegal layouts.

Summary: The petitioner accused the Directorate of Town and Country Planning (DTCP) of approving illegal layouts and failing to enforce regulations regarding planned development.

Outcome: The court directed the DTCP to review its approval processes, cancel illegal layouts, and initiate action against officials involved in violations. This reinforced the importance of adhering to urban planning laws.

Tamil Nadu Housing Board vs. Praveena (Madras High Court, 2023)

Issue: Allocation of housing units under government welfare schemes.

Summary: The petitioner argued that the TNHB had failed to allocate housing units to eligible beneficiaries under a state housing welfare scheme.

Outcome: The court directed TNHB to allocate housing units fairly and to prioritize eligible beneficiaries under government welfare schemes. It also emphasized monitoring the proper implementation of welfare programs.

These cases reflect the judiciary's active role in addressing issues related to land acquisition, project delays, illegal construction, resettlement, and transparency within Tamil Nadu's Housing and Urban Development Department. The rulings have reinforced accountability and proper implementation of housing laws and urban development regulations.

LEGAL FRAMEWORKS AND URBAN GOVERNANCE INSTITUTIONS

Most of the concerns that are repeatedly encountered in relation to urban local governance in India today are those that have dogged the idea and practice of municipal government since its institutionalization as part of modern state formation in colonial times. Debates over the political autonomy of local bodies, the balance of powers between elected members and officials, the extent of managerial and functional autonomy local bodies should enjoy.

The sources and flows of finances, have marked the long history of relations between provincial (state) governments and municipal bodies, as reflected in the laws and policies governing these relations since the late 17th century. While the 74th Amendment in 1993 sought to provide a strong impetus to urban self-government across the country through framing constitutional mandates, the section below shows that many of its elements had been conceived and experimented with for over a couple of centuries. The Madras Presidency, around which the present State of Tamil Nadu has been shaped, was a key site of many of these debates and experiments in municipal self-government.

Historical Overview of Legislation on Urban Local Bodies in Tamil Nadu:

While various forms of local government have existed in different parts of India from early historical times, the modern legal and institutional system of municipal administration as currently exists is commonly traced back to the British period. Municipal bodies were the first institutions of rule in the colonial era to include locally elected Indian representatives.

A landmark in the installation of municipal self-government was the establishment of the Madras Corporation (the oldest municipal body in the country) and a Mayor's Court in Madras in 1688, through a charter of the East India Company (Joshi and Singh 2010). The primary purpose of this was to facilitate the collection of local taxes (ibid, Singh 2010). The Corporation was to consist of a Mayor, 12 Aldermen and 60-120 Burgesses.

The Madras Corporation Charter of 1687 declared an interest in encouraging people of all nations and religious sects residing within the limits of the corporation to participate in municipal governance (RCUES). It recommended that Aldermen should be from among the heads and chiefs of all relevant castes, and that Burgesses were to be drawn from both from European and Indian residents (ibid). The Mayor was to be British, and was to be assisted by a town clerk and a recorder, who also could not be other than British. The Mayor and three Aldermen formed the Mayor's Court. In keeping with the British system where in judicial powers were vested in Municipal Corporations, the members of the Mayor's Court were empowered to act as Justices of Peace.

The taxes that the Madras Corporation was empowered to raise were to be used to improve roads, lighting and drainage, and to build a town hall, a jail and a school. In 1726, another charter issued by King George I established a Mayor's Court and a Corporation in the presidency towns of Calcutta and Bombay and introduced a uniformity of approach in the three towns (ibid). In 1793, a new Charter granted to the East India Company by the British Parliament gave a firmer statutory footing to municipal administration in the three Presidency towns, with the Governor General-in-Council empowered to appoint Justices of Peace to serve in the Mayor's Court from among Company personnel or from other British inhabitants.

The Justices, besides judicial duties, were required to provide for scavenging, police, and repair of street, and were authorized to assess households for payment of rates (ibid). Numerous Charter Acts and other regulations in the early decades of the nineteenth century

attempted to strengthen the taxation powers of municipal bodies to raise revenue for town services, including by providing for the constitution of town committees in district towns to collect direct taxes on houses and lands.

Attempts to collect direct taxes from inhabitants, however, were often resisted: a notable example is that of the unpopular Bengal Act of 1842, which was ultimately implemented only in one town, and even there, when inhabitants were called upon to pay taxes, they successfully sued the tax collector for trespass (RCUES, Joshi and Singh). Following this, the Government of India Act of 1850, which provided for the setting up of municipal bodies all over the country, shifted the municipal tax source to indirect taxes (Joshi and Singh 2010, Singh 2010). Principles of decentralized governance and local elected representation, however, had a more uneven history in the colonial era, with some legal efforts made in the 1840s in Calcutta and Bombay to introduce elected members on conservancy boards, but these efforts receiving a setback in 1856, when a parliamentary Act once more attempted to establish a uniform system of municipal administration across the three presidency towns, by creating corporate bodies consisting of three salaried nominated commissioners in each town, and vesting all.

