

**CHECKLIST OF REFORMS  
IMPLEMENTATION OF THE CONSTITUTION 74<sup>TH</sup> AMENDMENT ACT**

**DESIRED OBJECTIVES:**

Note: JNNURM requires certain reforms to be undertaken by states/ cities in implementing the 74<sup>th</sup> Amendment of the Constitution, with the objective of implementing decentralisation measures. The State should ensure meaningful association and engagement of Urban Local Bodies in planning the function of parastatal agencies as well as the delivery of services to the citizens.

1. **CURRENT STATUS**

a. Please indicate the status of implementation of the following as per the Act:

i.	Constitution of municipalities	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
ii.	Composition of municipal councils	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
iii.	Reservation of seats for women, SCs and STs	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
iv.	Constitution of District Planning Committees (DPCs)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
v.	Constitution of Metropolitan Planning Committee (MPCs)	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
vi.	Incorporation of Schedule 12 into the State Municipal Act	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

(Partially)

b. Please indicate which of the functions of Schedule 12 have been incorporated into the State Municipal Act and transferred to ULBs:

No.	Functions listed in 12 <sup>th</sup> Schedule	Yes	No
1	Urban Planning including town planning	✓	
2	Regulation of land-use and construction of buildings	✓	
3	Planning for economic and social development	✓	
4	Roads and bridges	✓	
5	Water supply- domestic, industrial and commercial	✓	
6	Public health, sanitation, conservancy and SWM	✓	
7	Fire services		
8	Urban forestry, protection of environment and ecology	✓	
9	Safeguarding the interests of weaker sections society including the handicapped and mentally retarded	✓	
10	Slum improvement and upgradation	✓	
11	Urban poverty alleviation	✓	

12	Provision of urban amenities and facilities- parks, gardens and playgrounds	✓	
13	Promotion of cultural, educational, and aesthetic aspects	✓	
14	Burials and burial grounds, cremations, cremation grounds and electric crematoriums	✓	
15	Cattle pounds, prevention of cruelty to animals	✓	
16	Vital statistics including registration of births and deaths	✓	
17	Public amenities including street lighting, parking lots, bus stops and public conveniences	✓	
18	Regulation of slaughter houses and tanneries	✓	

Note: In respect of functions listed at Sl.No 3, 8, 9 and 13 of schedule 12 orders have been issued in G.O.Ms. No 12 M.A. Dated 20-01-2004 transferring the said functions from Government to the control of ULBs but effective transfer of the above functions is yet to take place. Effective transfer of the above four functions and Fire Services will be completed by March, 2008.

d. Please indicate whether the transfer of functions has been accompanied by transfer of staff.

Yes

No



e. If the DPC has been constituted, please attach a copy of the Act.

Yes

i. If the MPC has not been constituted, has the legislative process for their constitution been initiated?

Yes

No



f. Please indicate the status of SFC- have they been constituted? When was the last SFC constituted?

Constitution of First SFC: 21-06-1994.

Constitution of Second SFC: 21-12-1998.

Constitution of Third SFC: 23-12-2004.

g. Please indicate whether SFCs submitted their recommendations.

Yes

No



If yes, what is the status of implementation?

First and Second State Finance Commission's have submitted their recommendations in May 1997 and August 2002 respectively. Government have accepted majority of the recommendations of SFCs.

**2. TIMELINE FOR REFORMS**

- a. Resolution by Government expressing commitment to implement the 74<sup>th</sup> Amendment Act (Note: This resolution should be passed within 6 months of signing of MOA under JNNURM and a copy submitted to MOUD.) **Agreed**
- b. If elections to the municipality have not been held, please indicate when this will be held.

Elections were conducted to all Municipalities and Municipal Corporations in September, 2005 wherever they are due except 12 Municipalities surrounding Hyderabad city as there is a proposal to include them in Grater Hyderabad Municipal Corporation. This mater is also pending in High Court and action will be taken to conduct election as soon as the mater is disposed off in the Court. Grater Visakhapatnam Municipal Corporation was consituted November, 2005 merging Gujuwaka Municipality and 32 gram panchayats. Elections will be conducted to this body shortly.

Year1	Year2	Year3	Year4	Year5	Year6	Year7
	√					

- c. Please provide a time schedule for transferring the Schedule 12 functions to ULB.

Year1	Year2	Year3	Year4	Year5	Year6	Year7
		Mar. 2008				

- d. If the answer to 1(e) (i) is no, then please provide a time schedule for constituting the MPC

Year1	Year2	Year3	Year4	Year5	Year6	Year7
		Mar. 2008				

- e. Please provide timetable for constitution of SFC and implementation its recommendation

SFCs have already have been constituted as indicate item 1. (f) and 1. (g)

f. Please provide timeline in years of when you plan to complete the following with respect to each of the function.

No.	Functions listed in 12 <sup>th</sup> Schedule	Gov. Resolution	Cabinet Approval	Amendment of State/Municipality Act	Implementation
1	Urban Planning including town planning	Transferred to ULBs with funds and functionaries.			
2	Regulation of land-use and construction of buildings	Transferred to ULBs with funds and functionaries.			
3	Planning for economic and social development*	Transferred in 2004	2004	Dec, 2007	Mar, 2008
4	Roads and bridges	Transferred to ULBs with funds and functionaries.			
5	Water supply- domestic, industrial and commercial	Transferred to ULBs with funds and functionaries.			
6	Public health, sanitation, conservancy and SWM	Transferred to ULBs with funds and functionaries.			
7	Fire services*	Sept, 2006	Aug, 2007	Dec, 2007	Mar, 2008
8	Urban forestry, protection of environment and ecology*	Transferred in 2004	2004	Dec, 2007	Mar, 2008
9	Safeguarding the interests of weaker sections society including the handicapped and mentally retarded*	Transferred in 2004	2004	Dec, 2007	Mar, 2008
10	Slum improvement and up gradation	Transferred to ULBs with funds and functionaries.			
11	Urban poverty alleviation	Transferred to ULBs with funds and functionaries.			
12	Provision of urban amenities and facilities- parks, gardens and playgrounds	Transferred to ULBs with funds and functionaries.			
13	Promotion of cultural, educational, and aesthetic aspects*	Transferred in 2004	2004	Dec, 2007	Mar, 2008
14	Burials and burial grounds, cremations, cremation grounds and electric crematoriums	Transferred to ULBs with funds and functionaries.			
15	Cattle pounds, prevention of cruelty to animals	Transferred to ULBs with funds and functionaries.			
16	Vital statistics including registration of births and deaths	Transferred to ULBs with funds and functionaries.			
17	Public amenities including street lighting, parking lots, bus stops and public conveniences	Transferred to ULBs with funds and functionaries.			
18	Regulation of slaughter houses and tanneries	Transferred to ULBs with funds and functionaries.			

Government orders have already been issued to transfer the functions. Funds and functionaries will be transferred as per the timelines indicated.