

UNIT IV URBAN AND LOCAL ADMINISTRATION

DISTRICT ADMINISTRATION

District administration is the management task of the government, with an area known as a district. It is a part of the Indian administrative service.

What is district administration?

The District is the state's principal administrative unit. It is an administrative unit that handles the majority of the government's departments. The district is the most favorable geographic unit for concentrating the entire machinery of public administration and bringing it into close contact with the people. Outside the headquarters, most agencies of the state government have external services situated in the area. The administrative machinery in the district is made up of the actions of these departments as well as certain others that may be related to the concerns of the Central Government. There are some features of the district administrative group, which are listed below,

The state government interacts with the people at the district level.

District administration is fieldwork that is contrasted to staff or secretarial tasks.

The challenges at the district level are specific to the district.

Policy formulation concludes at the district level, and policy implementation begins.

The District Officer is the state government's last point of contact and the "man on the ground" for any action or incident in the district.

There is an operational aggregation of units in the district.

What are the functions of district administration?

Law and order: The first set of functions is concerned with tranquillity and public safety. The Superintendent of Police, who

leads the district's police force, and the District Magistrate are jointly responsible for maintaining law and order.

Land revenue: The second set of functions is concerned with revenue administration. While land administration, including the management of land records, is the most important component of this category, it also includes an assessment and collections of land revenue, as well as the collection of other public dues that are collected as arrears of land revenue.

Development: These include education, public health, social welfare, and the welfare of underprivileged communities and groups. Each of these duties is handled by a different department in the district, which is led by a specialist officer.

Elections: This refers to the holding of elections of parliament, the State Legislature, and local governments. The Election Commissioner is in charge of ensuring that the election process is followed correctly, from voter registration through the announcement of election results. **Municipal administration:** The District Collector is normally in charge of supervising and ensuring the proper operation of urban local authorities. The District Collector oversees the execution of different development and anti-poverty policies for the urban people.

Emergency relief: In situations such as floods, earthquakes, accidental fires, famines, and other natural disasters, the entire district administration is prepared to meet the threat, and the DC assumes responsibility for coordinating the activities of the various departments and taking appropriate steps to relieve people's suffering.

What is the structure of the district administration structure?

The hierarchy of administration starts from the District Collector, who is the head of the administration and is responsible for most of the duties and district administrators. Along with that, the structure of district administration is followed by Superintendent of Police, District Medical Officer, District Health Officer, District Forest Officer, Assistant Registrar of Cooperative Societies, District Agricultural Officer.

Note: For detailed discussion, it is recommended to refer "Indian Polity" by Lakshmikanth

MAYOR

In India, a Mayor heads a municipal corporation which governs respective Indian towns and cities. The Mayor of a city is the first citizen of that city. Municipal corporation mechanisms in India was introduced during British Rule with formation of municipal corporation in Madras (Chennai) in 1688, later followed by municipal corporations in Bombay (Mumbai) and Calcutta (Kolkata) by 1762. However the process of introduction for an elected President in the municipalities was made in Lord Mayo's Resolution of 1870. Since then the current form and structure of municipal bodies followed is similar to Lord Ripon's Resolution adopted in 1882 on local self-governance. The 74th Constitutional Amendment Act of 1992 was introduced providing for the transfer of 18 different powers to urban local bodies, including the election of a mayor and to recognise them which included Municipal Corporations, Nagar Panchayats, Municipal Councils.

Election and Tenure

The method of electing mayor and their tenure varies for each city in India. In Bengaluru (Karnataka) the election process is indirect with a tenure being for one year, in Mumbai (Maharashtra) it follows indirect elections with tenure for 2.5 years and Bhopal (Madhya Pradesh) follows a directly elected mayor with a term for five years. Indian States of Haryana, Madhya Pradesh, Jharkhand, Uttar Pradesh, Chhatisgarh, Uttarakhand and Odisha had created respective provisions in the Acts governing Municipalities for the direct election of Mayors by citizens of cities. Tenure of Mayors of cities in India varies from 1 year to 5 years.

Roles and Responsibilities

1) Governs the local civic body. 2) Fixed tenure varying in different towns. 3) First citizen of city. 4) Has two varied roles — Representation and upholding of the dignity of the city during ceremonial times and a presiding over discussions of the civic house with elected representatives in functional capacity. 5) The Mayor's role is confined to the corporation hall of presiding authority at various meetings relating to corporation.

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6) The Mayor's role extends much beyond the local city and country as the presiding authority at corporation meetings during visits of a foreign dignitary to the city as he is invited by the state government to receive and represent the citizens to the guest of honour. 7) At government, civic and other social functions he is given prominence.

