

**Urban Governance and Development Management (UGDM)**  
**Prof. Uttam Kumar Roy**  
**Department of Architecture and Planning**  
**Indian Institute of Technology - Roorkee**

**Lecture – 03**  
**Constitutional Provisions for Urban Local Governance**

Hello. In the last 2 lectures, we have discussed the introduction of urbanization and introduction of the urban governance. In those 2 lectures, we basically discussed fundamental concepts and terminologies just to start the main discussion. Having done those discussions on the basic concepts of urbanization, categories of cities, the types of urban and rural areas, the categories of various types of settlements.

And also in the urban governance part, in the last lecture we have discussed like concepts of urban governance, various value system and the dimensions of the urban governance, what do you mean by good governance and those discussions were basically conceptual. And now we are going to start very specific discussions on the urban governance. So to start the discussion on the urban governance very specifically, we must start from the provisions in the constitution.

You know that Constitution of India is a very fundamental document for all the legal provisions pertaining to any activities in the country. So for our purpose, we will discuss the constitutional provision for the urban local governance. Under this, we will see that how a urban government is formed, how it is represented by various categories of people and then we will see that what are the domain of the urban services as per the mandate of the Constitution of the India.

And then we will also see that how this urban government is supposed to act and execute their projects in collaboration with other organizations and what is the role of the district and the metropolitan areas and their interfaces with the local level urban government. So let us start.

**(Refer Slide Time: 02:17)**

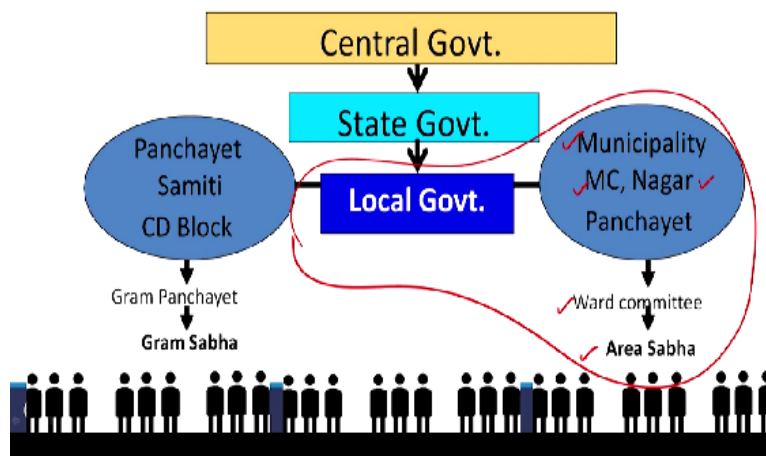
## CONTENTS OF THE PRESENTATION

- 74<sup>th</sup> Constitutional Amendment Act, 1992
- Formation and representation of ULBs
- Domain of municipal functions: Twelfth schedule ✓
- Functioning of ULBs: Administrative and Financial
- DPC and MPC

So as we said that we will discuss brief background, formation and representation of the ULB's, domain of municipal functions which is given in the 12th schedule and functioning of urban local bodies, administrative and financial and district planning committee and metropolitan planning committee.

(Refer Slide Time: 02:36)

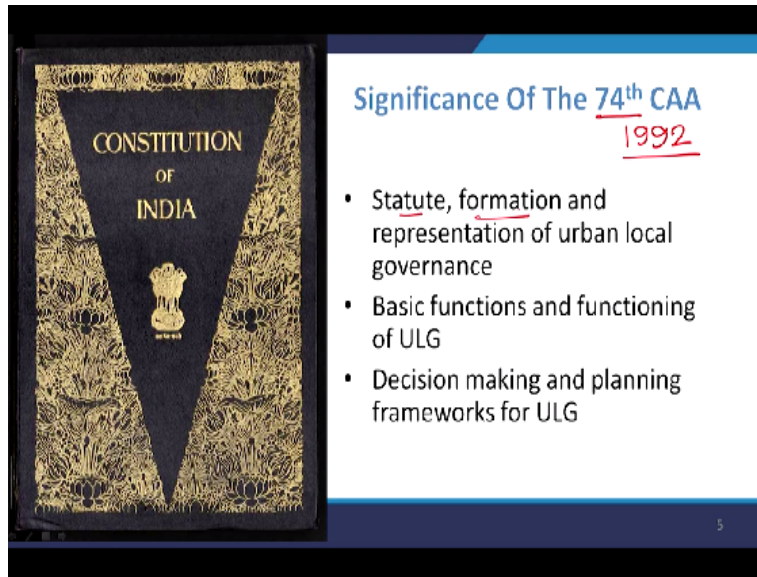
### Three tiers of Government as mandated in 74<sup>th</sup> CAA