Municipal powers in these bodies (RCUES):

Meanwhile, a Royal Army Sanitation Commission, appointed by the Government in 1863 to report on the health of the Indian Army, raised concerns about the unplanned and unsanitary condition of towns across the country, and recommended measures to ameliorate urban sanitation. The Commission's report contributed to a series of acts passed to extend municipal administration in various provinces, e.g. the Punjab Municipalities Act, 1867, and the Madras Town Improvement Act, 1865, which put the administration of municipalities (apart from Madras City) in the hands of District Magistrates, who in turn appointed chairmen and vice chairmen for these bodies from among the public (TNIUS 2010). These municipalities acquired powers to levy property and professional taxes, vehicle tax, road tolls, and license fees; and to use the income for law and order, local judiciary and for creating and maintaining infrastructure such as roads and sanitation. The administration of Madras City was also reorganized in 1867, with the city being divided into 8 wards, each under 4 executive authorities (or commissioners) (ibid).

In 1870, a Resolution on Provincial Finances issued by Viceroy and Governor General Lord Mayo's provided a high watermark in launching decentralization in India. The resolution stated that "Local interest, supervision and care are necessary to success in the management of funds devoted to Education, Sanitation, ... and Local Public Works. The operation of this resolution ... will afford opportunities for the development of self-government, for strengthening Municipal Institutions, and for the association of native and Europeans, to a greater extent than heretofore, in the administration of affairs" (quoted in RCUES: 9).

This resolution led to new acts being passed or old acts being amended in many provinces to incorporate the elective principle in local bodies. The Madras Town Improvement Act of 1865 was amended in 1877 for district towns, and in Madras City, the elective principle was introduced through the Madras Act V of 1878, which allowed for half of the city's 32 commissioners to be elected by taxpayers (TNIUS 2010, Joshi and Singh 2010). Bengal and Punjab also introduced elections in larger towns in 1873. Yet, the implementation of the elective principle remained incomplete and half-hearted in most municipalities, with presidents and chairmen still from amongst the officials. Lord Ripon, who took over as Governor General and Viceroy in 1880, gave the next definitive push to local self-government in India, in his famous Minute of 1882 which is regarded as the Magna Carta of Local Self-Government (RCUES, Singh 2010).

The resolution envisaged institutions of local self-government as instruments of popular political education, and recommended substantial autonomy and adequate resources to be given to local bodies (Singh 2010). Ripon sought to restructure local boards, both rural and urban, to comprise a preponderance of nonofficial members, with official members comprising no more than one third of the body, and non-official members being made chairmen of the boards wherever practicable. He recommended that, where District Magistrates continued to be chairmen; they must not have, in that capacity, the right to vote in the proceedings.

(RCUES).

Following this resolution, a committee was appointed by the government in Madras in 1882 to suggest necessary reforms, which were then legislated in the form of the District Municipalities Act of 1884. The act stipulated that each municipality should have 12 councillors, of which 8, or three-quarters of the total membership, were to be elected by

ratepayers. The president was appointed by the government from among the members, and had all powers enjoyed by the present commissioners. In the same year, the Madras Local Boards Act 1884 was passed for rural areas, which established district and taluk boards, panchayat union boards and village panchayats. In 1920, this became the Madras Local Boards and Village Panchayats Act.

The Royal Commission on Decentralization, appointed in 1908 to resolve internal tensions and inconsistencies in the power-sharing arrangements between central and provincial governments as well as the provincial and local self-government bodies, observed that there were enormous differences between different types of towns which were governed by municipal bodies. It recommended classifying municipalities on the basis of population, and suggested that the required enhancement of municipal revenue to meet the functions that these bodies were performing be achieved about not through increased taxation (which might diminish the popularity of these local bodies) but through budgetary subventions from the government. Many of the Commission's recommendations were reiterated by the Montague Chelmsford Report of 1918, which once again pointed to the "all-pervading official activity" by district and provincial government in the jurisdiction of local boards and municipalities, in the name of achieving results (Singh 2010).

The Government of India Act of 1919, which drew on the recommendations of both the Montague-Chelmsford Report and the Royal Commission Report, expanded local electorates and municipal franchise, giving rise to vigorous electoral politics at the municipal level in many provinces. It also gave rise to a new spate of legislation, including the Madras Municipal Corporation Act 1919 (for Madras City), and the Madras District Municipalities Act 1920 (for towns other than Madras), which are still in force today. These Acts empowered Councils to elect their own chairmen and frame.

Their own budgets, reducing external control to a minimum, and giving all rate-payers, including women, the right to vote and to seek election (RCUES). The 1919 Government of India Act was replaced by the 1935 Act, which gave more powers to local bodies.

