



Government of Jammu and Kashmir
Housing and Urban Development Department
Civil Secretariat, Jammu/Srinagar

Subject: Implementation of Reforms under JNNURM-Transfer of 18 Mandatory Functions to Urban Local Bodies.

Reference:- Cabinet Decision No. 50/7/2013 dated 15/03/2013.

Government Order No: 144 -HUD of 2013
D A T E D : 01 -04 - 2013

Sanction is hereby accorded to the:-

- (i) transfer of 18 mandatory functions to Urban Local Bodies of the State as per **Annexure-A**;
- (ii) approval to the recommendations made by the committee of Officers as indicated in **Annexure-B** to this Order and
- (iii) constitution of the following Committee to oversee the process of transfer of the functions, functionaries and funds:-

1	Chief Secretary, J&K	Chairman
2	Administrative Secretary, Planning & Dev. Department.	Member
3	Administrative Secretary, Finance Department	Member
4	Administrative Secretary, Housing & Urban Dev. Department.	Member

9.

By order of the Government of Jammu and Kashmir.

Sd/-

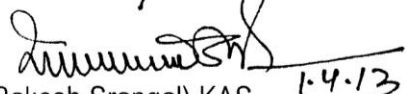
(Jeet Lal Gupta) IAS
Commissioner/ Secretary to Government,
Housing & Urban Dev. Department.

No: LSG/JMC/SMC/147/2011-II

Dated: 01 - 04 - 2013

Copy to the:

1. All Principal Secretaries to Government,
2. Principal Secretary to Hon'ble Chief Minister.
3. Principal Secretary to Hon'ble Governor.
4. All Commissioner/Secretaries to Government,
5. Commissioner, Municipal Corporation, Jammu/Srinagar.
6. Director, Urban Local Bodies, Jammu/Kashmir.
7. Additional Secretary/PPS to Chief Secretary, J&K State.
8. OSD to Hon'ble MOS for H&UDD.
9. Spl. Assistant to Hon'ble Minister for Urban Development & Urban Local Bodies.
10. Pvt. Secretary to Commissioner/Secretary to Government, H&UDD.
11. Government Order file (w.2.s.c)
12. Stock File.


(Rakesh Srangal) KAS 1.4.13
Deputy Secretary to Government,
Housing & Urban Dev. Department.

**ANNEXURE "A" TO GOVT. ORDER NO. 144-HUD OF 2013
DATED 01.04.2013**

Functions and Functionaries of the Departments to be Transferred to the ULBS.		
No.	Functions listed in 12th Schedule	Proposed to be Transferred to ULBs
1	Urban Planning including town / planning	The ULBs to be given exclusive jurisdiction for Urban Planning- preparation of Master Plan and its implementation, city development plan within the Municipal areas by withdrawing the jurisdiction of Development Authorities, wherever there is case of overlapping jurisdiction.
2	Regulation of land-use and construction of buildings	The regulation of land-use, currently with the Development Authorities, needs to be transferred to the ULBs for the Municipal areas. The buildings regulation and construction, including granting permission for construction is with the ULBs.
3	Planning for economic and social development	<p>The functions relating to plan formulation, implementation and monitoring is currently with the line departments of the state government. These functions need to be transferred to the ULBs. The illustrative list of such departments is as under:</p> <ul style="list-style-type: none"> • Parks and Gardens. • Department of School Education- Adult Education, Elementary Education, Sarva Shiksha Abhiyan, Rashtriya Madhyamik Siksha Abhiyan • Vocational Education- Craftsmen Training Institution, ITIs. • Social Forestry- Urban Forestry

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		<p>Division</p> <ul style="list-style-type: none"> • Department of Ecology and Environment • Power Development Department- Street light Division. • Industries- Handicrafts and Handlooms Training and Development Centers, the schemes implemented by DIC. • Youth Services and Sports. • Health Department- Ayush Centers, Primary Health Centers and other centrally sponsored schemes. • Public Health Engineering- City Divisions. • Urban Environmental Engineering- Sewerage Division • Department of Employment- Self-employment Schemes. • Social Welfare
4	Roads and bridges	PWD (R&B) - All the roads within the Municipal Area except the National Highways and the State Highways.
5	Water supply- domestic, industrial and commercial	PHE- City Divisions.
6	Public health, sanitation, conservancy and	Already with the Municipal Corporation

