

The Constitution (Seventy-Fourth Amendment Act, 1992 Background

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The Constitution of India has assigned the subjects pertaining to the urban areas to the State Legislates. In so far as the urban issues are concerned, the legislative powers of the Union are limited only to the following subject/areas:

- Delhi and other Union Territories
- Property of the Union
- A subject of the state list which two or more state legislatures authorize Union Parliament to legislate.
- Amendment of the Constitution of India.

In exercise of these legislative powers, the Parliament of India has enacted the following legislations which are administrated by the Ministry of Urban Development.

Constitution (Seventy-Fourth Amendment) Act 1992

This is a revolutionary piece of legislation by which Constitution of India was amended to incorporate a separate Chapter on urban local bodies, which seeks to redefine their role, power, function and finances. The salient features of this Act are:

- Urban local bodies, to be known as Municipal Corporations, Municipal Councils and Nagar Panchayat depending on the population shall be constituted through universal adult franchise in each notified urban area of the country.
- These shall be constituted for a period of five years and if dissolved earlier, an election to reconstitute it shall be completed before the expiration of a period of six months from the date of its dissolution.
- Not less than one-third of total number of seats in each urban local body shall be reserved for women.
- The Legislature of a State may by law entrust on these bodies such power and authority as may be necessary to enable them to function as institution of local self government, including those listed in the Twelfth Schedule.
- The Twelfth Schedule of the Constitution has listed the following functions of the urban local bodies:

- Urban Planning including town planning.
- Regulation of land-use and construction of buildings.
- Planning for economic and social development.
- Roads and bridges.
- Water supply for domestic, industrial and commercial purposes.
- Public health, sanitation, conservancy and solid waste management.
- Fire services.
- Urban forestry, protection of the environment and promotion of ecological aspects.
- Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.
- Slum improvement and up gradation.
- Urban poverty alleviation.
- Provision of Urban amenities and facilities such as parks, gardens, playgrounds.
- Promotion of cultural, educational and aesthetic aspects.
- Burials and burial grounds; cremations, cremation grounds and electric crematoriums.
- Cattle pounds; prevention of cruelty to animals.
- Vital statistics including registration of births and deaths.
- Public amenities including street lighting, parking lots, bus stops and public conveniences.
- Regulation of slaughter houses and tanneries.

- In order that the urban local bodies can perform the functions assigned to them, the Legislature of a State shall assign them specific taxes, duties, tolls and levies and authorize them to impose, collect and appropriate the same.
- Each State shall also constitute a Finance Commission which shall review the financial position of the urban local bodies and recommend the principles which should govern the devolution of resources, including grant-in-aid from the Consolidated Fund of the State of these bodies.
- The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the urban local bodies shall vest in the State Election Commission.
- In each district a District Planning Committee shall be constituted to consolidate the plan prepared by the urban and rural local bodies.
- Similarly for each metropolitan area a Metropolitan Planning Committee shall be constituted to prepare a development plan for the metropolitan area as a whole.

On form these to the Constitution (74th Amendment) Act, 1992.

All the States (except Jharkhand and Pondichery) have conducted the election to the local bodies.

All the States (except Arunachal Pradesh) have constituted State Finance Commissions and most of the Commissions have submitted their reports to the State Governments, recommending significant devolution of resources to the urban local bodies. The national Eleventh Finance Commission has also recommended devolution of Rs. 2000 crores as grant-in-aid from the Central Government to the urban local bodies.

Constitution (74th Amendment) Act 1992 has made the urban local bodies into vibrant self governing institutions. This has ushered in a new era of urban governance and urban management in India.

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