

Policy Planning, Legal Assessment and Governance of Smart City

Broad Area

- Planning and Policy
- Governance

Need for the Study in the Context of Future of Cities

It is usual in our country to discuss and propose policy framework for the city in its planning stage. The general understanding is technology, planning and management play significant role in development of the city. In west, development of a city is always interphased with different stages of policy formulation. It helps in providing equitable lifestyle and framework of sustainable infrastructural growth.

Policy framework for Smart city may include:

- A. Control of population density;
- B. Maintaining equitable lifestyle;
- C. Right of future city dwellers;
- D. Right of CITY itself.

The 'control of population density' in India is mainly done in the planning stage by 'city planners'. Though, there are some decent governance guidelines followed by them voluntarily, there is no national policy framework regarding this. This devoids the city of maintaining a minimum standard. There is a need to work on national policy framework in this front.

Maintaining equitable lifestyle includes many rights like easement, passage and transport, clean water, continuous power supply, waste free surrounding, clean environment, citizen safety and security, friendly business policy etc. On many issues, there are legislations, regulations and policies, while in many others, there is vacuity. Where such legislations, regulations and policies exist, they suffer from clarity and coherence. There is a need to build up adequate national policy framework on the said issues.

Right of future dwellers in most of the parts of our country is governed by statutory law and common law principles. Many of these legislations are vintage in nature and fail to address issues like preservation of historical events within the city, plans for new peri-boundary expansion etc.

Right of the city includes preservation of metamorphosis and historical event of the city, which has left distinct mark in city life, due to changes in its historical, social, political, economic development. Right of a city is totally unknown in Indian form.

Indian subcontinent has been historically dominated by different rulers over the years, which has sprung up different types of right system [developed out of usage, custom and legislative process] upon the land. Modern India is highly dominated by the concept of English Law but still there are several places where the indigenous rights dominate as against the common law and statutory laws. The common laws and statutory laws were imported and planted by the British in India. After independence, rights jurisprudence of land and other ancillary rights [including energy, water, transportation and passage, waste free surrounding and clean environment, Business Policy of city to a great extent has become align with common law in form of statutory enactment.

Land is the genesis and foundation of any city. Smart and optimum utilization of land resources makes the city life more comfortable and enjoyable. Smart design of direct and ancillary rights regarding the land; optimum energy and water usage; efficient environmental preservation and governance, smooth and accessible transportation facilities, Citizens' security and surveillance and Business policy and regulatory framework builds the groundwork for transition to future cities. Present researchers are interested to probe into the role of law in governance of smart cities, develop rights' based city approach and suggest appropriate legislative and regulatory interventions as well as simulate decision making structure.

Objective and Scope of Work

- a. To analyze existing policies, legislative and common law framework regarding rights related to land;
- b. To trace and map the rights relating to energy and water usage;
- c. To analyze environmental regulatory and institutional framework applicable to the city;
- d. To trace and map the existing policy and legislative framework for transportations, Citizens' security and surveillance and Business Policy and regulatory framework applicable to the cities;
- e. To study the policy and legislative gaps and the institutional fragmentations;
- f. To develop comprehensive legislative structures for the Smart city;

- g. To develop decision-making structures/model for Smart city regarding policy and legislation.

Methodology/ Activities

The present research will follow the analytical method. The subjects [like land, water, transport, environment, energy, water, business, security and dwellers rights] associated with city come under legislative domain of State. It varies from one state to another. So, there are number of legislations/enactments on these subjects, mentioned above or beyond. It is an enormous task to do the policy analysis for all of the cities of this large country. So, the researchers will concentrate only on few cities, i.e., three old metropolitan cities of Kolkata, Mumbai and Madras and two new cities of Bangalore and Noida. All these five cities are expanding at a fast space. Furthermore, all of these five cities belong to the different states. So, in many respects they may cover the different subjects matters in respect to Smart city. The existing policies, regulations and laws of the select states will be analyzed, the gaps will be identified therein and in light of international experiences and national requirements, appropriate police frame will be suggested.

Following are the list of activities:

- A. Catalog and classify the existing legislations and policies based on the different subject matters;
- B. Analyze the rights developed and guaranteed under them;
- C. Interpretation of legislative provisions by the higher courts and common law interpretation, if any, regarding the same;
- D. Finding the gaps in legislations, policy frame;
- E. Analysis of institutional models of power and responsibility;
- F. Assess the institutional fragmentations;
- G. Identify variables which influence decision making process;
- H. Fabricate the Institutional models for decision-making;

Outcomes/Deliverables

- A. Comprehensive Assessment and Evaluation of Existing policies and Legislative framework on identified subject matter in selected cities;
- B. Outline the Law and Policy Interventions as well as Institutional Integrations required;
- C. Develop charter of rights for a smart city

D. Propose comprehensive policy support system and simulate it through computer program.

Team Composition

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