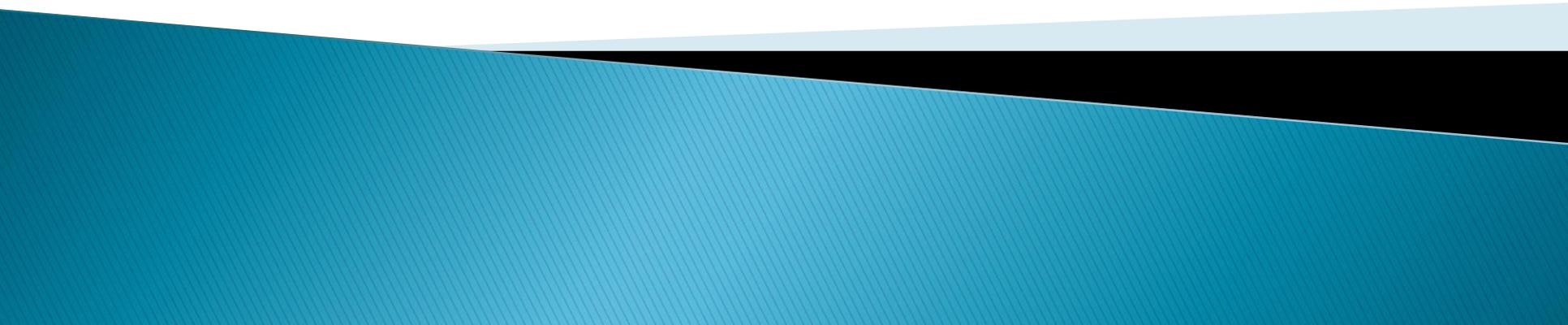


**SOS POLITICAL SCIENCE AND PUBLIC
ADMINISTRATION
M.A.PUB.ADMN.401
SUBJECT NAME:LOCAL ADMINISTRATION
UNIT-II
TOPIC NAME:MUNICIPAL CORPORATION**



A municipal corporation, city corporation, Mahanagar Palika, Mahanagar Nigam or Nagar Nigam or Nagara Sabha is a local government in India that administers urban areas with a population of more than one million. The growing population and urbanization in various cities of India were in need of a local governing body that can work for providing necessary community services like health care, educational institution, housing, transport etc. by collecting property tax and fixed grant from the State Government.

The 74th Amendment made the provisions relating to urban local governments.



OTHER NAMES FOR MUNICIPAL CORPORATIONS

- ▶ Municipal corporations are referred to by different names in different states (due to regional language variations), all of which are translated to "municipal corporation" in English. These names include nagar nigam (in Delhi, Uttar Pradesh, Uttarakhand, Bihar, Rajasthan, and Haryana), Mahanagar Palika (in Gujarat, Goa, Karnataka, and Maharashtra), pouro nigam (in Assam), pouro Sabha (in West Bengal), pur perished (in Tripura), nagar Palika nigam (in Madhya Pradesh), Nagara Palika Samstha (in Andhra Pradesh and Telangana), Nagara Sabha (in Kerala) and Maanagaraatchi (in Tamil Nadu).
- ▶ The Vadodara Municipal Corporation is typically called by the name "Vadodara Mahanagar Seva Sadan". The detailed structure of these urban bodies varies from state to state, as per the laws passed by the state legislatures, but the basic structure and function is almost the same.

THE MUNICIPALITIES

INTRODUCTION

A municipality is usually an urban administrative division having corporate status and usually powers of self-government or jurisdiction. The term municipality is also used to mean the governing, ruling body of a municipality. Municipal governance in India has existed since the year 1687, with the formation of Madras Municipal Corporation, and then Calcutta and Bombay Municipal Corporation in 1726. In 1882 Lord Ripens resolution of local self-government laid the democratic forms of municipal governance in India. In 1919 Government of India act incorporated the need of the resolution and the powers of democratically elected government were formulated. In 1935 Government of India act brought local government under the purview of the state or

CONSTITUTIONAL STATUS TO MUNICIPALITIES ·

Rajiv Gandhi was the first prime minister who made an attempt to provide constitutional status to the municipalities. · In the year 1989, 65th constitutional amendment bill (Nagar Palika Bill) was introduced in the parliament. It was passed in the Lok Sabha but the Rajya Sabha rejected it. · In the year 1991, the 74th constitutional amendment bill was introduced once again in the Lok Sabha which was eventually passed by both houses in December, 1992. · The bill was given the consent by the president in April 1993.