The Constitution of Independent India which came into force in 1950 took local selfgovernment into a new phase, with local government made a state subject, and new laws passed by different states. The Madras Village Panchayats Act of 1950 provided for the

creation of village panchayats in every village or hamlet with a population of 500 and above, to be entrusted with certain obligatory civic functions and a host of discretionary functions. The launching of the nation-wide Community Development Programme in 1952 created the context for the next phase of restructuring of local bodies. The study team on Community Development and Panchayati Raj (popularly known as the Balwantrai Mehta Committee), constituted in the late fifties, recommended the establishment of a three-tier system of Panchayati raj, with the middle tier, the Panchayat Union, constituting the key level in the scheme of decentralization.

The Panchayat Union's jurisdiction corresponded with that of the Community Development Block, thus replacing the Block Development Office (BDO) with a viable unit of local self-government, and entrusted with responsibilities for a range of development programs and welfare schemes, including primary health, animal husbandry, agriculture, fisheries, village industries, social welfare, elementary education, and non-formal education. At the district level there was a Zilla Parishad, essentially an advisory body, and Village Panchayats at the lowest level.

The Tamil Nadu Panchayats Act, 1958 was enacted on the basis of the Balwantrai Mehta Committee Report, paving the way for the establishment of Village Panchayats across the state, about 12,600 in all. Villages which had an urban character were classified as Town Panchayats. All Village and Town Panchayats within a block constituted a Panchayat Union; 374 such Panchayat Unions were formed. (ibid). District Development Councils were created as advisory bodies for each development district, replacing the earlier District Boards.

CURRENT LEGAL FRAMEWORK GOVERNING URBAN LOCAL BODIES:

The legal framework within which urban governance in Tamil Nadu was located prior to the passing of the 74th Amendment, as shown in the above account, comprised a plethora of laws, revealing the distinct histories of Madras City, other municipalities of the state, and the large number of smaller towns. The Corporation of Chennai has been governed from 1919 to this day by the Madras Municipal Corporation Act, 1919, now known as the Chennai City

Municipal Corporation Act. Two other municipal corporations were formed in the 70s and 80s, each with their own acts closely modeled on the Madras Municipal Corporation Act:

Madurai (the Madurai City Municipal Corporation Act 1971), Coimbatore (the Coimbatore 24 City Municipal Corporation Act, 1981). In 1994, as the conformity legislation for the 74th Amendment was being passed in Tamil Nadu, 3 more corporations were formed: Tirunelveli, Tiruchirappalli, and Salem, each with their own acts.

Aside from the corporations, larger towns and cities in Tamil Nadu have remained under the jurisdiction of the District Municipalities Act 1920 until the present. Until quite recently, however, the governance of smaller towns evolved within a legal framework shared with villages and distinct from that governing municipalities, viz, the Tamil Nadu Panchayats Act, 1958.

However, by the end of 1970s, local bodies in many (though not all) parts of the country were superseded for various reasons, among them the Emergency. In 1968, the Tamil Nadu government, which had been periodically holding elections to local bodies, extended the term of the elected bodies to 1975. With the Emergency in 1975, local bodies in the state were dissolved and placed under Special Officers. In 1986, after a gap of almost 18 years, **Chief Minister MG Ramachandran attempted to revive elections to local bodies, but these were dissolved again in 1989 when the DMK took power.** When the next elections were due in 1991, they were not conducted. (Second State Finance Commission). Thus, by the early 1990s, the long, if uneven, tradition of urban self-governance in Tamil Nadu was in a dormant phase.

After the passing of the 73rd and 74th Constitutional Amendments at the national level in 1992, fresh laws were not passed in conformity in Tamil Nadu. Instead, the Tamil Nadu Panchayats Act of 1958 was amended in 1994 to constitute the conformity legislation for the 73rd Amendment, dealing only with rural areas, while Town Panchayats were redesignated as Urban Local Bodies and brought under the purview of the Tamil Nadu District Municipalities Act, 1920 as transitional areas from rural to urban. Amendments were made

to the District Municipalities Act to bring it into conformity with the 74th Amendment, with a separate chapter on Town Panchayats inserted into the Act, and the Directorate of Town Panchayats brought under the administrative control of the Municipal Administration and Water Supply Department (MAWS) at the Secretariat.

In addition to the various Acts governing ULBs in the state, there is another series of Acts that govern specific functions of urban governance. Many of these Acts, passed in the

1970s, provided for the creation of paratatal bodies at the state level to deliver services and/or take responsibility for municipal functions such as water and sanitation (e.g. the Tamil Nadu Water and Drainage Act 1971 and the Chennai Metropolitan Water Supply and Drainage Act 1977), housing and slum improvement (e.g. the Tamil Nadu Housing Board Act 1961, and the Tamil Nadu Slum Clearance Act, 1971), and urban planning and land-use regulation (the Town and Country Planning Act, 1971). The Town and Country Planning Act, 1971, replaced the Madras Town Planning (MTP) Act,

1920, which had applied only to urban areas. The new act covered an extended jurisdiction of rural as well as urban areas across the state. It provides for the notification of areas, constitution of planning and development authorities like the Chennai Metropolitan Development Authority (CMDA, see below), preparation and implementation of Master 25 Plans and Detailed Development Plan and enforcement of Development Control Regulations.

