

## Section 8

# City Management and Institutional Strengthening

### 8.1 INTRODUCTION

#### Governance & Institutional Framework

Good e governance has direct and immediate effect on the quality of life of the city. The improvement in governance has a visible impact in the city as successfully witnessed in some of the cities of India. The proactive leadership and a committed administration are the underlying reasons of these successes. This section outlines the present governance structure and institutional framework in management of Gangtok.

Provision of facility and service is the basic function of Urban Development and Housing Department. With the implementation of the statues in accordance with the 74th amendment, it is imperative to have a local body and the functions of local body to be carried out by it.

The institutional framework for Gangtok is at two levels. The UD&HD has the administrative and legal jurisdiction along with the responsibility to develop the city infrastructure and provision of services to its citizens. At the other levels the other Government agencies of the PHED and PWD, Power, Transport have an independent charge of the operations relating to their agencies and there is adequate coordination between the Departments to address emerging issues.

Generally it is the Municipality that looks into the functions of the local departments. In case of Gangtok, the Municipal Corporation Act was passed in 1975, though it was never fully implemented. The city administration was formed and placed under an Administrator. In 1985 the Act was repealed and the functions of urban local body were transferred to the state government. The Sikkim Municipal Bill 2006, is in the process of finalization, which is in accordance with 74<sup>th</sup> constitutional amendment.

According to the Notification of Government of Sikkim dated 03.03.2004 the functions and statutory rules for the UD&HD are as follows -

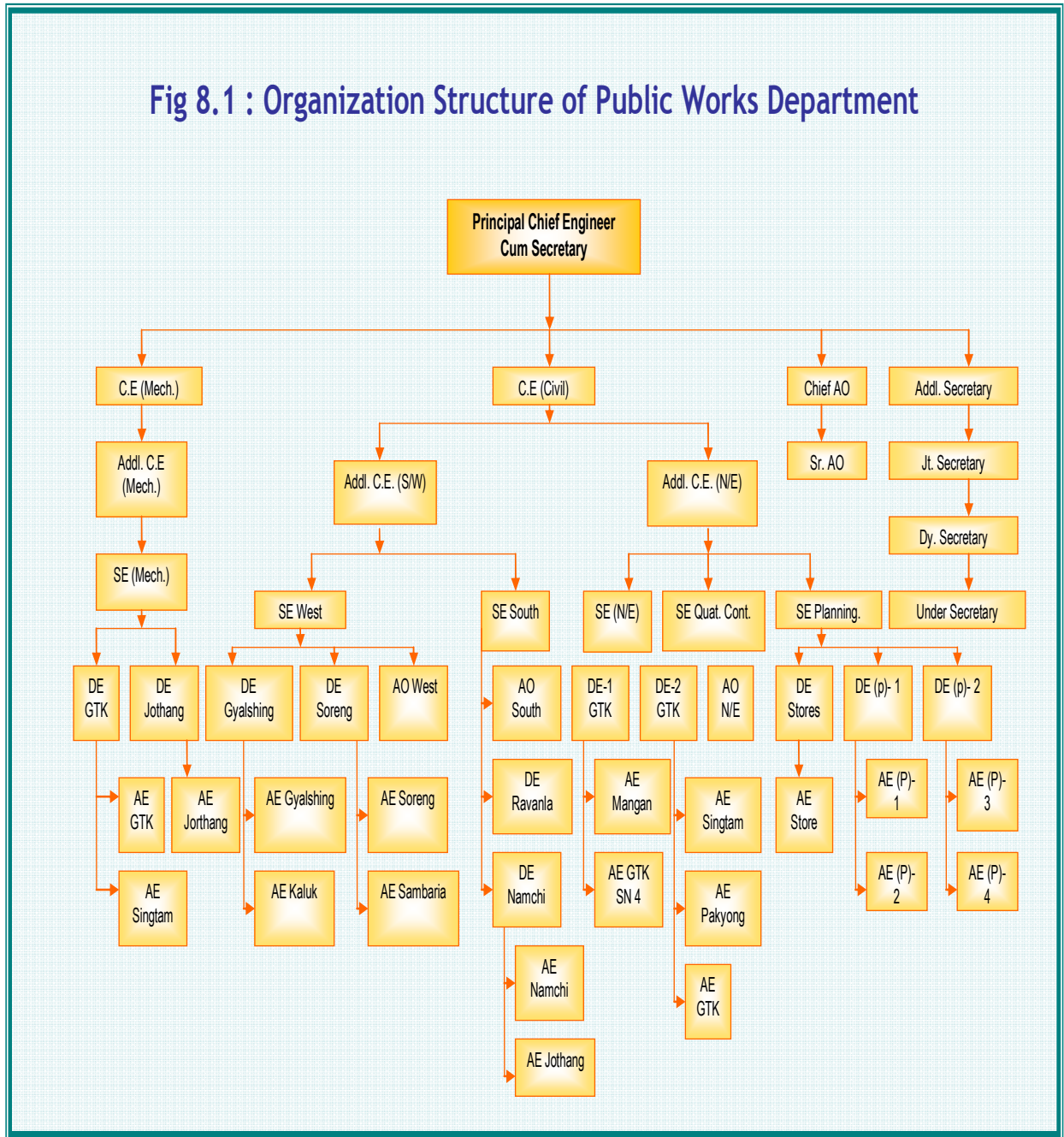
1. Issue/renewal of Trade License for Sikkim. Fees, taxes and levies from Bazaar areas in the State.