PANCHAYATI RAJ

The term Panchayati Raj in India signifies the system of rural local self-government. It has been established in all the states of India by the Acts of the state legislatures to build democracy at the grass root level. It is entrusted with rural development. It was constitutionalized through the 73rd Constitutional Amendment Act of 1992.

Evolution of Panchayati Raj

Balwant Rai Mehta Committee

In January 1957, the Government of India appointed a committee to examine the working of the Community Development Programme (1952) and the National Extension Service (1953) and to suggest measures for their better working. The specific recommendations made by it are: 1. Establishment of a three-tier panchayati raj system—gram panchayat at the village level, panchayat samiti at the block level and zila parishad at the district level. These tiers should be organically linked through a device of indirect elections. 2. The village panchayat should be constituted with directly elected representatives, whereas the panchayat samiti and zila parishad should be constituted with indirectly elected members. 3. All planning and development activities should be entrusted to these bodies. 4. The panchayat samiti should be the executive body while the zila parishad should be the advisory, coordinating and supervisory body.

Ashok Mehta Committee

In December 1977, the Janata Government appointed a committee on panchayati raj institutions under the chairmanship of Ashok Mehta. It submitted its report in August 1978 and made 132 recommendations to revive and strengthen the declining

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panchayati raj system in the country. Its main recommendations were: 1. The three-tier system of panchayati raj should be replaced by the two-tier system, that is, zila parishad at the district level, and below it, the mandal panchayat consisting of a group of villages with a total population of 15,000 to 20,000. 2. A district should be the first point for decentralisation under popular supervision below the state level. 3. Zila parishad should be the executive body and made responsible for planning at the district level.

G.V.K. Rao Committee

The Committee to review the existing Administrative Arrangements for Rural Development and Poverty Alleviation Programmes under the chairmanship of G.V.K. Rao was appointed by the Planning Commission in 1985. The Committee came to conclusion that the developmental process was gradually bureaucratised and divorced from the Panchayati Raj. This phenomena of bureaucratisation of development administration as against the democratisation weakened the Panchayati Raj institutions resulting in what is aptly called as 'grass without roots'. Hence, the Committee made the following recommendations to strengthen and revitalise the Panchayati Raj system: (i) The district level body, that is, the Zila Parishad should be of pivotal importance in the scheme of democratic decentralisation. It stated that "the district is the proper unit for planning and development and the Zila Parishad should become the principal body for management of all development programmes which can be handled at that level." (ii) The Panchayati Raj institutions at the district and lower levels should be assigned an important role with respect to planning, implementation and monitoring of rural development programmes. (iii) Some of the planning functions at the state level should be transferred to the district level planning units for effective decentralized district planning.

L M Singhvi Committee

In 1986, Rajiv Gandhi government appointed a committee to prepare a concept paper on 'Revitalisation of Panchayati Raj Institutions for Democracy and Development' under the

chairmanship of L.M. Singhvi. It made the following recommendations. (i) The Panchayati Raj institutions should be constitutionally recognised, protected and preserved. For this purpose, a new chapter should be added in the Constitution of India. This will make their identity and integrity reasonably and substantially inviolate. It also suggested constitutional provisions to ensure regular, free and fair elections to the Panchayati Raj bodies. (ii) Nyaya Panchayats should be established for a cluster of villages. (iii) The villages should be reorganised to make Gram Panchayats more viable. It also emphasised the importance of the Gram Sabha and called it as the embodiment of direct democracy. (iv) The Village Panchayats should have more financial resources. (v) The judicial tribunals should be established in each state to adjudicate controversies about election to the Panchayati Raj institutions, their dissolution and other matters related to their functioning.

Thungon Committee

In 1988, a sub-committee of the Consultative Committee of Parliament was constituted under the chairmanship of P.K. Thungon to examine the political and administrative structure in the district for the purpose of district planning. This committee suggested for the strengthening of the Panchayati Raj system. It made the following recommendations: 1. The Panchayati Raj bodies should be constitutionally recognized. 2. A three-tier system of Panchayati Raj with panchayats at the village, block and district levels. 3. Zilla Parishad should be the pivot of the Panchayati Raj system. It should act as the planning and development agency in the district. 4. The Panchayati Raj bodies should have a fixed tenure of five years. 5. The maximum period of super session of a body should be six months.

MUNICIPALITIES

The term 'Urban Local Government' in India signifies the governance of an urban area by the people through their elected representatives. The jurisdiction of an urban local government is limited to a specific urban area which is demarcated for this purpose by the state government. There are eight types of urban local governments in India– municipal corporation, municipality,

notified area committee, town area committee, cantonment board, township, port trust and special purpose agency. The system of urban government was constitutionalized 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 Housing and Urban Affairs. (ii) Ministry of Defence in the case of cantonment boards (iii) Ministry of Home Affairs in the case of Union Territories.

