

Indian Polity Notes Part 13 in English

13] Municipality

- The system of urban government was constitutionalised through the 74th Constitutional Amendment Act of 1992.
- At the Central level, the subject of 'urban local government' is dealt with by the following three ministries:
 - (i) Ministry of Urban Development, created as a separate ministry in 1985
 - (ii) Ministry of Defence in the case of cantonment boards
 - (iii) Ministry of Home Affairs in the case of Union Territories

Municipal Corporation

- The uppermost form of the municipal organization is the - corporation. The municipal corporation has more powers.
- It enjoys greater financial autonomy and wider functions as compared to other local organisations.
- The municipal corporations are established in big cities under the Special Municipal Acts passed by the state legislatures.
- The corporations of Union Territories are set up by the statute of the Union parliament
- Usually large cities with a population of 10 lakhs and above are constituted as corporations.
- Their annual income is normally one crore rupees. They have a larger population and better income.
- However, corporations have been set up even in towns having a population of less than two lakhs.
- Their annual income does not exceed Rs.50,000 Chennai, Madurai, Coimbatore, Thiruchirappalli, Thirunelveli, Tiruppur, Dindigul, Erode, Tanjore, Vellore, Thoothukkudi and Salem are twelve corporations in Tamil Nadu.
- All municipal corporations have some common characteristics.
- A Municipal Corporation is established only by the statute passed by the state legislature.
- A Municipal Corporation is based on the separation of the deliberative and executive functions.
- The state government has powers to control, supervise and dismiss the council
- Usually a municipal corporation is set up for thickly populated urban areas.
- A municipal corporation functions within the specified peripheral jurisdiction.
- Function of the Corporation Like the rural local bodies the municipal bodies have to function as institutions of self government.

The functions of municipal bodies are as follows:

- Urban planning, including town planning.
- Regulation of land, use and construction of buildings
- Planning for economic and social development.
- Construction and maintenance of roads and bridges.
- Water supply.

- Public health and sanitation
- Fire services
- Urban forestry and protection of the environment.
- Safeguarding the interests for weaker section of society, including the handicapped and mentally retarded.
- Slum improvement.
- Urban poverty alleviation.
- Provision of urban facilities such as parks, gardens, play grounds.
- All municipal bodies, including the corporation, perform many functions related to the above matters. In addition they also carry out some discretionary functions like plantations and care of trees on road sides; destruction or detention of street dogs, pigs and other animals causing public nuisance, organisation and management of fairs and exhibitions, supply of electricity and so on.

Sources of Income of Municipal Corporation

- There are two types of sources (i) tax revenue (ii) non-tax revenue. The non tax revenue is derived from fees, fines and grants-in-aid as well as loans from the state government.
- The main source of income is from taxes. Generally a corporation is empowered by the act to levy and collect taxes listed below
- Property tax on lands and buildings.
- Taxes on vehicles and animals.
- Theatre tax.
- Tax on advertisements exhibited to people within the city
- Tax on preference, trades and callings.
- Entertainment tax.
- Tax on consumption and sale of electricity.
- Betterment tax on the increase of land values.
- Tolls.
- The receipt of the corporation are credited into the city corporation (general) fund. The money required for its expenditure is released from this fund.

Corporation Council

- The Corporation Council is the major part of the corporation. A corporation is divided into a number of wards depending on the population and the extent of the area.
- For each ward a representative will be elected on the basis of universal adult franchise. These representatives or members are known as councillors.
- The councillors so elected constitute the council of the corporation concerned.
- As in the case of the rural local bodies and in the same manner seats are reserved in a corporation for scheduled castes and tribes, women and chairpersons.
- The state legislature is empowered to reserve seats for other backward classes also. The age, qualifications and other related matters of the rural local bodies apply to corporation councillors also.
- Besides the directly elected members, the Members of Parliament and member of the State members, the Members of Parliament and member of the State Legislature belonging to the

corporation area are represented in the corporation council.

- All these members have voting right in the council. The state government can also nominate persons having experience in municipal administration. But the nominated persons do not have right to vote in the council.
- The size of the council varies from state to state. The Corporation of Chennai had 200 members. The term of the corporation council is five years.
- If dissolved earlier for proper reason, elections must be held within six months. The duration of the reconstituted council shall last only for the remaining period of five years.
- The Corporation Council is essentially a deliberative body. It functions like the local legislative assembly.
- It transforms the popular wish into the laws of the city.