2. Allotment of sites, collection of site salami, ground rent.
3. Development and improvement of Bazaars and Municipal areas in Sikkim.
4. Control over all building construction of Bazaars and all along the roads in the State.
5. Entertainment Tax.
6. Urban Local bodies/Municipalities/Nagar Palika Act, 1993.
7. Urban Housing.
8. Public Services-Statutory Rules of the Services with which the Department is concerned.
9. Public Service-Statutory Rules of the service with which the Department is concerned are as follows: -
  - a. Sikkim Trade License and Miscellaneous Rules, 1985.
  - b. Sikkim (Repeal and Miscellaneous) Act, 1985, (Act No. 10 of 1985).
  - c. Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act, 1985 (Act No. 11 of 1985).
  - d. Sikkim Building Regulation, 1991.
  - e. Fixation of Site Salami Rules, 1986.
  - f. Sanitation Rules for Town in Sikkim 1989.
  - g. Sikkim Regulation for Display of Advertisement Rules, 1989.
  - h. Sikkim Vehicle Parking, 2000.
  - i. Sikkim Non-Biodegradable Garbage (Control) Act, 1997.
  - j. Sikkim Non-Biodegradable Garbage (Control) Rules, 2000.
  - k. Byelaws of Passenger Aerial Ropeway in Sikkim.
  - l. The Cinematograph Act, 1952.
  - m. Sikkim Cinemas (Regulation) Act 1978 (Act No. 20 of 1978).
  - n. Sikkim Cinemas (Regulation) Rules 1979.
  - o. Sikkim Entertainment Tax Rules, Act 1980 (Act No. 8 of 1980).
  - p. Sikkim Entertainment Tax Rules 1981.
  - q. Sikkim Entertainment Tax (Amendment) Rules, 1998.

These rules distribute the subjects among the departments and explain the functions to be carried out by the municipal department. Presently most of these rules are undertaken by the Urban Development and Housing department.

The effort of the department is to achieve infrastructure development through specially designed schemes undertaken by governments. The Department also implements Centrally Sponsored Scheme (CSS) on Urban Poverty Alleviation i.e. Swarna Jayanti Sahari Rojgar Yojana (SJSRY), Integrated Development of Small and Medium Towns and the Slum Development Programme.

Fig 8.1 : Organization Structure of Public Works Department





## 8.2 URBAN DEVELOPMENT & HOUSING DEPARTMENT (UD&HD)

Currently the authority responsible for most of the Municipal functions in Gangtok is Urban Development and Housing Department. The department carries out its duties and responsibilities with the help of its various sections listed below.