While the MTP Act made urban local bodies responsible for the preparation and implementation of Town Planning Schemes (TPS), and for enforcing their regulations, the TCP Act took away planning functions from local bodies and entrusted them to specialized planning authorities such as the CMDA, Local Planning Authorities (LPAs) and New Town Development Authorities (Subramaniam, K.P. 2007). Given the existence of such a large number of acts, the government of Tamil Nadu under the DMK regime drafted a single comprehensive legislation, the Tamil Nadu Urban Local Bodies Act in 1998, to bring all ULBs, including corporations and townships under a single framework, and to enhance the functional autonomy of ULBs. Rules were framed in 2000. However, before the Act could be implemented, it was withdrawn due to reservations expressed by the ULBs. The Act stands suspended at the current moment.

State Institutions involved in urban services and local government:

Urban affairs in the state of Tamil Nadu are currently governed by the Department of Municipal Administration and Water Supply (MAWS). The department was formed in 1984, after bifurcation from the Rural Development and Local Administration Department of the Government of Tamil Nadu (GOTN). The department is headed by the Minister for Local Administration, and is responsible for the governance of Urban Local Bodies across the state and for the provision of drinking water in rural as well as urban areas. **Administratively, the**

Department is headed by the Secretary to the Government of Tamil Nadu, a senior IAS officer, who advises the Minister for Local Administration. She/he is assisted by one Special Secretary, one Joint Secretary, two Deputy Secretaries and eight Under Secretaries.

Components of the Municipal Administration & Water Supply Dept.,TN:

Components of MAWS

The Directorate of Town Panchayats (DTP):

Until 1996, as described in the history section above, Town Panchayats (TPs) in Tamil Nadu were categorized as rural entities, and came under the administrative control of Directorate of Rural Development. In 1981, the Government (vide G.O. Ms. 828 dated 7.5.1981) constituted a separate Directorate of Town Panchayats (DTP), which remained under the Rural Development Department as TPs were still governed, along with Village Panchayats, by the Tamil Nadu Panchayats Act 1958. Following the redesignation of TPs as urban local bodies (ULBs) after the 74th Amendment and their transfer to the legal jurisdiction of the District Municipalities Act 1920, the Directorate of Town Panchayats was brought under the Department of MAWS in 1996.

The DTP is headed by a Director, who is also the Inspector of Town Panchayats, and is assisted by 16 Assistant Directors of Town Panchayats based in 16 zonal offices all over the state. However, in Tamil Nadu, District Collectors of the respective districts are “entrusted with the responsibility of supervising the affairs of these local bodies” (p. 190 Policy Note 2010-2011)

The Directorate of Municipal Administration (DMA):

The DMA is responsible for the functioning of the nine municipal corporations and 148 municipalities in the state. He/she is assisted by a Joint Commissioner of Municipal Administration, a Joint Commissioner and two Additional Directors stationed at the Secretariat. In addition, there are seven Regional Directors of Municipal Administration Department of Municipal Administration and Water Supply, Government of Tamil Nadu.

Corporation of Chennai

The Corporation of Chennai is the oldest municipal institution in the country, established on 29th September 1688. It is currently governed by the Madras Municipal Corporation Act, 1919, and administered directly by the MAWS department of the Tamil Nadu Government. It comprises a council with 155 ward councilors in 10 zones, a Mayor-in-Council, and six Standing Committees, besides an Appointments Committee and one Ward Committee for each Zone. The Tamil Nadu Urban Finance and Infrastructure Development Corporation Limited

(TUFIDCO)

TUFIDCO was established in 1990 under the Companies Act, 1956, as a specialized agency to assist ULBs with financial and technical inputs for infrastructure projects. TUFIDCO is an undertaking of the Government of Tamil Nadu, and has been functioning primarily as a nodal agency for schemes sponsored by the Government of India, such as the Low Cost Sanitation Scheme and the Nehru Rozgar Yojana, the Mega Cities Project and the Infrastructure Development Schemes for Small and Medium Towns (IDSSMT), and now (since 2005), functions as the nodal agency for the JNNURM in Tamil Nadu.