This diagram is known to you because last day we discussed just to represent the hierarchies of the various levels of the government. We are currently at this level and we will discuss mostly the urban areas and what are the provisions. Last day, we told that basically 3 types of urban areas we consider. One is municipal corporation, municipality, Nagar Panchayat and within that there are Ward committees and Area Sabha. So let us see what are the provisions in the

constitution.

**(Refer Slide Time: 03:18)**



Significance Of The 74<sup>th</sup> CAA  
1992

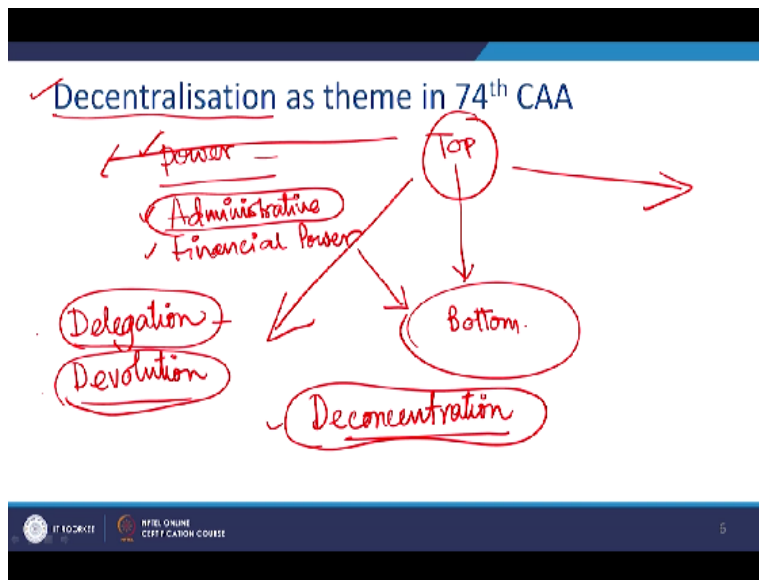
- Statute, formation and representation of urban local governance
- Basic functions and functioning of ULG
- Decision making and planning frameworks for ULG

5

Last day, we just ended the discussion with 74th Constitutional Amendment Act. And we said that the 74th Constitutional Amendment Act which came in 1992 which was the landmark constitutional amendment giving the statute, formation and the representation of the urban local government. Second is, it also provides the basic functions and functioning of urban local governance and also it gives a framework of the decision making and the planning which is required to be done at the city level by the urban local government.

So with the mandate of the 74th Constitutional Amendment Act, the local government is a complete government and it has all power to be elected by the people and to make their own regulations. So let us see one by one, the provisions.

**(Refer Slide Time: 04:07)**



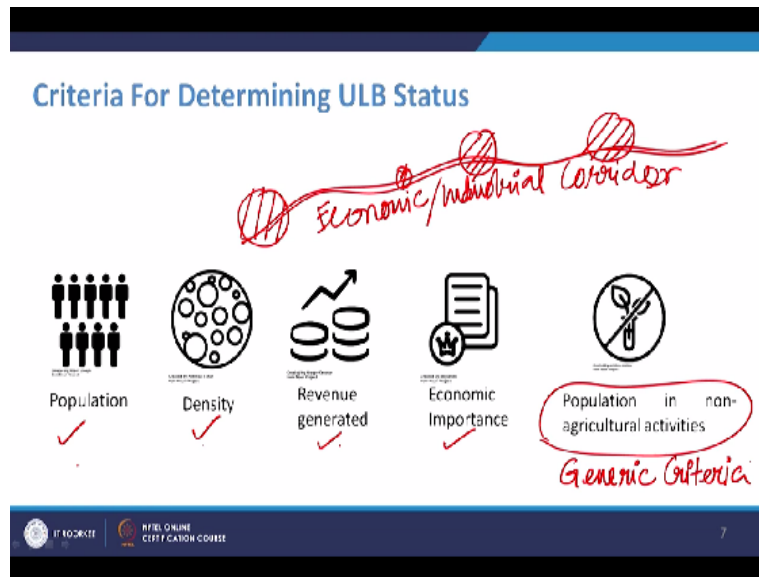
The first, so under this 74th Constitutional Amendment Act, the key theme for the amendment Act is the decentralisation. Now when we say decentralisation, it is the opposite of the centralisation, that means the decentralisation of the power from top to bottom. And when we say power, it is basically the administrative power, it can be financial power, all these. And with these, there are 2 more terms I would like to share with you.