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Figure 8.3: Organisational setup of Urban Development and Housing Department

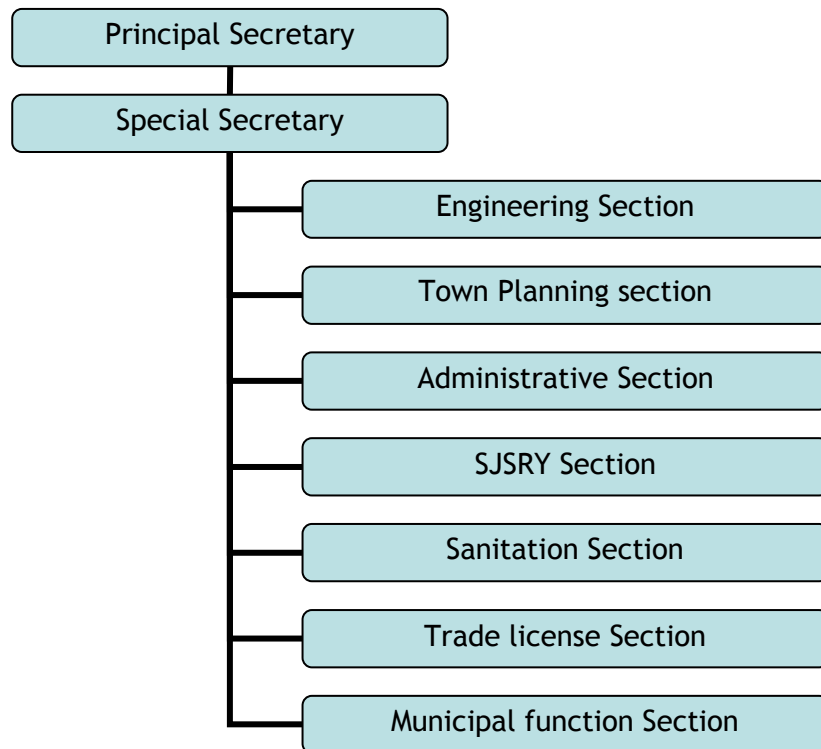