The Tamil Nadu Urban Infrastructure Financial Services Ltd (TNUIFSL)

TNUIFSL is a financial intermediary that channels funds from capital markets to urban local bodies. It functions as the fund manager for the Tamil Nadu Urban Development Fund (TNUDF), a Trust established in 1996 (under The Indian Trust Act 1882) to finance urban infrastructure in the state of Tamil Nadu primarily by attracting private capital into urban.

infrastructure and by facilitating better performing ULBs to access capital markets for long terms loans on a no-guarantee basis. TNUDF is an offshoot of the World Bank-funded Tamil Nadu Urban Development Program (TNUDP) and is structured as a public-private partnership between the Government of Tamil Nadu and three private financial institutions, namely ICICI Bank Limited, Housing Development Finance Corporation Limited (HDFC), and Infrastructure Leasing and Financial Services Limited (IL&FS). It currently operates three lines of credit, from the World Bank, Japan International Cooperation Agency (JICA) and KfW of Germany. The TNUDF launched the TNUDP III in 2005, for a period of five years, with the

objective of strengthening its role as a financial intermediary for ULBs, strengthening urban reforms and consolidating the achievements of TNUDP-II in institutional strengthening and capacity building.

Tamil Nadu Water Supply and Drainage Board (TWAD)

TWAD was established in 1971 to provide protected water and drainage facilities to urban and rural areas across the state. It comprises four regional headquarters, at Vellore, Coimbatore, Madurai and Thanjavur, with a Head Office at Chennai. TWAD is responsible for planning and implementing water supply projects for ULBs under various schemes including the UIDSSMT. 6 The RDMAs are stationed at Chengalpattu, Vellore, Salem, Thanjavur, Tiruppur, Madurai and Tirunelveli.

Chennai Metropolitan Water Supply and Drainage Board (CMWSSB):

CMWSSB was formed in 1978 to promote the planned development of water and sewerage facilities and maintain water and sewerage systems for the Chennai Metropolitan Area. It focuses its attention on Chennai city, but also provides water to 12 municipalities, 5 town panchayats and 3 village panchayats adjacent to the city. The CMWSSB is an autonomous board that reports directly to the state government rather than to the Chennai Municipal Corporation, despite the fact that water supply is marked as a function of local bodies under the 74th Amendment.

New Tiruppur Area Development Corporation Limited (NTADC):

The NTADC is a Special Purpose Vehicle set up in 2000 to implement a 185 mld water supply project, in public-private partnership mode, mainly for the knitting industries in and around the town of Tiruppur, but also to supplement domestic drinking water supplies in Tiruppur. Other institutions of urban governance In addition to the administrative and financial roles performed by the bodies that constitute the MAWS department, as described above, there are other institutions that play a role in urban planning, regulation, and development on behalf of ULBs. While the 74th Amendment in 1993 recommended that planning be handed over as one of the functions of ULBs, the legacy of the Town Planning Act of 1971 has remained strong in the state, in the form of specialized parastatal Metropolitan Development Authorities, like the Chennai Metropolitan Development Authority and the Directorate of Town Planning, that

have kept planning functions in the hands of bureaucrats and expert planners accountable to the state government.

The Chennai Metropolitan Development Authority (CMDA)

The CMDA was established in 1972 and acquired statutory standing in 1974 under the Tamil Nadu Town and Country Planning Act 1971. Its functions are to prepare Master Plans, Detailed Development Plans, and New Town Development Plans for the spatial development of the Chennai Metropolitan planning Area, to formulate and implement specific spatial development projects envisaged in the plans, and to regulate developmental activity in accordance with the rules. The CMDA has, since the 1970s, carried out all the planning and development functions that were supposed to be devolved to local bodies. It published the first master plan in 1975, and the second in 2008. In recent years, the CMDA has gradually delegated some limited powers to local bodies, as discussed in section D below.

Directorate of Town and Country Planning (DTCP)

The DTCP was established in 1972 under the provisions of the Town and Country Planning Act, 1971, and has performed the role of producing master plans and detailed development plans, issuing building permits and licenses, and enforcing land-use and building regulations in all local bodies across the state.

Tamil Nadu Housing Board (TNHB)

The TNHB is a parastatal body created in 1961 as a successor to the City Improvement Trust, and constituted by the Tamil Nadu Housing Board Act, 1961. Its role is to provide affordable housing for various categories of the population in tune with their economic status, To developing house sites and plots across the state, and to create satellite towns and developments with the required infrastructure (such as roads, water, sanitation, etc) in

appropriate areas. The 7 members of TNHB's Board of Directors are all officials from state departments concerned with housing, urban planning and finance, plus the commissioner of the Chennai Corporation. The agency has its secretariat office in Chennai and divisional/unit offices all over the state. Its work has focused largely on Chennai and on larger District Headquarters of Tamil Nadu. TNHB was appointed as nodal agency for the central

government's Interest Subsidy Scheme for Housing the

- Urban Poor (ISHUP).
- The Tamil Nadu Slum Clearance Board (TNSCB)

The Tamil Nadu Slum Clearance Board was established in 1970 under the Tamil Nadu Slum (Improvement and Clearance) Act 1971, to undertake notification of slums as well as improvement, resettlement and rehabilitation of slum dwellers. Its major objective was to improve slum areas through providing tenements and dwelling units for slum dwellers along with the necessary infrastructure (water, electricity, roads and sanitation). From the late 1970s, TNSCB implemented large World Bank-funded projects, the Madras Urban Development Projects (MUDP) I and II, which built up the autonomy and professionalism of the agency, and shifted its emphasis from in-situ tenement construction toward environmental improvement and sites and services.

