

## PART VI

### URBAN ENVIRONMENTAL MANAGEMENT, COMMUNITY HEALTH AND PUBLIC SAFETY

#### **XXIII. Local Agenda for Urban Environmental Management**

25. *Having regard to the provisions of item 6 on public health, sanitation, conservancy and solid waste management; item 8 on urban forestry, protection of the environment and promotion of ecological aspects and item 12 on provision of urban amenities and facilities such as parks, gardens and play grounds of the Twelfth Schedule under article 243W of the Constitution, the question is as to what provisions may be made in the new municipal laws.*

- (1) Keeping in view that the Supreme Court of India, of late, has stated that the environmental question has become urgent and has to be properly understood and squarely met, there is need for a proper understanding of the contexts in terms of the evolution of the constitutional reforms on environment in India, the local authorities' initiative in support of Agenda 21 of the Rio World Conference on Environment and Development, and the national strategy for wider application thereof in the light of the Central Acts on the environmental aspects. It is also necessary to appreciate the overlapping jurisdictions and functions as covered in the environment laws, the planning laws and the municipal laws.
- (2) While planning for the local agenda for urban environment management, the following well known positions need to be reiterated :
  - (a) urban environment management tasks should be appreciated in terms of the linkages between the city economy, infrastructure, productivity, poverty and environmental health,
  - (b) it should be noted that to-day's cities are net consumers of natural resources and exporters of wastes,
  - (c) environmental degradation in any city affects the poor and other vulnerable groups the most, including the children, and
  - (d) many of the environmental damages are of an irreversible nature.
- (3) The objectives for environment management at the local level may include the following :
  - (a) preparation of environmental management strategy and action plan,

- (b) carrying out of studies on vulnerability and risk assessment,
  - (c) establishing adequate institutional and regulatory framework to plan and implement the environmental management plan,
  - (d) enhancing the capability of the concerned agencies for better management of the environment, and
  - (e) research and training activities to better equip the municipal personnel for realization of the above mentioned objectives.
- (4) The possible components of an action plan may include the following :
- (a) environmentally sound solid waste management system,
  - (b) toxic waste collection and disposal,
  - (c) waste recycling and recovery,
  - (d) low cost sanitation,
  - (e) wise use of wetlands,
  - (f) cattle shed removal from prime urban areas,
  - (g) slum improvement,
  - (h) possible slum resettlement,
  - (i) urban heritage conservation,
  - (j) urban forestry, landscaping of river banks, parks and open spaces,
  - (k) urban agriculture, and
  - (l) promotion of community awareness and education.

The list is, obviously, illustrative and not exhaustive.

- (5) The local agenda, obviously, must be conceived having regard to the legislative framework as analyzed earlier. However, the following general observations would still be relevant :
- (a) At the outset, a point needs to be made that, traditionally, the municipal governments in India have been performing environment management

functions which relate to water supply, sanitation, solid waste management and community health.

The Municipalities have also been performing the licensing functions for licensing of premises used for several non-residential purposes including factories registered under the Factories Act, small scale industries, hotels, restaurants and the like. Obviously, the Municipalities would continue to play these roles.

- (b) In regard to water supply, resource depletion has emerged as a major issue because several cities are forced to tap water from increasingly long distances and cities like Chennai have contemplated evacuation too. Thus, sustainability is a big issue and water supply planning has now to be done on a regional basis taking into account the economic and environmental costs for using surface water as well as the sub-soil water resources, the scope for conjunctive uses, the possibilities for rain water harvesting and recycling, and the measures for conservation of water. Pricing issues are also important not only from the point of view of cost recovery but from the point of conservation of extremely valuable water resources.
- (c) As regards the drainage and sewerage systems, high costs of the conventional treatment systems have accounted for inadequate provisions in most Indian cities. Recent technological innovations including oxidation, sericulture, aquaculture and setting up of sewage farms for treatment of waste water need serious consideration.
- (d) As regards solid wastes, it has been recognized that it is mostly a management problem in regard to collection and removal of the solid wastes rather than a financial problem. Many cities now are making new beginnings by privatizing the solid waste management functions and the voluntary organizations and the neighbourhood associations are also eager to pitch in.
- (e) The management of industrial pollution including pollution from power plants and vehicles, of necessity, must constitute to be the concern of State level agencies and in these cases the major role that the Municipalities can play revolves around the registration of polluting industries so that the pollution profiles can be transplanted on the city maps.

- (f) Even in the matter of pollution from consumption of domestic energy, issues are beyond the domain of the local bodies because policy questions on financing of affordable alternatives are involved.
- (6) To sum up, the responsibilities for management of urban environment would have to be shared between the Central and State agencies and the local governments would have to be assigned roles which are consistent with their technical, managerial, organizational and fiscal capacities.

In the cases of Municipal Councils and Nagar Panchayats, this question is much more relevant, even with regard to their capability to provide urban environmental infrastructure, much less managing the urban environment.

There is no evidence that issues of this nature have been addressed while framing the amending laws. However, in the long run, if the environmental concerns are to be properly addressed, the Central and State Governments would have to initiate in-depth studies to delineate the functional domains of Central, State and Local Governments, with a view to manage the mismatches between responsibilities and capabilities, on the one hand, and manage the gaps and overlaps in the assignments of functions, on the other.

According to K.C. Sivaramakrishnan\* in the *Status Report on Urban Environment in India*<sup>+</sup>, the management of urban environment would also have to go through the stages of perception, planning, strategy, formulation and implementation. A combination of several instruments such as pricing, taxation, regulation, investment, etc. would be needed. Public support will have to be mobilized for application of these instruments. Sometimes, the process of environmental assessment at the city level in itself can help to bring together the various agencies and provide a platform of contact and co-ordination.

- (7) Being closer to the people, the Municipalities, undoubtedly, are better placed to involve the citizens and citizen groups in urban environment management tasks, so as to give meaning and purpose to article 51A of the Constitution.

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## **Provisions Made in the Municipal Law**

45. In Chapter XXIX, *clause 277, defines the duties of a Municipality in relation to the local agenda for urban environmental management by involving professional agencies and community based organizations whereas clause 278 deals with the functions in relation to urban environmental management by the Municipalities themselves or through other institutional arrangements, and for submission of a report on the environmental status of the municipal area*