Figure 8.4: Engineering Section: UD&HD

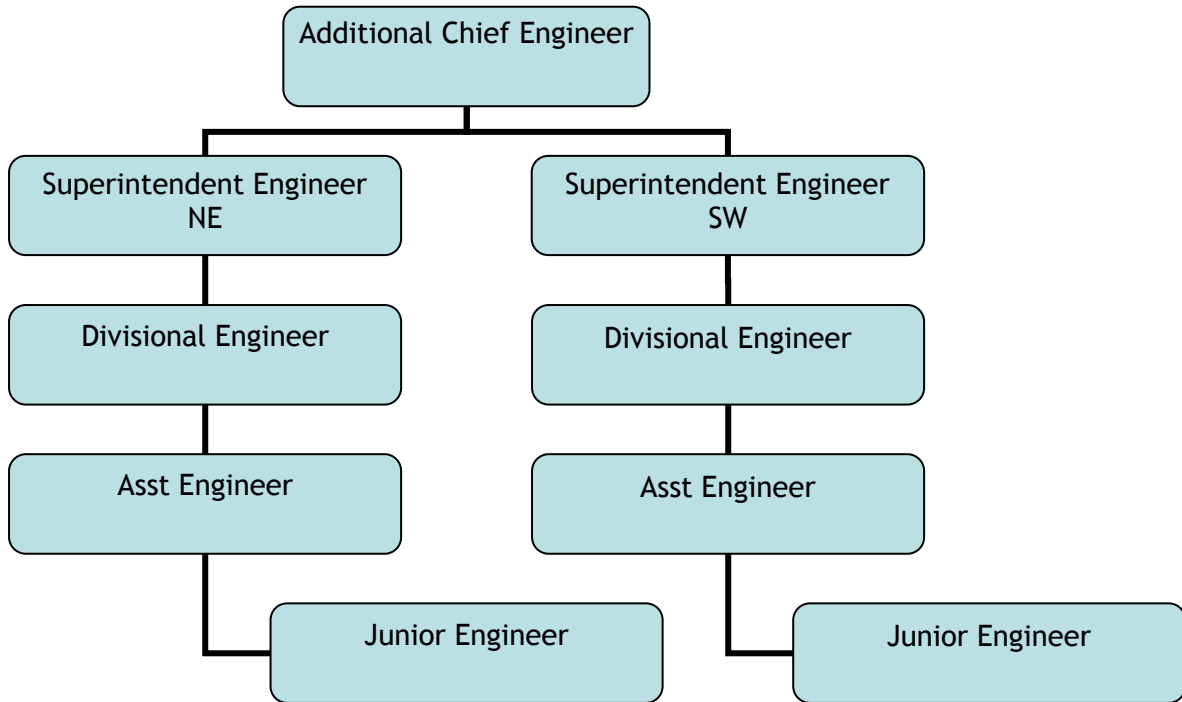
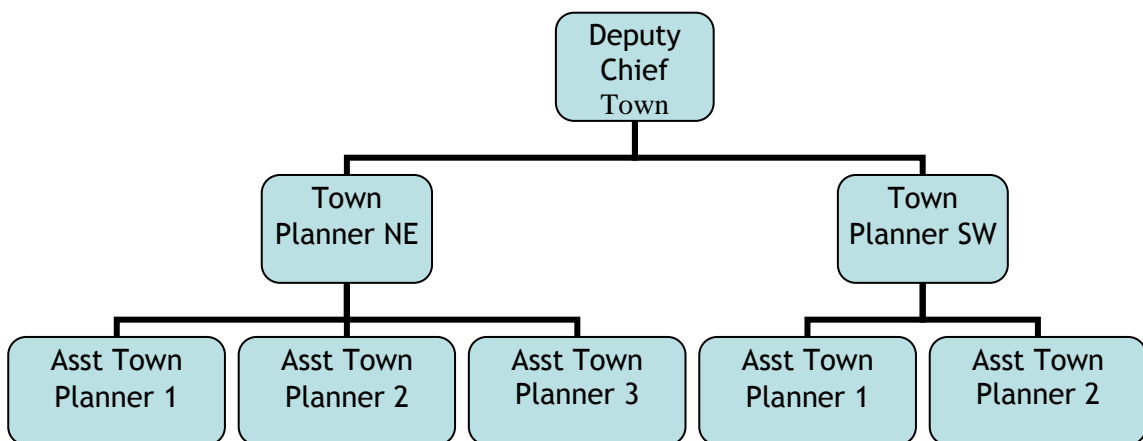
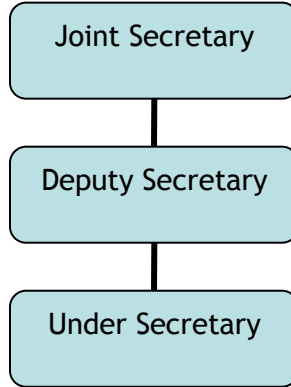