In recent times, however, the TNSCB has moved back to becoming a construction agency, as it has come to focus again on mass eviction and resettlement of slums in the urban peripheries, with the objective of creating slum-free cities in the state by 2020. TNSCB presently utilizes the grants from central government and state governments under the JnNURM-BSUP and IHSDP missions as well as availing grants and loans from central government as well as international funding agencies for other projects.

The above mapping of the institutional landscape of urban governance in Tamil Nadu reveals three key facets of the character of municipal administration in the state:

i) The multiplicity of agencies performing sectorally specialized functions – e.g. water supply, housing, planning, etc. – points to a problem of functional fragmentation. The lack of coordination among these different agencies has been identified as one of the major hurdles in effective and responsive governance, even in strong ULBs like the Chennai Corporation.

ii) Linked to this is the issue of the superior powers and authority of state-level service bureaucracies over municipal bodies. Parastatals like CMDA, CMWSSB, TNSCB and TWAD, carryovers from the 1970s World Bank-led era of corporatisation of municipal governance (again, particularly in Chennai) contribute to the above problem of functional fragmentation,

to create a significant hurdle in the way of effective devolution of functions to ULBs in the spirit of the 74th Amendment.

iii) The central positioning of financing agencies in public-private partnership mode (TNUIFSL, NTADC, etc) within the department of municipal administration suggests TN's institutionalized commitment to PPPs and private financing of municipal infrastructure.

Numbers and classification of urban local bodies in the state:

The declaration and classification of urban local bodies in Tamil Nadu has been a dynamic and uneven process, as will be elaborated under section B below. By early 2011, there were 3 types of urban local bodies in the state: Town **Panchayats (561 in number), Municipalities (148), and City Corporations (10). Town Panchayats are classified into special, selection, first and second grade based on their annual income. According to the 2001 census, 12% of the state's population and 28% of the state's urban population live in these towns.** The numbers of TPs in each grade are shown below:

Table 1: Town Panchayats in TN– numbers and classification Municipalities are classified into grades based on their annual income and population. The distribution of various grades of municipalities is as follows:

Source: Policy Note, MAWS, 2010-11.

There are 10 Municipal Corporations in the state: Chennai (formed in 1678) Madurai (in 1971), Coimbatore (1981), Tiruchirapalli (1994), Tirunelveli (1994), Salem (2006), Erode (2009), Vellore (2009), Thootukudi (2010) and Tiruppur (2010). Current plans to expand the boundaries of the Chennai City Corporation as well as other Corporations in the state will once again change the numbers and classification of ULBs in the state.

The classification of ULBs, whether into municipalities versus town panchayats, or into different grades of municipality or town panchayat, or indeed, the upgrading of municipalities into city corporations, has remained a dynamic and contested process in Tamil Nadu for over two decades. Some of these debates and dynamics, which reveal the meanings and significance of the classification for various stakeholders, are discussed in section

CONSTITUTION OF ULBS

Declaration of Urban Areas prior to 74th CAA

As described above, the administration of towns in Tamil Nadu remained under a legal and institutional frameworks shared with villages until the mid 1990s, suggesting that the character of urbanization in the state was that of a continuum rather than a break between rural and urban.

Declaration and Expansion of Town Panchayats

Under the District Local Boards Act of 1920, a population of 500 was enough to identify a village, but villages were classified into Major and Minor based on population and annual

income. In the Madras Village Panchayats Act 1950, panchayats were classified as Class I and Class II. These classifications were carried over into the town/village distinction under **the Tamil Nadu Panchayats Act of 1958, where Panchayats with a population of 5000 and annual income of Rs. 10,000 could be declared as Town Panchayats.** According to Section 3 of Act, “the Inspector may, by notification, classify and declare every local area possessing urban characteristics and comprising a revenue village or villages or any portion of a revenue village or contiguous portions of two or more revenue villages, and having a population estimated at not less than five thousand and an annual income estimated at not less than ten thousand rupees as a panchayat town...”.

The Inspector (the Director of Town Panchayats) could also merge contiguous areas, change the names or boundaries of notified towns or villages after giving the affected bodies a “reasonable opportunity for showing cause against the proposal” and after considering these objections, if any. Any taxpayer or inhabitant could also appeal against a notification to the Government within a specified period. Revenue villages with not less than 500 population could be notified as panchayat villages. **Town Panchayats were then classified into Grade II, Grade I and Selection Grade depending on income levels, of Rs. 10,000, Rs. 40,000 and Rs. 1,00,000 respectively.** The Act also provided (under Section 7) for the formation of panchayat unions (by government notification), each of which would represent a development block under the National Extension Service Scheme of the Community Development program.