One is delegation. Delegation is termed as when we delegate some particular function through some other decentralized administrative bodies like local government or some parastatal bodies, particularly some functions can be delegated considering the spirit of the decentralisation that is called delegation. There could be devolution. So devolution is basically empowering the local level or bottom level organization in terms of the financial power.

So with the decentralisation, we should also know the term about delegation of the administrative responsibility, devolution of the financial power and the capacity and also with this we discuss another term called deconcentration. From the term itself, you can identify that it is the opposite of the concentration. That means from the top level, how it can be distributed over a geographical area to various parts of the local level organization that is called deconcentration.

So decentralisation involves the delegation, devolution and deconcentration also. And whenever we talk about the decentralisation of the power, it is the administrative and the financial power

altogether. So this is the main spirit and theme of the Constitutional Amendment Act 1992.  
(Refer Slide Time: 06:46)



So as per this Constitutional Amendment Act, the basic criteria for defining an urban local bodies are like, the first is the population. Even though it is not mandated that exactly what population it is required. Every state government can develop their own rules and act to mandate the population criteria. I will come to this point later on. The density, on the first day, we discussed the population density.

So population density is a very important factor which is also mandated by the constitutional amendment. The revenue generated whether that particular settlement can generate the revenues required for to execute their urban functions or not. For example, whether they have the minimum revenues to execute, the basic urban functions like say solid waste management, etc., etc. Sometimes the economic importance can become also another criteria for determining urban local bodies.

May be the local bodies or the settlement is situated in such area may be within an economic corridor, okay, economic or industrial corridor. So when we make a corridor, there could be several sizes of the settlements and due to the importance of the corridor, some of the settlements can automatically be adopted or selected as the urban local bodies. So those kind of criteria will be there in addition to population, density and revenue generated.

And also as we have discussed in the first lecture the share of the population in non-agricultural activities that is the industry and the manufacturing and the business, that is always a generic criteria for any urban local bodies. So here also, it is mandated by the constitutional amendment but yes, all these amendments and the provisions has to be followed by the state level local, the municipality act. We will come to this point little later on.

Now let us see that how the urban local bodies are formed and represented by the various categories of the people.

(Refer Slide Time: 09:17)

**Formation and representation of ULB**

- Election and terms *f) Election - Municipal Election*
- Mayor/Chairperson *B) Board of Councillors*
- Councils and Committees *C) All category Councillors*
- Representation/reservation *SC/ST - Reservation*  
*Woman - 30% - Rotational*

*ward*  
*ward*  
*ward*  
*2000 - 10000+*

The first thing what you have to remember that it will be formed through an election. We know about the election at the central level and the state level which is called general election or assembly elections. Similarly, here it is the municipal election. So in the election, every ward I have told you that the municipalities are consisting various geographical areas which is called ward, okay.

So every ward will generate one councillor. So here the ward becomes the constituency for the for the municipal election, okay. Naturally, the constituency of the municipal election as a ward will be much smaller than the legislative constituency and the general constituency. We have seen that the population standards for a ward may be ranging from 2000 to even 10,000+. So one

ward will represent one public representative which we are calling as councillor.

So they will represent the ward in the election. And all these councillors, they will form board of councillors. In short, we are calling it BOC. So this board of councillors as the top most decision making body of any urban local bodies. Not only that in this election, it is also mandated that there will be representation of all category of people. For example, it is mandated that SC/ST population as available or as existing in the urban local bodies will be represented proportionately through a system of reservation.