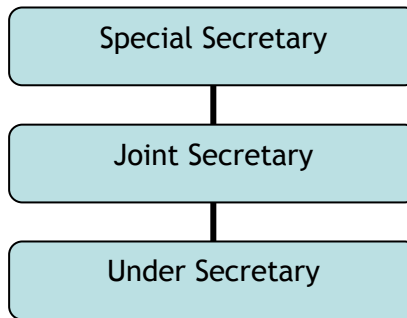
Figure 8.5: Town Planning Section: UD&HD



**Figure 8.6: Administrative Section: UD&HD**



**Figure 8.7: SJSRY Section UD&HD**



**Figure 8.8: Municipal Function Section**

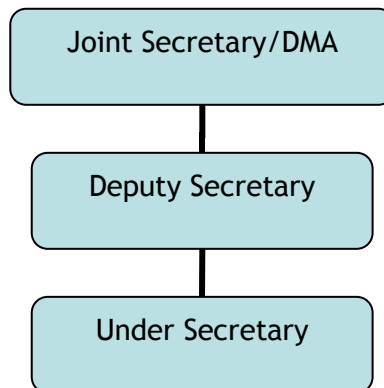


Figure 8.9: Amusement Tax Collection

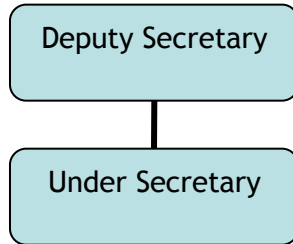


Figure 8.10: ACCOUNTS SECTION

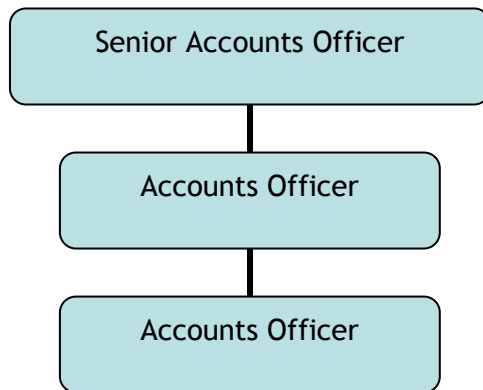
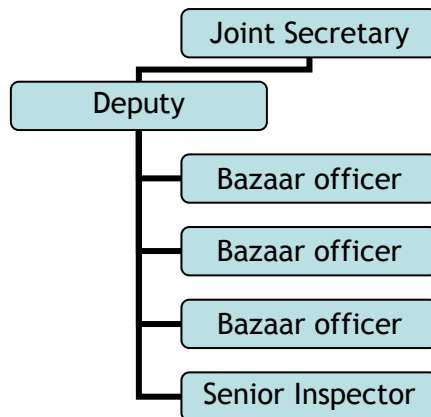


Figure 8.11: Sanitation and License Section





### 8.3 PUBLIC WORKS DEPARTMENT (PWD)

The Public Works Department is responsible for construction and management of roads and buildings. The broad functions can be listed as:

- To plan and execute highways in the state
- To execute works related to various state government projects, including buildings
- Managing and supervising the deposit work
- Control of roads
- Restriction on traffic
- Land use control for areas affecting public road

The administrative setup of PWD is given in Figure 8.1

### 8.4 WATER SECURITY & PUBLIC HEALTH ENGINEERING DEPARTMENT (WS&PHED)

#### 8.4.1 Water Supply

The Principal Chief Engineer cum Secretary oversees the functioning of the Department and is assisted by an Additional Chief Engineer (ACE). Under the ACE, there are two Superintendent Engineers, who look after North East to South West Circles. There are six Divisional Engineers assisted by Junior Engineers and Assistant Engineers. The Figure 8.2 shows the Organizational Chart of WS&PHED. The Public Health Engineering Department has qualified officers with best educational qualifications. However, there is a need for proper training of the key officers and exposure to the norms, standards and procedures for internationally funded projects in this sector.

#### 8.4.2 Sewerage and Sanitation

Sanitation in Gangtok is monitored by Public Health Engineering Department (PHED). PHED is well staffed and has the capacity to carry out repairs and replacement works as required in the operation of a modern water and sewerage utility.

#### 8.4.3 Acts & Rules - Water Supply, Sewerage & Sanitation

Various Acts & Rules are framed by Government of Sikkim to cover up the basic services category, such as:

- The Sikkim Water Supply and Water Tax Act 1986
- The Sikkim Water Supply Rules 1990
  - Amendment 1998
  - Amendment 1999

- Amendment 2001
- The Sikkim Sewerage and Sewage Disposal Act 1987
- The Sikkim Sewerage and Sewerage Disposal Rules 1990
  - Amendment 2001

However, there is no legislation-restricting disposal of the sanitary wastes in to gorges or streams in the areas where sewerage system has not been extended till date.

## 8.5 THE AGENDA FOR REFORMS IN LEGAL FRAMEWORK

The spirit of 74<sup>th</sup> amendment of constitution is to bring awareness amongst people for their rights, duties and responsibilities. It also aims at making the authorities more accountable, transparent in discharging their duties and more people oriented. For the institutions, the direction is to formulate policies to the head towards self-reliance, self-sustaining economy, reducing the dependency on capital support. This can be achieved by addressing issues on different subjects, such as:-

- Introduction/ Amendments in legal framework (building regulations, environmental sustainability regulations etc.)
- Sharing responsibilities in new framework.
- Capacity building of authorities (GMC, UD&HD, autonomous Water Supply & Sewerage & Drainage Agency, Transport Authority etc.)
- Involvement of NGO, community groups and social organizations for inducing awareness in people.
- Transparent functioning of parastatal body or local body.
- Effective accounting of local funds (introduce double entry accounting system).
- Introduction of performance based Human Resources Management System.
- Methods of constant monitoring and modifying the schemes.
- Introduction of E-Governances.