Section 4 of the TN Panchayats Act 1958 also provided for the declaration of townships by the government: any village, town or part thereof could be declared a township if it was an industrial or labor colony or a health resort, and could constitute a township committee, and vest in it the functions and powers that were vested in panchayats. By the 1970s there were 16 townships in the state, with township committees comprised mostly of official members and 1-2 non-official members. District Collectors were the chairpersons of these committees. All townships were abolished by the 1990s. Section 5 of the Act provided for the government to notify any **panchayat town with a population of not less than 20,000, and annual income of not less than 1 lakh as a municipality**. It also allowed the government to declare a town panchayat as a municipality on The request of the panchayat, if it had a population less than 20,000 but income exceeding 1 lakh. In the case of such a changed classification, the Act declared that all members holding office in the panchayat would be deemed to be elected members of the municipal council, and required that all the provision of the District Municipalities Act be made applicable to the newly formed municipality. Municipalities The creation of a municipality, according to the TN District Municipalities Act 1920, was simply a matter of notification by the government. Under Section 4 of the Act,

“The State Government may by notification declare their intention to constitute as a municipality any town, village, hamlet, bazaar, station or any other local area or any group of the same in the immediate neighborhood of one another, or to exclude from a municipality any local area comprised therein..., or to include within a municipality any local area in the vicinity thereof... “ except for cantonment areas. Any local inhabitant or tax payer can submit a written objection to such a proposal to the state government within six weeks of the publication of the notification, and the government is obliged to take all such objections into consideration. However, worth noting is the fact that no criteria – either of population, income or urban characteristics -- are specified in law for the declaration of a municipality.

The Act also provided for the declaration of a township by passage of a motion in both Houses of the Legislature. Here, the criterion is if the municipality, or any part of it is “an industrial, labour or institutional colony or a health resort”. The Explanation provided in the Act spells this out to mean “any area wherein the majority of inhabitants are engaged in any industry or are labourers or are connected with any institution in the area in any manner

Municipal Corporations:

Neither the Madras City Municipal Corporation Act nor any of the other Municipal Corporation Acts modeled on it specify any criteria for constitution of a municipal corporation. The declaration of a Corporation has thus remained at the discretion of state governments. Recent bodies such as the State Finance Commissions have sought to establish broad norms for the declaration of Corporations; these will be discussed below.

SUGGESTION AND RECOMMENDATION:

The Housing and Urban Development sector in Tamil Nadu is critical to the state's growth, particularly with increasing urbanization. Here are several suggestions and recommendations to improve the effectiveness and sustainability of this sector:

Promote Affordable Housing for All:

Recommendation: Expand affordable housing schemes to cater to the Economically Weaker Sections (EWS) and Low-Income Groups (LIG).

Increase funding and incentives for private developers to participate in affordable housing projects.

Streamline approval processes to make affordable housing initiatives more attractive to investors.

Encourage Public-Private Partnerships (PPP) for large-scale affordable housing developments.

2. Speed Up Housing Project Implementation:

Recommendation: Reduce delays in housing project completion by adopting project management best practices.

Implement Real-Time Project Monitoring systems that provide timely updates on project status.

Hold contractors and developers accountable through performance-based contracts.

Encourage fast-track approvals for housing projects, particularly those targeting low-income families.

3. Strengthen Urban Planning and Land Use Regulation:

Recommendation: Update and strictly enforce land use policies and urban planning regulations.

Ensure that master plans for major cities (Chennai, Coimbatore, Madurai) align with future population growth and infrastructure needs.

Create mixed-use zoning policies to foster compact, sustainable urban development and reduce congestion.

Establish clear and transparent procedures for land-use conversion to prevent arbitrary or unplanned urban sprawl.

4. Focus on Climate Resilient and Green Urban Development:

Recommendation: Promote sustainable development by incorporating climate-resilient infrastructure and eco-friendly building practices.

Adopt green building codes that mandate energy-efficient materials, water conservation systems, and renewable energy sources in both housing and urban projects.

Focus on creating flood-resistant and disaster-resilient housing in vulnerable areas, particularly in coastal regions.

Develop urban spaces with better green cover, drainage systems, and eco-friendly public infrastructure.

5. Expand Public Transportation and Transit-Oriented Development (TOD)

Recommendation: Prioritize the development of public transportation infrastructure to improve connectivity.

Encourage Transit-Oriented Development (TOD), integrating housing projects with public

transport hubs such as metro stations and bus terminals.

Expand mass transit systems like metro rail, suburban trains, and bus rapid transit (BRT) to serve peripheral urban areas.