For example, if there are 40% or 30% of SC/ST population, there will be reservation of the 30% to 40% the wards by the SC and ST councillors. Similarly, there will be reservation for the women also. So it is told that the woman representation will be 30% of the total constituencies that is total number of the ward. And in every election, this constituencies which is reserved for the women, will be rotational.

So this is very important factor which is mandated in the Constitutional Amendment Act. In some of the state governments, these rotational, through the rotation, they have made various innovative method of reservation system and some of the municipalities and the state government, they have adopted more than 30% reservation for the women councillors. So this is very important provisions regarding the formation and the representation of the urban local bodies as per the Constitutional Amendment Act 74th, that is 1992.

So these are the terms we discussed today. The Mayor's, Chairperson's councils and committees. Apart from the council, there could be various committees formed time to time to execute some particular function in terms of development or in terms of the service. And we have also discussed the representation and the reservation.

**(Refer Slide Time: 13:12)**

| Rural Karnataka Population           |              |              | Urban Karnataka Population            |              |              |
|--------------------------------------|--------------|--------------|---------------------------------------|--------------|--------------|
| Level                                | No. of units | No. of Reps. | Level                                 | No. of units | No. of Reps. |
| Zila Panchayat                       | 27           | 890          | Metropolitan Corporations             | 6            | 410          |
| Taluk Panchayat                      | 176          | 3,255        | City Municipal Councils               | 40           | 1,308        |
| Gram Panchayat                       | 5,659        | 80,023       | Town Municipal Councils               | 81           | 1,919        |
|                                      |              |              | Town Panchayats                       | 89           | 1,373        |
| Total No. of Elected Representatives |              | 84,168       | Total No. of Elected Representatives. |              | 5,023        |
| Citizen: Representation Ratio        |              | 380:1        | Citizen: Representation Ratio         |              | 3,400:1      |

Source: 2<sup>nd</sup> Administrative Reform Commission report (6<sup>th</sup>) Government of India, 2007

Now let us take an example that how the representation of the urban local bodies are there. We have taken a symbolic representation from the state of Karnataka. So this part is the rural representation where the right part is the urban representation. So in the urban representation, we can see that total number of representatives are about 5000 and number of corporations are 6, municipal councils are 40 and town councils that is the Nagar Panchayat and town panchayats, they were about 200.

So if we make a citizen ratio per constituency that is 1 representative for 3400 population, representation. Whereas for rural sector, it is much better ratio. We can see that 1 representation is there for 380 citizens. So this can be there in every state. So we can, from this statement, we can understand that in urban areas, the representation is much more critical in terms of the servicing the population.

Because if a councillor has to work at the ground level for around 3000, 4000, or 5000 population, they have to give much more time, much more challenges will be there, much more conflicts will be there. That is the learning point from these chart that urban governance is much more challenging in terms of the overall scenario. Then let us have a discussion that what are the total domain of services or domainal functions which is mandated in the 74th Constitutional Amendment Act.

**(Refer Slide Time: 15:00)**



## Functions of ULBs: TWELFTH SCHEDULE

Twelfth Schedule in the 74<sup>th</sup> CAA provides **18 functions** for urban local bodies.

Now in 74th Constitutional Amendment Act, the Government of India has mandated 18 total functions which is given on the 12th schedule and it is the job of a municipality. It is exactly the same when we get a job, we get some kind of list of job in appointment letter. So this the job of the urban local bodies which they have to function, which they have to execute at ground level. Let us see what are the jobs.