Mayor and Deputy Mayor

- The Mayor is the political head of corporation. He is called the First Citizen and Father of the city.
- The mayor is directly elected by the people. His tenure is five years. The councillors elect a Deputy Mayor from among themselves.
- If Mayor acts against the laws, complaint is to be given in written form to corporation commissioner by three-fifths of members and the resolution is to be passed by four-fifths of members, it is to be submitted to government, it requests Mayor to give detailed explanation, if government is not satisfied, its decision is final and he may be removed.
- The Mayor is ceremonial head. He represents the city on ceremonial occasions. He presides over the meeting of the council and maintains discipline and order.
- He can expel the members for misconduct. He may exclude any objectionable portion from the proceedings of the council.
- The Mayor has the power to convene the special meetings of the council. He can obtain information from the commissioner of the corporation on any subject about the administration of the city.
- He also sees whether the decisions of the council are being properly implemented. The Mayor can delegate some of his powers, in writing to the Deputy Mayor. Otherwise the Deputy Mayor discharges the Mayor's functions in his absence.
- All correspondence between the corporation and the state government must pass through the Mayor. The Mayor, however, cannot withhold it.
- Committees
- The Committees of a Municipal Corporation play an important role in looking into various activities of the council.
- They help for the efficient performance of the functions of the corporation.
- These committees include: Standing Committee, Schools Committee, Hospitals Committee, Electricity supply and Transport Committee, City Improvement Committee, Health Committee, Taxation and Finance Committee, Water Works Committee and so on.
- The members of these committees are elected from among the members of the council. The members of each committee elect their chairman.
- Among all the committees, the chief one is Standing Committee. This committee possesses adequate executive, supervisory, financial and personnel powers. The office of the chairman of the **Standing Committee** is of political importance, ranking next to the Mayor.

- The Standing Committee performs all such functions as detailed in the statute of the corporation.
- The commissioner reports to the Standing Committee on a variety of functions.

The Municipal (Corporation) Commissioner

- The commissioner is the Chief Administrator of the corporation. His primary responsibility is to implement the policies made by the corporation council.
- The commissioner is mostly a member of the State Administrative Service. He is appointed by the state government.
- Normally, he holds the rank of an Indian Administrative Service (I.A.S.) officer. His powers are those which have been stated in the corporation act and those delegated by the council, standing committee etc.
- He had to comply with the rules while exercising his statutory powers. The functions of the commissioner relate to the administrative and financial matters of the corporation.
- He exercises control and supervision over the employees of the corporation. The preparation of the budget of the corporation is the responsibility of the commissioner. He does not have electoral functions as he enjoyed before the 14th Amendment.
- The commissioner is the kingpin in the administration of the corporation. He has the right to attend, and speak at the meetings of the council and various committees. He provides the necessary information and details to the councillors.
- The commissioner also guides them in the discussions and act as their spokesman in the council. Thus the commissioner plays a vital role in the corporation

Municipalities and Municipal Councils

- In the urban local governments, municipalities come next. The term municipality refers to a self governing town or city.
- There are more than 1500 municipalities in our country. The number of municipalities varies from state to state.
- The municipalities are governed by the Municipal Acts of the states. The state has the discretion to declare any smaller urban or town area to be a municipality.
- The minimum population to constitute a municipality is between 5000-50000. The different occupations pursued by the people are mostly non-agriculture.
- Depending on the strength of population and annual income, the municipalities have been classified into three to four grades in different states.

Functions

- The functions of the municipalities are more or less similar to those of the corporations.
- They fall within the frame work of the 12th schedule of the constitution.
- However, the functions of the municipalities can also be classified into compulsory and discretionary functions.
- In general the municipalities have the following obligatory functions Supply of pure water.

- Construction and maintenance of public streets.
- Lightening and watering facilities in the streets.
- Cleaning the public streets.
- Regulation of dangerous trades and practices.
- Maintenance of hospitals and schools
- Registration of births and deaths
- Removing obstructions and projections in public streets, bridges and other public places.

The discretionary functions of the municipalities are as follows

- Laying out of the town areas
- Construction and maintenance of public parks, gardens, libraries, rest houses, leper homes, orphanages, reserve homes for woman, etc.
- Planting trees on roadsides
- Survey conducting.
- Housing for weaker sections
- Promoting the welfare of the municipal area
- Providing transport facilities within the municipal area and organising cultural and other activities for the people.

