

February 25, 2013

Review of the Draft

THE RAJASTHAN LAKE DEVELOPMENT AUTHORITY BILL, 2013

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This a broad review of the draft THE RAJASTHAN LAKE DEVELOPMENT AUTHORITY BILL, 2013. The draft Bill can be requested from the Ministry of Urban Development and Housing, Government of Rajasthan. The draft Bill through discussion at the state assembly may be amended into an 'Act'. Following is broad review of the draft Bill. For detail review by the author, you may ask the author at: mansee@edc.org.in.

1. The title should be changed to: **THE RAJASTHAN LAKE GOVERNANCE BILL, 2013**. A crucial strategy to move on to the Governance from Management and Authority.
2. **The Act may be called the Rajasthan Lake Governance Act, 2013.**
3. The term 'Governance' encompasses management, administration and maintenance. Governance also looks at restoration and redevelopment of the lake.
4. **The body formed may be called the Rajasthan Lake Governance Board/ Committee.**
5. The term 'Authority' in the entire document be replaced with Board/ Committee to align it with the governance approach.
6. Besides, the lake size as the criteria, provision should be there to consider smaller lakes (10-3 hectares) that are under stress and require specific attention. Should also outline if Wetlands are part of this Act.
7. The Act should also spell out the consideration of the lake system. The lake system comprising of the lake, the shoreline, the promenade, and the catchment.
8. Not clear if through the Act is a step further to the formation of the state level Lake Protection bodies under the NLCP.
9. Also not clear if the Lake Managers (urban local bodies) will have more 'power' than before to work on and with the urban lakes.
10. As many of us are aware that the conditions of the lakes today are primarily the results of poor Urban and Infrastructure Planning or No Planning. Wondering if there can be a provision to bring in the approvals of the Development Plans and Local Area Plans also through this Act, for example in the Netherlands the Spatial Plans need approval from the Dutch Water Board.
11. It can be strategic to bring in the Planning Authorities. Unless Urban Planning is integrated in the Lake Governance Act, it will not be able to do much like the current situation. There can be a provision to include the Authority's role and use in the urban planning and development processes.
12. Besides the planning functions, the Authority's regulatory and legal functions can be elaborated. The Act should outline its link to the Legal provisions.
13. The Act can embrace the 'Ramsar Convention's' theme of 'Wise Use of Wetlands' and the goals since India is a Contracting Party. Although only large lakes are covered under Ramsar, the handbook for Wetland Management can be made available to the Lake Authority.
14. The Act should mention the provision of the Wetland Rules, Forest Conservation

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- Act and other Constitutional Rules (for example listed in Reddy and Char, 2006).
15. Empowering the urban local bodies through the Act is necessary otherwise the Act may become yet another bureaucratic process. Require more representation from the working positions from the urban local bodies, particularly from the Mun. Corp. and Urban Dev. like the Head Planning, Environment, and Infrastructure etc. Their positions are for longer durations and that can help to pursue the initiative (for example L Sharma involved in Mansagar now moved to Metro) unlike the top positions like (commissioner, CEO) where the officials are deputed for short durations (for example JDA ex-Commissioner Vishal Rajan).
 16. Having a CEO is important however there are already several Secretaries. So the CS can hold this additional position. There can be more VCs for example for every district or dividing the state into zones.
 17. The three persons from the Civil Society can be increased to the number of experts from the primary fields related to the lake governance, for example governance, planning, limnology, hydrology, engineering, bio-diversity.
 18. The roles and responsibilities of the experts can be spelled out more elaborately particularly on what situations they reserve the power to intervene.
 19. There should be provisions for capacity building and training programme for the Lake Managers.
 20. There should be provision for raising people's awareness for example making the Lake Planning and Progress available to people's suggestions.
 21. The Act should make provision for increase in Public Private Partnerships and Community Participation in the Lake Governance Process.
 22. The Act should outline its link with the Irrigation, Water Supply, Drainage, Forest and Tourism, Pollution Control Departments and Acts.
 23. The Act can specify clearly the role of the central MoEF particularly the extent of intervention at the lake level. MoEF should be facilitator and not regulator.
 24. The Act should outline the kind of incentives and sanctions the Authority will be entitled to pertaining to doing and not doing things according to the Act.
 25. The act should make provision for transparent process of Tendering and Commissioning Lake Projects. Like Chapter IV, there should be a separate chapter on Tendering and Commissioning Lake Projects. The biggest problems lie HERE in our system. The incompetent agencies get the projects based on political and bureaucratic patronizing.
 26. The Act should create a provision to develop a Monitoring and Evaluation Process of the Lake Governance Approaches for long term.
 27. And, importantly E-Lake Governance should be targeted by creating provision to develop a common Lake Data Bank for sharing information/experiences among the urban local bodies in the state.