## 8.6 SUGGESTIVE AMENDMENTS IN LEGAL FRAMEWORK

Sl. No	OBJECTIVE	STATUS/ISSUES	INSTITUTIONAL DEVELOPMENT ACTION PLANS
<b>URBAN GOVERNANCE AND INSTITUTIONAL DEVELOPMENT</b>			
1.	To constitute a Municipal Corporation for Gangtok (GMC) without further delay.	It is in the form of a Municipal Bill.	<b>Agencies Responsible: UD &amp; HD</b> <ul style="list-style-type: none"> <li>• Draft Municipal Bill to be placed in the budget session of 2007.</li> <li>• Notification of territorial jurisdiction of the wards and holding of elections.</li> </ul>
2.	To make the Gangtok Municipal	Draft Municipal Bill to be placed in the budget session of	<b>Agencies Responsible: UD &amp; HD</b>

Sl. No	OBJECTIVE	STATUS/ISSUES	INSTITUTIONAL DEVELOPMENT ACTION PLANS
	Corporation operational in the shortest time possible.	2007.	
3.	To empower the proposed Gangtok Municipal Corporation (GMC) to function as an effective institution of self government, as envisaged in Part IX A of the Constitution of India.	The State is under constitutional obligation to implement the various provision of Part IX A of the Constitution pertaining to powers, functions, financial resources and decentralization of administration of ULBs.	<ul style="list-style-type: none"> <li>• Assigning of functions to the Gangtok Municipal Corporation in line with the Twelfth Schedule of the Constitution</li> <li>• Endowing the GMC with powers and authority as may be necessary to carry out its functions.</li> <li>• Conferring powers of taxation on the GMC.</li> <li>• The provision of the Constitutional 74<sup>th</sup> Amendment provides for setting up of ULBs. Once this ULB is established there will be total decentralization of administration and devolution of financial powers.</li> <li>• Constitution of Ward Committees (Art 243 S).</li> <li>• Introduction of performance based Human resource management system.</li> <li>• Introduction of double entry accounting system.</li> </ul>
<b>LAND MANAGEMENT, TOWN PLANNING AND DEVELOPMENT CONTROLS</b>			
4.	To improve land management in the GGPA Area	<ul style="list-style-type: none"> <li>• Although computerization of land records has developed in some districts of Sikkim. Gangtok area has not been taken up for computerization yet.</li> <li>• There is no landslide control system in Gangtok.</li> <li>• Though there are notified Building Regulations, they need strengthening for convenient enforcement.</li> </ul>	<b>Agencies Responsible: UD&amp;HD</b> <ul style="list-style-type: none"> <li>• Preparation of Statuary development plans for the GGPA areas.</li> <li>• Enforced of Building Regulations</li> <li>• Computerization of Land Records in the GGPA area and offering access to information to citizens.</li> </ul>

Sl. No	OBJECTIVE	STATUS/ISSUES	INSTITUTIONAL DEVELOPMENT ACTION PLANS
<b>THE URBAN DEVELOPMENT AND HOUSING DEPARTMENT</b>			
5.	To enhance the build up capacity of the Dept. to handle sub-projects covered under the North eastern region Urban Development Project.	<ul style="list-style-type: none"> <li>The Dept. currently has responsibility for Solid Waste and Liquid Wastes Disposal, Storm Water Drainage, Minor Roads, Public Toilets, Streets Lights (through Power Dept.) Public Parks, Slum upgradation, Town Planning and Building Regulations.</li> <li>On the technical side, considerable strengthening of capacity is required to handle the functions in Gangtok</li> </ul>	<b>Agencies Responsible: UD&amp;HD</b> <ul style="list-style-type: none"> <li>An immediate review of the human resource requirement of the Dept. in the context of the subprojects for solid wastes, roads, storm water drainage, slum improvement, street lighting and car parks proposed in the Northeastern region UD Project.</li> <li>Appointment/Recruitment of Staff.</li> </ul>
<b>WATER SUPPLY AND SEWERAGE</b>			
6.	The creation of an autonomous Water Supply and Sewerage Agency for the GGPA area.	<ul style="list-style-type: none"> <li>The present set up of the PHED in which the policy maker, the regulator and the service provider are one and the same, are needed to be accountable for any outcomes and any service standards.</li> <li>The provider of Water Supply and Sewerage Services to Gangtok must be autonomous, accountable to all stakeholders, professionally managed and with a strong commitment to service delivery and sustainability of</li> </ul>	<b>Agencies Responsible: Government of Sikkim &amp; PHED</b> <ul style="list-style-type: none"> <li>The Gangtok Water Supply and Sanitation project, supported by AusAID has done considerable work on developing various institutional options for a separate agency for Water Supply and Sanitation for the GGPA area. The Government of Sikkim should take an early decision on setting up such an agency.</li> <li>The Government should carry out a public consultation with major stakeholders before the institutional option is decided upon.</li> </ul>

