CHECKLIST OF REFORMS IMPLEMENTATIONOF THE CONSTITUTION 74TH AMENDMENT ACT

DESIRED OBJECTIVES:

Note: JNNURM requires certain reforms to be undertaken by states/ cities in implementing the 74th 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 ✓	No
ii.	Composition of municipal councils	Yes	No
iii.	Reservation of seats for women, SCs and STs	Yes ✓	No
iv.	Constitution of District Planning Committees (DPCs)	Yes ✓	No
v.	Constitution of Metropolitan Planning Committee (MPCs)	Yes	No ✓
vi.	Incorporation of Schedule 12 into the State Municipal Act	Yes ✓	No
		(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 th 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 SI.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

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? <u>Yes</u> <u>No</u>

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
✓	

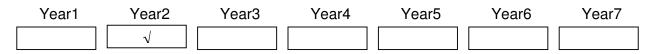
If yes, what is the status of implementation?

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.

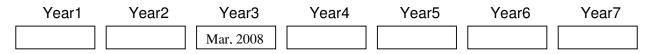
2. TIMELINE FOR REFORMS

- a. Resolution by Government expressing commitment to implement the 74th Amendment Act (Note: This resolution should be passed within 6 months of signing of MOA under JNNURM and a copy submitted to MOUD.)
- 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 consitiuted November, 2005 merging Gujuwaka Municipality and 32 gram panchayats. Elections will be conducted to this body shortly.



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



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.

Resolu tionApproval ActState/Municipality Act1Urban Planning including town planningTransferred to ULBs with funds and functionari2Regulation of land-use and construction of buildingsTransferred to ULBs with funds and functionari3Planning for economic and social development*Transfe2004Dec, 2007M4Roads and bridgesTransferred to ULBs with funds and functionari5Water supply- domestic, industrial and commercialTransferred to ULBs with funds and functionari6Public health, sanitation, conservancy and SWMTransferred to ULBs with funds and functionari7Fire services*Sept, 2006Aug, 2007Dec, 2007M8Urban forestry, protection of environment and ecology*Transfe2004Dec, 2007M	ies. Mar, 2008 ies. ies.			
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3Planning for economic and social development*Transfe rred in 20042004Dec, 2007M4Roads and bridgesTransferred to ULBs with funds and functionari and commercialTransferred to ULBs with funds and functionari5Water supply- domestic, industrial and commercialTransferred to ULBs with funds and functionari6Public health, sanitation, conservancy and SWMTransferred to ULBs with funds and functionari7Fire services*Sept, 	ies. ies.			
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and SWM7Fire services*Sept, 2006Aug, 2007Dec, 2007M8Urban forestry, protection of environment and ecology*Transfe 2004Dec, 2007M9Safeguarding the interests of weakerTransfe 2004Dec, 2007M	ies.			
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environment and ecology*rred in 20049Safeguarding the interests of weakerTransfe2004Dec, 2007M	Mar, 2008			
	Mar, 2008			
handicapped and mentally retarded* 2004	Mar, 2008			
10 Slum improvement and up gradation Transferred to ULBs with funds and functionari	ies.			
11 Urban poverty alleviation Transferred to ULBs with funds and functionari	ies.			
12 Provision of urban amenities and facilities- parks, gardens and playgrounds	Transferred to ULBs with funds and functionaries.			
	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 Transferred to ULBs with funds and functionari animals	ies.			
16 Vital statistics including registration of Transferred to ULBs with funds and functionari births and deaths	ies.			
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 functionari	ies.			

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