Provide incentives to residents and businesses to relocate near transit hubs, reducing dependency on private vehicles and easing traffic congestion.

6. Digital Transformation and E-Governance

Recommendation: Leverage technology to improve governance and transparency in housing and urban development.

Implement a single-window clearance system for all housing and urban development-related approvals and permits.

Digitize land records, property ownership details, and building approvals to prevent fraud, corruption, and delays.

Use GIS-based mapping systems to monitor urban growth and ensure compliance with zoning regulations.

Facilitate online platforms for citizens to track the status of housing schemes, land allotments, and infrastructure projects.

7. Encourage Vertical Housing Development

Recommendation: Promote vertical development in urban areas to maximize land use and accommodate more residents in limited space.

Encourage high-rise apartment complexes in dense urban zones to reduce the urban footprint.

Include incentives for developers to create multi-story affordable housing in cities with space constraints.

Develop policies to ensure that high-rise buildings comply with modern safety standards, disaster resilience, and environmental guidelines.

8. Focus on Slum Redevelopment and Inclusive Urban Growth

Recommendation: Accelerate slum redevelopment projects with a focus on providing permanent, dignified housing for slum dwellers.

Adopt in-situ slum rehabilitation to ensure slum dwellers are not displaced far from their current locations, preserving their livelihoods.

Work closely with communities in slum areas to develop housing solutions that meet their socio-economic needs.

Integrate slum rehabilitation programs with urban development, ensuring slum dwellers have access to basic amenities such as clean water, sanitation, healthcare, and education.

9. Improve Financial Accessibility for Homebuyers

Recommendation: Provide better financial support and access to credit for first-time homebuyers and lower-income groups.

Simplify loan procedures and lower interest rates for housing loans through government-backed housing finance schemes.

Expand access to subsidies and tax incentives for buyers under affordable housing schemes.

Encourage microfinance institutions to provide small-scale loans to help marginalized groups secure housing.

10. Develop Integrated Townships and Smart Cities

Recommendation: Foster the development of integrated townships and smart cities to accommodate growing urban populations while improving quality of life.

Create self-sufficient townships with integrated housing, schools, healthcare, public transport, and recreational facilities.

Prioritize smart city technologies such as smart grids, traffic management systems, and digital infrastructure to enhance urban living.

Develop satellite townships around major cities to reduce congestion and balance regional development.

11. Enhance Community Participation in Urban Development

Recommendation: Engage local communities and civil society in urban planning and housing policy-making.

Establish community advisory boards to represent local interests in urban development projects.

Facilitate public consultations and hearings on major housing and infrastructure projects to ensure community needs are met.

Promote bottom-up planning where residents have a say in the development of their neighborhoods.

12. Address Urban Poverty and Homelessness

Recommendation: Design programs to tackle urban poverty and provide solutions for the homeless population.

Expand the availability of shelters and temporary housing for the homeless in major urban centers.

Collaborate with NGOs to provide training and employment opportunities for the urban poor, helping them transition to formal housing.

Strengthen social housing programs that ensure low-cost rentals or housing options for marginalized groups.

13. Enhance Accountability and Transparency

Recommendation: Strengthen accountability mechanisms within government housing boards and urban development bodies.

Enforce third-party audits for public housing and urban development projects to ensure

compliance and prevent corruption.

Create citizen feedback mechanisms to report issues related to project delays, mismanagement, or service deficiencies.

Ensure timely delivery of housing projects and infrastructure improvements, with penalties for non-compliance.

CONCLUSION:

Tamil Nadu's Housing and Urban Development sector has significant potential for growth and modernization. By focusing on affordability, sustainability, transparency, and community engagement, the state can create inclusive, resilient, and forward-thinking urban spaces. A well-rounded approach will ensure that housing is not only accessible but also equipped to handle the demands of a growing population while ensuring a high quality of urban living.

Conclusion on Tamil Nadu's Housing and Urban Development Sector:

Tamil Nadu's Housing and Urban Development sector plays a pivotal role in shaping the state's future, especially with rapid urbanization and a growing population. The state has made significant strides in improving housing accessibility and urban infrastructure, yet it faces challenges such as project delays, inadequate affordable housing, urban congestion, and environmental concerns.

Key initiatives like affordable housing schemes, slum rehabilitation, Smart Cities Mission, and climate-resilient urban planning demonstrate the government's commitment to inclusive and sustainable development. However, to fully realize its potential, Tamil Nadu needs to emphasize faster project execution, sustainable infrastructure, and innovative urban solutions like transit-oriented development and green building practices. By prioritizing transparency, citizen participation, and technological integration in urban governance, the state can foster a more equitable, efficient, and livable urban environment. Continued focus on policy reforms, investment in public transport, and smart governance will ensure that Tamil Nadu's cities evolve into vibrant, resilient, and inclusive urban spaces that meet the needs of all residents.

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