Sl. No	OBJECTIVE	STATUS/ISSUES	INSTITUTIONAL DEVELOPMENT ACTION PLANS
		services.	
<b>SOLID WASTE MANAGEMENT</b>			
7.	To strengthen the institutional setup for Solid Waste Management in Gangtok	<ul style="list-style-type: none"> <li>The Staff for garbage collection are insufficient.</li> <li>More stress needs to be given for training and capacity building of the Human resource. Exposure visits to best practices should be encouraged.</li> </ul>	<p><b>Agencies Responsible: UD &amp; HD</b>  <b>As a Transitional Arrangement:</b>  The management of solid waste division in the UDHD needs to be augmented with a responsible and qualified officer with sufficient experience and managerial background.</p> <ul style="list-style-type: none"> <li><b>Inter-departmental Coordination:</b> Since the SWM division depends greatly upon the support of various departments, more particularly the Engineering department, the Chief Engineers of PHED should hold regular monthly co-ordination meeting to sort out problems faced by the SWM department such as expeditious repairs of roads, drains, water supply pipe-lines etc. which cause hindrance to street and city cleaning. The resistance of roads dug up by utility services should also be given priority.</li> <li><b>Decentralized administration:</b> The SWM services can be performed effectively only if its administration is adequately decentralized. Decentralization can be at least 3 tiered- at the ward level, at the sector level and at the city level.</li> <li><b>Apex Committee:</b> An Apex Committee should be formed to monitor the operation and required improvements of the SWM division on a routine basis.</li> <li>Recognize the role of private sector and NGOs by supporting and strengthening the efforts of the private sector and NGOs in solid waste management.</li> <li>Develop a public private partnership for selected operations including</li> </ul>

Sl. No	OBJECTIVE	STATUS/ISSUES	INSTITUTIONAL DEVELOPMENT ACTION PLANS
			house - to - house collection and composting. <b>As Long Term Sustainable Arrangement:</b> • Making the proposed GMC responsible for Solid Waste Management activities with a dedicated division within GMC.
<b>STORM WATER DRAINAGE AND LANDSLIP PROTECTION</b>			
8.	To strengthen the existing institutional setup for provision of an efficient Disaster Management Cell in Gangtok.	<ul style="list-style-type: none"> <li>• The entire city of Gangtok is vulnerable to landslides. Lack of an effective drainage system is one of the major causative factors for the landslides and subsidence.</li> <li>• Though a landslide mitigation and storm drainage development scheme was worked out but could not be implemented for fund constraints. Need for a prioritized investment program towards improvement of drainage situation.</li> <li>• Shortage of technical staff towards addressing the landslide and drainage problems within the UD&amp;HD.</li> <li>• Investment and projects towards drainage improvements not based on a prioritized drainage master plan. Lack</li> </ul>	<p>Agencies Responsible: UD&amp;HD, GMC, Irrigation and Flood control Department</p> <ul style="list-style-type: none"> <li>• Creation of a Disaster Management Cell comprising of officials, technocrats, NGOs and Civil Society within the UD&amp;HD.</li> <li>• Establish procedures, guidelines for pre-monsoon inspection of drains and jhoras</li> <li>• Capacity building of the Drainage cell by giving training to engineers on Urban Drainage design and modern technicalities. To review good practices in urban storm water management, Site visits should be more routined.</li> <li>• Inter-agency co-ordination:- The planning for an effective drainage system shall depend greatly on the co-ordination amongst various departments, such as (i) the Irrigation and Flood Control Department who is responsible for implementation of drains through various schemes, (ii) the UD&amp;HD who looks after the development of areas which is vulnerable to flood and also implementation of <i>jhoras</i> training works in Gangtok (iii) PWD on the cross-drainage situation and the roadside drains.</li> <li>• Enhancing awareness of the communities towards maintenance of the drains and <i>jhoras</i>, especially on aspects pertaining to wastes dumping and encroachments.</li> </ul>