Sources of Income

- The principal sources of income of the municipality are
 1. Property tax
 2. Profession tax.
 3. Octroi duties - taxes on goods.
 4. Animal and vehicle tax.
 5. Entertainment tax
 6. Water and lighting tax.
- Grants and loans from the government.
- The items of expenditure are the general administration, medical and public health, education, public works, water supply, lighting and other amenities.
- The municipalities have municipal funds to credit their income and draw money for their expenditure.

Municipal Council

- Every municipality has a governing body. It is the law making body of the municipality. The Municipal council consists of councillors elected directly from various wards.
- As in the case of the other local bodies, there are reservations for the scheduled castes and scheduled tribes, backward classes and women. There is provision in a municipality for the

representation of the members of parliaments, member of the state legislature and the chairpersons of the wards committees with a right to vote.

- The size of the municipal council is primarily related to the density of the population of the city.
- Every councillor and the nominated person, before taking his seat, must take an oath to bear allegiance to the constitution of India, to uphold the sovereignty and integrity of India and to faithfully discharge his duty.
- The term of the municipal council is five years. If it is suspended earlier, elections must be held within six months.
- Likewise if any seat falls vacant due to the resignation, removal or disqualification of a member, it must be filled within six months.
- However the member elected to a vacant seat can be in office only for the remaining period of the original council.
- The Municipal council is also assisted by standing and other committees in the performance of its tasks.

Chairman of the Municipality

- Each Municipal council has a chairman. There is provision for a vice-chairman also. They are elected by the councillors from among themselves.
- Unlike the Mayor and Deputy mayor of a corporation, the Municipal chairman and vice-chairman hold office for five years.
- As in the case of the Mayor and deputy Mayor, the Municipal chairman and vice chairman can also be removed from office.
- The chairman convenes and presides over the meetings of the council. He regulates the conduct of business. He supervises the finance and executes the administration of the municipality.
- He has access to all the municipal administration. In brief, he has to perform such functions and exercise such powers as are conferred on him by the Municipal Act.

Executive Officer - Commissioner

- There is an Executive Officer for each municipality. He is called the commissioner. He belongs to the state service. He is appointed by the state government.
- The powers and functions of the municipal commissioner are almost similar in different municipalities.
- His powers and functions have been stated in the Municipal Acts. In brief the municipal commissioner executes the resolutions and decisions of the council. He sends copies of the resolutions to the concerned authorities.
- He enters into contracts, he issues notices, licences, permits etc. The commissioner assists the chairman in agenda preparation. He prepares and executes the municipal budget.
- He sends administrative reports to the higher authorities. He exercises supervision and control over the municipal staff. It is his responsibility to maintain municipal records. He

brings to the chairman all cases of misappropriation and financial losses incurred by the municipality.

- He can also attend the council meeting. The successful working of the municipality largely depends upon the harmonious and adjusting relations between the chairman of the council and the commissioner.

Townships

- Most of the public sector undertakings have established townships for their employees
- Outlay on the townships forms near eleven percent of the total investment on public sector undertaking.
- These townships have been established either in rural area or in area adjacent to existing towns. The Characteristics of Townships These are entirely planned
- They maintain civic services and other facilities which are of higher quality than generally provided by the municipal bodies
- These services and facilities have been financed by the industry.
- A township has a variety of employment and other opportunities to offer to the people. Hence a large number of people go to it. The township form of local government is treated as a normal administration.
- In certain townships like Neyveli and others town administrators are appointed by the corporations. These administrative officers all assisted by the departmental heads, engineers and others.
- The township form is bureaucratic unlike the municipality. For fear of political interference in the civic administration, the township does not have any democratic set up further the residents of the townships are satisfied with the existing arrangements and facilities.

Cantonment Boards

- The cantonments are centrally administered areas. They are placed under the direct administrative control of the Ministry of Defence.
- The cantonment boards are constituted under the Cantonments Act, 1924. These are corporate bodies like the other local bodies. Cantonment is the place in a city where troops are stationed.
- Cantonment board is constituted for dealing with the local problems of the cantonment area.
- The President of the cantonment board is the commanding officer. He has been given a casting vote. He is an ex-officio member continues so long as he holds the official position.
- The elected members hold office for five years and they select among themselves one vice president. The cantonment board is entrusted with the municipal functions. These functions as found in a municipal council, have been classified into obligatory and optional.
- The sources of income of the board are divided into tax revenue and nontax revenue. The taxation power of the board is analogous to that of a municipality. The board can impose any tax with the previous sanction of the central government.
- The officer commanding the station sanctions the budget estimates prepared by the board.

The existence of cantonments as separate entities is anomalous. Hence they may in the long run, become parts of the neighbouring municipal bodies.

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