URBAN LOCAL BODIES

According to the 1991 Census of India, there were 3255 urban local bodies (ULBs) in the country;

classified into the six major categories:

- * Municipal corporations
- * Municipality (municipal council, municipal board, municipal committee)
- * Town area committee
- * Notified area committee
- * Township
- * Cantonment Board, and Special Purpose Agency/Authority

ADMINISTRATION

- ▶ The Mayor is the head of the municipal corporation, but in most states and territories of India the role is largely ceremonial as executive powers are vested in the Municipal Commissioner. The office of the Mayor combines a functional role of chairing the Corporation meeting as well as ceremonial role associated with being the First Citizen of the city. As per the amended Municipal Corporation Act of 1888, a Deputy Mayor is appointed by the Mayor. The tenure of the Mayor and Deputy Mayor is five years. However, in seven states; Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Odisha, Uttar Pradesh and Uttarakhand; Mayors are directly elected by the people and thus hold the executive powers of the municipal corporations.
- ▶ Executive officers monitor the implementation of all the programs related to planning and development of the corporation with the coordination of mayor and councilors.

FUNCTIONS

- *Municipal Corporation building in Bengaluru
 - *The Twelfth Schedule to the Constitution lists the subjects that municipal corporations are responsible for. Corporations may be entrusted to perform functions and implement schemes including those in relation to the matters listed in the Twelfth Schedule.
 - *Urban planning including town planning.
 - *Regulation of land-use and construction of buildings.
 - *Planning for economic and social development
 - *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.
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- *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
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SOURCES OF INCOME

Its sources of income are taxes on water, houses, markets and vehicles (commercial only) paid by residents of the town and grants from the state government.

MUNICIPAL COUNCIL/COMMITTEE/MUNICIPALITY

* A municipal council is statutory body created by an Act of the state legislature and the criteria for setting it up vary from state to state. Broadly, these are: population, size, sources of income, industrial/commercial future and prospects of the city. Even within a state, the criteria may differ.

* A city, which is industrially advanced, may have a municipality despite its low population. The size of a municipality is determined by the state government, but the minimum number of councilors should be five.

*The size increases with the increase in population. Their tenure, under the Constitution 74th

The councilors can be removed by the municipal council, by the citizens of the ward or by the state government, according to the prescribed procedure. • The municipal council elects, from amongst its members, a President for a period of five years. The council also elects one or two Vice-Presidents– one senior and one junior–who are removable by the council itself. • The President plays a pivotal role in municipal administration and enjoys real deliberative and executive powers. He presides over the meetings of the council, guides the deliberations and gets the decisions implemented. • The president is the administrative head of all the officers of the municipality, is the custodian of



The state government also appoints an Executive Officer in the municipal council for the conduct of general administrative work. He exercises general control and supervision over the municipal office, can transfer clerical employees, prepares the municipal budget, keeps an eye on expenditure, is responsible for the collection of taxes and fees and takes measures for recovering municipal arrears and dues. He can be removed by the council or by the state government. • As already pointed out, the functions of the municipal council are broadly similar to those of a municipal corporation. When a city having a municipal council is given a municipal corporation, the latter takes up the functions of the former.