Sl. No	OBJECTIVE	STATUS/ISSUES	INSTITUTIONAL DEVELOPMENT ACTION PLANS
		of technical staff towards addressing the drainage problems within the UD&HD.	Involvement of the NGOs needs to be worked out as and when required.
9.	To prevent landslide disasters and to build strategies applicable to earthquake prone areas and enforce it.	<ul style="list-style-type: none"> <li>• At present there is scant regard for building norms and safety.</li> <li>• Gangtok is in a sensitive seismic zone.</li> </ul>	<p><b>Agencies Responsible: UD&amp;HD</b></p> <ul style="list-style-type: none"> <li>• Initiate action for preparation of micro zoning based seismic vulnerability parameters as per the guidelines of Ministry of Home Affairs (MoH), Government of India for "Urban Earthquake Risk Vulnerability Reduction Project"</li> <li>• UD&amp;HD with the assistance of Senior Town and Country Planner should engage an Earthquake Vulnerability Assessment Specialist to prepare micro zoning.</li> <li>• Review existing building Code and amend it according to the micro-zoning result.</li> <li>• Incorporation of safety measures to be made mandatory in the Blue Print Plans of Structures.</li> </ul> <p>A special task force for the objective needs to be formed.</p>
<b>TRANSPORTATION (ROAD AND STREET LIGHTING)</b>			
10.	To build capacity of the existing institutions for management of roads and transportation sector.	<ul style="list-style-type: none"> <li>• Several road stretches within the city is vulnerable to floods.</li> <li>• Ribbon development along the primary road network - a major constraint towards capacity improvement of road networks. Capacity of roads is further limited by on-street parking and commercial establishments.</li> <li>• Need for provision of parking facilities, development of</li> </ul>	<p><b>Agencies Responsible: PWD, UD&amp;HD</b></p> <ul style="list-style-type: none"> <li>• PWD should facilitate training of the engineering staff in road designing specially in areas vulnerable to landslides and subsidence.</li> <li>• Capacity building in the following critical areas: (i) Management information and quality control systems; (ii) Road maintenance operations and management; (iii) Environmental and social impact management; (iv) Core network and asset management; (v) Procurement procedures; (vi) Traffic management measures and (vii) Slope protection and stabilization measures in highly vulnerable areas.</li> <li>• Assess the possibilities of private sector involvement in funding of</li> </ul>

Sl. No	OBJECTIVE	STATUS/ISSUES	INSTITUTIONAL DEVELOPMENT ACTION PLANS
		truck /bus terminals etc.	urban transport projects such as parking lots, terminals for bus/trucks etc. The Government shall develop frameworks for various mechanisms as BOT BOOT, BOO etc. to attract private sector investments and participation in the urban transport sector.
<b>COMMUNITY UP-GRADATION (SLUM UP-GRADATION)</b>			
11.	To strengthen the existing capacity of the UD&HD so that it could execute better coordination in planning, designing and implementing programs / schemes for slum upgradation in Gangtok	There are 9 notified slums within Gangtok. The UD & HD has implemented Urban Poverty Alleviation Programs (UPA) such as the EIUS, UBSP, SJSRY etc. There is a definite need for (i) strengthening of the existing unit with technical, managerial and entrepreneurial skills for planning, designing and implementation of slum upgradation schemes. (ii) Need for strengthening the neighborhood committees to develop a community-based approach for selection of beneficiary and project implementation.	<b>Agencies Responsible: UD&amp;HD</b> <ul style="list-style-type: none"> <li>• Up gradation of the existing arrangements by creating Social Co-ordination and Community Development Unit within the UD&amp;HD which can perform as the coordinating cell for all activities pertaining to slum upgradation.</li> <li>• For the notified slums, on a priority basis the infrastructure in terms of minimum basic services need to be assessed. These shall be prioritized adopting a community-based strategy, incorporating the concerns and felt needs of the communities, NGOs etc.</li> <li>• Evolve a community-based process for beneficiary identification for the various programs. Develop in-house technical skills and participatory appraisal skills through induction of civil engineer with required experience.</li> </ul>