(Refer Slide Time: 15:28)

| Function                                     | Annotation |
|--|------------|
| Urban Planning                               | PPSE       |
| Regulation of land use and construction      | P          |
| Planning for economic and social development | SPE        |
| Roads and Bridges                            | VP         |
| Water Supply                                 | VP         |
| Public Health and Sanitation                 | P          |
| Fire Services                                | P          |
| Urban Forestry                               | P          |
| Safeguarding weaker sections of society      | ES         |
| Slum upgradation                             | P          |
| Poverty Alleviation                          | E          |
| Provision of amenities                       | P          |
| Promotion of culture                         | S          |
| Burial grounds                               | P          |
| Cattle ponds, Animal Welfare                 | P          |
| Birth and Death Registration                 | S          |
| Public amenities                             | DP         |
| Regulation of slaughterhouses and tanneries  | P          |

The first job which is listed is the urban planning. Before 1992, we have not seen many urban local bodies who have actually done the urban planning for their cities. So it is the basic important and first function which they have to take the major role in the urban planning and town planning, both. Regulation of land use and the building construction. Classically, the land

use regulation is also a part of urban planning but with this, the construction of the building is also a very important part.

That means the construction of the building has to be done in compliance with the regulation of the land use. That is the major spirit what is given in the constitutional amendment. The third job what they have mandated is the planning for economic and social development. In the cities, we know that there are poor people, there are economical weaker sections. So to improve their living quality, it is very important to improve their economic condition and social development.

So that is another job of urban local bodies. Fourth is as you know this is very common that the basic infrastructure roads and bridges has to be constructed for the people, for the ease of accessibility. Next is the water supply which is very essential because in the absence of water supply, there can be various diseases. So water supply and roads and bridges are very important, physical infrastructure which they are supposed to conduct.

Public health and the sanitation. The public health and sanitations, both are very interlinked subject. Like if you improve sanitation, the public health will be improved. If you improve the public health, the sanitation will be improved. So that is why it is told to be considered jointly and together. So that is a very important task of urban local bodies.

Then is the fire service. In terms of the risk and the disaster caused due to fire or the other reasons in the urban areas, there could be some dedicated team and dedicated infrastructures and equipments which can tackle the fire services. So fire service is a very important job. Next is the urban forestry. When we are saying that it is the urbanization and urban area, it is supposed to, it definitely grows beyond the municipal boundary sometimes.

So unless we reserve the forestry area or the green area, it is very difficult to maintain our sustainability. That is why urban forestry is also very important part in the 12th schedule. Safeguarding weaker section of the society. Now this is the point told separately to ensure the weaker section's interest in terms of tenure security, in terms of their social security, etc., etc. Then the slum upgradation.

We know that almost 25% to 30% of the urban populations are there who are living in the slum areas or the shanty areas or the squatters. They are living in a very poor condition. To improve them, it is the job of the urban local bodies to improve their condition in terms of the slum upgradation. Poverty alleviation, apart from the slum upgradation, there are various schemes on the poverty alleviation funded by the central government, state government and also by the international agencies.

So it is also the job of the local government to execute those poverty alleviation programs and to keep a monitoring or the watch to time to time so that they can assess that whether the poverties are being alleviated or not. Provision of amenities. In urban areas, the quality of the life depends on the various kinds of amenities. When you come out from your house, you need a bus shelter, you need a sitting areas, you need kiosk or the shelters, you need a fantastic footpath for walking for every category of the citizens.

All these amenities and the facilities are required to be provided by the urban local bodies. Then promotion of the culture. Every city, every town have their own culture in our country. Some of the cities having their own festivals. Some of the cities, they have their own cuisines. Some of the cities, they have their own very distinct clothing or the life styles. So it is the job of the municipality or the urban local bodies to promote those cultures by organizing various events, by facilitating their growth, by facilitating their marketing, etc., etc.

So this is very important job. Then it is the job of the urban local bodies to build burial grounds or the crematorium or similar types of facilities in the municipal areas. Cattle ponds, animal welfare is also part of the municipality's job. Then the birth and death registration. You know that who are attending this course from the municipality, you know that this is the very important and a regular job what you do religiously that birth and death registration and for every future purpose, we depend on birth and death registration certificate.

So this is the first and foremost job of a municipalities. Then public amenities. There could be some public amenities like public convenience, paid toilets and all those facilities, Wi-Fi areas,

that could be also provided by the municipalities. And the regulation of the slaughterhouses and tanneries. Now even though we have discussed the land use regulation. It is mentioned separately that in urban area, the slaughterhouses and tanneries are very important part.

Unless you regulate those by locating in proper places, it can create very undesired condition, undesired environmental condition, that is why it is very important to regulate those. So these are all 18 jobs mandated by the 74th constitutional amendment. If you see little details or give some time on this 18 function, you will see that some functions are related to physical development of the city.