NOTIFIED AREA COMMITTEE(NAC)

- The Notified Area Committee is set up for an area which does not yet fulfill all the conditions necessary for the constitution of a municipality but which the state government otherwise considers important. Generally, it is created in an area which is fast developing and where new industries are being setup.
 - It is not created by statute but by a notification in the government gazette and, hence, the name 'notified area'.
 - The state government constitutes a committee called the Notified Area Committee (NAC) to administer this area. All the members of this committee are nominated by the state government and there are no elected members.
 - Its chairman is also appointed by the state government. The criteria for establishing this committee differ from state to state. For instance, in Punjab, an NAC can be set up, if the population of the area is 10,000 or above
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TOWN AREA COMMITTEE (TAC)

- It is a semi-municipal authority, constituted for small towns. Such committees exist in several states, but Uttar Pradesh has the largest number of such committees.
 - The TAC is constituted and governed by an Act of the state legislature and its composition and functions are specified in it. Its membership differs from state to state.
 - The committee may be partly elected, partly nominated or wholly elected or wholly nominated. The committee is assigned a limited number of functions, such as street lighting, drainage, roads, conservancy etc.
 - The District Collector, in some states, has been
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CANTONMENT BOARD

- This form of urban local government is also a British legacy. Cantonment boards were first set up under the Cantonments Act in 1924. While all other institutions of urban governance are administered by the state government, these are the only bodies which are centrally administered by the Defence Ministry.
- When a military station is established in an area, the military personnel move in and, to provide them with facilities of everyday life, a sizeable civilian population also joins the developing area. Soon, colonies, markets etc., develop near such military stations. For administering these areas, cantonment boards are created. As of 1987, there were 63

FINANCE OF MUNICIPAL BODIES:

- Finances supplied to the Municipal bodies are determined and regulated by the respective state governments as per the 74th amendment act. Article 243x states that a state may by law authorize a Municipality to levy and collect property taxes, duties, tolls and fees. The state will lay down the procedure also for the same along with accounting methods. Also as per the 74th Amendment act, the Indian Constitution has made it mandatory for every state to constitute a State Finance Commission to review the financial position of the Municipalities and make recommendations regarding distribution of taxes between the states and municipalities



- (a) **NON-TAX REVENUE** : The non-tax revenue includes fees and fines, grants and contributions from the Government. Among its extraordinary sources may be listed loans, deposits, receipts on capital account, grants for capital works, etc.
- (b) **TAX REVENUE** : The major proportion of income of corporations flows from taxes. It ranges from anything between two-fifths and three-fourths of total income. A corporation generally has the power to levy the following taxes : • Property tax • Tax on vehicles and animals • Tax on advertisements (other than newspapers) • Profession tax • Education tax • Entertainment tax • Tax on consumption and sale of electricity • Betterment tax on increase in urban land values caused by the execution of any development or improvement work.
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PROBLEM AREAS OF MUNICIPAL BODIES:

*Disqualifications of members of Municipal Bodies follow in principle the practice followed in state legislature disqualifications. But since it is governed by the state legislature who can make laws regarding the same, it is not consistent in all states and that leads to a lot of disparity and non – security among members.

* Election expenses and code of conduct to be better regulated and more powers should be given to the State election commission to do the same.

*The Municipal Councils/ Municipalities have restricted local autonomy as compared to the Municipal Corporations, with more pervasive state control that often climax in dissolution of the former

*Lack of Finance due to reluctance of the state and central legislators not wanting to divest further taxation and grants powers to them more than what they already have for fear of loss of power. And the municipal bodies fear increasing tax or asking for new tax collection options for loss of popularity among people.

*Local bodies are created by state governments and therefore can be dissolved by them as well if not dancing as per their tunes.

* Adding to the above is the drawing of rural people and other city people to a place where there is rapid urbanization through industrialization. Law and order becomes difficult, slums develop, etc. leading to multiplicity of problems for these already stressed out urban local governance bodies.

*In spite of many central and state committees sitting and recommending better financial and administrative autonomy for the Municipal bodies, there has been no concrete effort from the legislators side to implement the same.

* Lack of consistent and coherent urban development policy, faulty and improper urban planning, coupled with poor implementation and regulation overload in India's cities.

*No proper monitoring system in place.