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	SWM	
7	Fire services	Fire Services- City Division
8	Urban forestry, protection of environment and ecology	Urban Forestry- Social Forestry Environment- Deptt. of Environment
9	Safeguarding the interests of weaker sections of society including the handicapped and mentally retarded	Social Welfare Department- implementation of scholarship schemes, ICDS, including the Acts and Schemes dealing with safeguarding the interests of weaker sections of Society, including the handicapped and mentally retarded and juvenile homes.
10	Slum improvement and up-gradation	Municipal Corporation
11	Urban poverty alleviation	Urban development Agencies
12	Provision of urban amenities and facilities- parks, gardens and playgrounds	Department of Gardens and parks Department of Youth Services and Sports Sports Council
13	Promotion of cultural, educational, and aesthetic aspects	Department of Education Department of Culture
14	Burials and burial grounds, cremations, cremation grounds and electric crematoriums	Municipal Corporation and Committees
15	Cattle pounds, prevention of	Already with ULBS

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	cruelty to animals	
16	Vital statistics including registration of births and deaths	Already with ULBS
17	Public amenities including street lighting, parking lots, bus stops and public conveniences	Street Lights: Maintenance Division dealing with street lights Parking Lots and Bus Stops, Public Convenience (already with ULBs)
18	Regulation of slaughter houses and tanneries	Already with ULBS

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ANNEXURE "B" TO GOVT. ORDER NO. 144-HUD OF 2013
DATED 01.04.2013

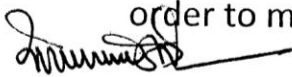
Terms and conditions of transfer of functions, funds and
functionaries to the Urban Local Bodies (ULBs)

1. Immediate transfer of 18 functions and matters connected thereto, to all the Urban Local Bodies, in addition to the functions already being performed by the ULBs.
2. Transfer of staff of the concerned line Department connected with the performance of these functions to the Urban Local Bodies on deputation basis for a period of 4 years to be co-terminous with the 12th five Year. In the mean time, the ULBs should take a decision as to which of the deputed staff is to be absorbed permanently and which is to be repatriated to the present Department.
3. The concerned Administrative Department shall undertake an exercise to re-organize its territorial jurisdiction and staffing pattern in order to converge it with the territorial limits of the Urban Local Bodies.
4. The cadre management of the staff transferred to Urban Local Bodies shall remain with the parent Department. However, immediate supervisory and administrative control shall be exercised by the concerned Urban Local Body.
5. The Urban Local Bodies shall not make any fresh appointment against any vacant post in respect of the staff transferred to them by the line Departments.
6. The concerned Department shall transfer the connected assets including the corresponding non-plan funding to the Urban Local

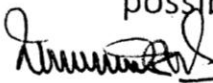


Bodies on, as is whereas, basis. However, the non-plan funding will taper proportionately to a zero level by the end of 4th year.

7. The line Department shall not recall any of the staff, deputed initially to Urban Local Bodies before the expiry of three years.
8. The concerned Urban Local Body shall not repatriate any of the deputed staff within a period of three years. However, the exercise relating to absorption of staff permanently by the Urban Local Body shall be concluded by the end of 4th year.
9. The statutory devolution of funds shall continue as per the recommendations made by the State Finance Commission.
10. The Urban Local Bodies, within the available resources, shall be responsible for plan preparation, implementation and day to day monitoring of functions and activities transferred to them. The Urban Local Bodies, based on the plan allocation made by the District Development Board in case of district plan and the concerned Department in case of State Sector, shall prepare the annual municipal development plan to be submitted to the concerned competent authority for approval.
11. The Urban Local Bodies shall have to own the liabilities contingent to the functions which shall include outstanding on account of accruals from general public, government departments, including central government departments, if any.
12. The Urban Local Bodies shall have to own the pension liability in case of staff permanently absorbed by them.
13. The Urban Local Bodies shall have to raise enough resources by restructuring and levying of fees and taxes etc, as provided in the J&K Municipal Act, 2000 and the J&K Municipal Corporation Act, 2000, in order to make them financially viable institutions.



14. The Urban Local Bodies shall introduce and collect charges in respect of the services rendered by them and recover 50% of the operation and maintenance cost of such services in the beginning and enhance the recovery to 100% by the end of 12th Five Year Plan. Similar recommendations have been made under JNNURM and the 13th Finance Commission award.
15. The Urban Local Bodies shall have to carry out administrative structural and fiscal reforms to equip themselves administratively, financially and institutionally to carry out the enhanced responsibilities on independent basis.
16. The Urban Local Bodies shall identify areas for outsourcing for efficient provision of services at a reasonable cost.
17. The permanent staff within the ULBs should be minimum, as far as possible.

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