And some functions are related to social development or cultural development and some functions are there to improve the economic. For example, the urban planning is basically physical, social and economical both. Regulation of the land use, it is a physical development objective. Roads and bridge, it is a physical development objective. Similarly, water supply, public health, fire service, urban forestry, slum upgradation, all these are physical development activities.

You can see this one also. Whereas some of the activities like these are social plus economical, economical and social. Economical, social. This is physical and this is social. So you can understand that out of the 18 jobs, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, more than 12 functions are mandated which is related to physical development of the area which needs significant knowledge about the urban planning and the development.

So within this module also in some lectures, we will discuss that and remaining others are like 3 or 4 are the social and economic development. So it is also very important for the urban local bodies to develop those aspects.

**(Refer Slide Time: 23:18)**

## Questions

- Have all the state governments mandated all 18 functions to ULB?
- What is the situation in your state?

So please think about these 2 questions. Please check your state level municipal acts and think about that. Have all the state governments mandated all 18 functions to the ULB's? You will find that there are state governments which have not mandated or delegated all the 18 functions. Except 1 or 2 or 3, they have mandated or delegated most of the functions. So please visit your state level municipal act. It is available online.

So it will be available and you can check whether they have delegated or not. Second, what is the situation of your state in terms of executing or materializing the provisions of the 74th Constitutional Amendment Act. Are all the mandates are executed on ground or not? So please have a look, browse through few articles. Browse through few news articles. So you will understand about all this information. The next we will discuss that how urban local bodies function in the local level.

**(Refer Slide Time: 24:23)**

## Functioning of ULBs

- ❖ Decisions by council ← *Board of Councillors*
- ❖ Financial allocation through state  
finance commission (SFC) →
- ❖ Committees for specific job
- ❖ Tax and non-tax revenues

*C.F.C*  
*↓*  
*S.F.C*  
*|*  
*ULB*

IT 100K17 RFFEL ONLINE CERTIFICATION COURSE 13

So basically, for the basic functioning, we need a decision making by the urban local bodies. All the decisions are taken by the council. When you say it is the Board of Councillor, then financial allocation through state finance commission, the state finance commission will be formed at the state level. Their job will be to leverage the fund from the central finance commission to the state finance commission to the urban local bodies.

And there will be several committees formed for this specific job. I will give you the examples and there will be tax and non-tax revenues which will also add along with the allocations by the finance commission which will help urban local bodies to function.

**(Refer Slide Time: 25:23)**

## District Planning Committee (DPC) and Metropolitan Planning Committee (MPC)

*Urban agglomeration*

*Large Urban Area (Metropolitan Area)*

*District plan*

- integrate local plan
- Approve local plan
- Revise/suggest

IT 100K17 RFFEL ONLINE CERTIFICATION COURSE 14

Now let us discuss the role of district planning committee and metropolitan planning committee as per the Constitutional Amendment Act 74th which came in 1992. Now when you say district and metropolitan, as we discussed earlier that there could be a district like this, there could be some settlement, urban settlement like this and also there could be few rural settlement which is surrounding the urban areas as you know.

And if you see a satellite imagery, you will find that all the settlement are connected by road network, like this. I am just showing you some schematic diagram so that it is understood in a spatial manner because this is very important to understand. So like this. So these are small rural areas surrounding the urban areas. Now my question is if it is asked to you that how to plan an overall district, is it possible to integrate all the urban local bodies, all the rural local bodies by one particular local bodies? The answer is, No.

Because a particular local bodies which is here or which is here, they cannot make a plan for the whole district. That is why, it is very important to make a district plan and to enable that district plan a provision of the district planning committee which is in short called DPC will be formed by every state government and DPC will function to make a district plan. The job of the district plan will be to integrate the local plan, to approve local plan, or to revise or suggest.

Similarly, when you say that there is urban agglomeration like that, we discussed in the first lecture that for urban agglomeration, so these are all urban areas. An urban agglomeration can generate a large city, a large urban area which we are calling as a metropolitan area. Similar with the district, a plan of an overall urban agglomeration cannot be done by single municipalities. So it is never possible that a single municipality or urban local bodies makes a plan of overall urban areas of a metropolitan area.