Evolution of Urban Bodies

Historical Perspective

The institutions of urban local government originated and developed in modern India during the period of British rule. The major events in this context are as follows: (i) In 1688, the first municipal corporation in India was set up at Madras. (ii) In 1726, the municipal corporations were set up in Bombay and Calcutta. (iii) Lord Mayo's Resolution of 1870 on financial decentralisation visualised the development of local self-government institutions. (iv) Lord Ripon's Resolution of 1882 has been hailed as the 'Magna Carta' of local self-government. He is called as the father of local-self-government in India. (v) The Royal Commission on decentralisation was appointed in 1907 and it submitted its report in 1909. Its chairman was Hobhouse.

Three Types of Municipalities

The act provides for the constitution of the following three types of municipalities in every state.

1. A nagar panchayat (by whatever name called) for a transitional area .
2. A municipal council for a smaller urban area.
3. A municipal corporation for a larger urban area.

Composition

All the members of a municipality shall be elected directly by the people of the municipal area. For this purpose, each municipal area shall be divided into territorial constituencies to be known as wards. The state legislature may provide the manner of election of the chairperson of a municipality. It may

also provide for the representation of the following persons in a municipality. 1. Persons having special knowledge or experience in municipal administration without the right to vote in the meetings of municipality. 2. The members of the Lok Sabha and the state legislative assembly representing constituencies that comprise wholly or partly the municipal area. 3. The members of the Rajya Sabha and the state legislative council registered as electors within the municipal area. 4. The chairpersons of committees (other than wards committees).

Wards Committees There shall be constituted a wards committee, consisting of one or more wards, within the territorial area of a municipality having population of three lakh or more. The state legislature may make provision with respect to the composition and the territorial area of a wards committee and the manner in which the seats in a wards committee shall be filled.

Other Committees In addition to the wards committees, the state legislature is also allowed to make any provision for the constitution of other committees. The chairpersons of such committees may be made members of the municipality.

Reservation of Seats

The act provides for the reservation of seats for the scheduled castes and the scheduled tribes in every municipality in proportion of their population to the total population in the municipal area. Further, it provides for the reservation of not less than one-third of the total number of seats for women (including the number of seats reserved for woman belonging to the SCs and the STs).

Disqualifications

A person shall be disqualified for being chosen as or for being a member of a municipality if he is so disqualified (a) under any law for the time being in force for the purposes of elections to the legislature of the state concerned; or (b) under any law made by the state legislature. However, no person shall be disqualified on the ground that he is less than 25 years of age if he has attained the age of 21 years. Further, all questions of

disqualifications shall be referred to such authority as the state legislature determines.

Twelfth Schedule

It contains the following 18 functional items placed within the purview of municipalities: 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 for domestic, industrial and commercial purposes; 6. Public health, sanitation, conservancy and solid waste management; 7. Fire services; 8. Urban forestry, protection of the environment and promotion of ecological aspects; 9. Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded; 10. Slum improvement and upgradation; 11. Urban poverty alleviation; 12. Provision of urban amenities and facilities such as parks, gardens, playgrounds; 13. Promotion of cultural, educational and aesthetic aspects; 14. Burials and burial grounds, cremations and cremation grounds and electric crematoriums; 15. Cattle ponds, 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; and 18. Regulation of slaughter houses and tanneries.

Types of Urban Governments

The following eight types of urban local bodies are created in India for the administration of urban areas: • Municipal Corporation • Municipality • Notified Area Committee • Town Area Committee • Cantonment Board • Township • Port Trust • Special Purpose Agency

Municipal Revenue

There are five sources of income of the urban local bodies. These are as follows:

1. Tax Revenue: The revenue from the local taxes include property tax, entertainment tax, taxes on advertisements, professional tax, water tax, tax on animals, lighting tax, pilgrim tax, market tax, toll on new bridges, octroi and so on. In addition,

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the municipal bodies imposes various accesses like library access, education access, beggary access and so on. Octroi (i.e., taxes on the entry of goods into a local area for consumption, use or sale therein) has been abolished in most of the states. Property tax is the most important tax revenue.

2. Non-Tax Revenue: This source include rent on municipal properties, fees and fines, royalty, profits and dividends, interest, user charges and miscellaneous receipts. The user charges (i.e., payment for public utilities) include water charges, sanitation charges, sewerage charges and so on. 3. Grants: These include the various grants given to municipal bodies by the Central and State Governments for several development programmes, infrastructure schemes, urban reform initiatives and so on.

4. Devolution: This consists of the transfer of funds to the urban local bodies from the state government. This devolution is made on the basis of the recommendations of the state finance commission.

5. Loans: The urban local bodies raise loans from the state government as well as financial institutions to meet their capital expenditure. They can borrow from the financial institutions or other bodies only with the approval of the state government.