So similarly for the district planning committee, it is mandated that a metropolitan planning committee, in short it is called as MPC, will be formed to plan for the urban agglomeration and the larger urban areas or the metropolitan areas.

**(Refer Slide Time: 28:57)**



This is just a few scheme shots I have collected from the website just to show that how a district planning committee is formed and they are having their meeting to give the direction for the development. It is the picture from the Sikkim. Similarly, you can see that whether the district planning committees are formed in your state or not. Whether the metropolitan planning committee formed in the state.

For example, in 2001, the first metropolitan planning committee which came in India that was formed for the city of the Kolkata. Similarly, I hope that for most of the cities, the metropolitan planning committees are formed. So it is your job to just to visit the concerned state departmental website and check whether the district planning committees and the metropolitan planning committees are working.

What are their provisions. How they are functioning. What is their performance, shortcomings, challenges, etc., etc.? So with this we come to the end of this lecture. In this lecture, we have discussed the theme and the spirit of the decentralisation as per the constitutional 74th amendment which came in 1992. It is a landmark constitutional amendment which is giving the local government, urban local government, a complete urban, complete government status, that means it will be elected through the election.

And it will be represented by all categories of the people including SC/ST population, women



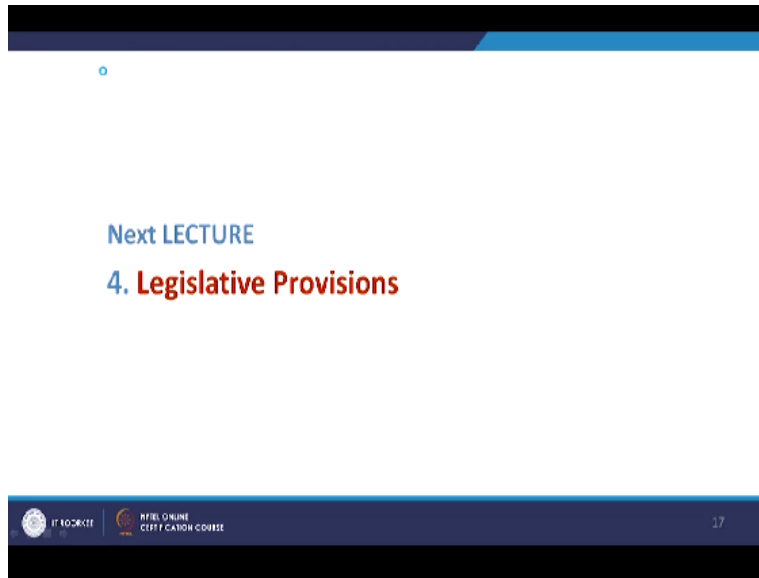
through the system of the reservation.

It is also told that it will be functioning by a board or a board which will be headed by the Mayor and the Chairperson and there will be various standing committees who will act on behalf of the board and take all the decisions time to time. There are state level organisations like the state finance commission who will devolve the fund for the urban local bodies. Then we discussed the functions which are mandated by the constitutional amendment for the urban local bodies in the 12th schedule.

In the 12th schedule, they have given 18 functions. These 18 functions are very important. Out of these 18 functions, we have seen that urban planning is given the maximum weightage in terms of their importance. And then I have also seen that the importance of the district planning committee and metropolitan planning committee, the provision how they are mandated by the constitution to make a plan for the whole district or a larger urban areas called metropolitan areas.

So these are all mandatory functions by a state level organisation, state govt who will make all these arrangement for the urban local bodies so that an urban local bodies can function on their own. They can take their own decision and if required, they can make their own regulation and direct or develop a particular local government. So with these, I end the lecture here.

**(Refer Slide Time: 31:56)**



In the next day, next lecture, we will be covering the legislative provisions. It is very important to understand that after the constitutional mandate, it is the job of the state government to take appropriate act in their legislation, in their legislative assembly. So we will discuss that what are the provisions in the legislative assembly by some of the states and what are the typical provisions in a state level laws. So with this, I thank you very much for attending this lecture. Thank you.