

# Municipality



Also known as Urban Local Government

- Added by 74th Amendment act 1992 with 12 Schedule
- Part IX-A ( Articles 243P-243ZG)
- This act was commenced by 1 June 1993
- It has 18 Functions which are to be given to Urban Local Government

## Features

- Three level of Urban Local Government
  - Nagar Panchayat(will be present in the transition phase from Rural to Urban)
  - Municipal Council/Nagar Palika : Small Urban Areas
  - Municipal Corporation/Nagar Nigam : Large Urban Areas
- Composition:
  - Members of all the three are directly elected
  - Chairperson election is decided by state legislature (Vidhan Sabha) :Direct or Indirect

- All these will also have nominated members decided by State legislature but they will not have voting power
- Generally members of State legislature, Member of parliament, Person with special knowledge will be available
- Elections for members will be taken from wards. From different wards elections will be performed and members will be elected from there

## Ward Committee

- Made if population is 3 lakh or more
- One or more wards are combined
- Seats of ward committee will be decided by State Legislature

## Reservation

- ST/SC reservation according to Population for both members and Chairperson
- Women reservation 1/3 for both members and chair person
- For OBC state legislature can make reservations

## Duration of Municipality

- 5 Years
- If dissolved before than within 6 Months election should be organised
- And New government will be active for remaining term only

## Disqualification

- Minimum qualifying age: 21 Years
- State Legislature will decide the Question of disqualification

## State Election Commission

- To conduct election of both Panchayat and Municipality
- But provisions of Elections are made by State Legislature

## **Powers and Functions**

- State Legislature may endow Municipality :
  - To prepare plans for development
  - Implementation of schemes related to 18 matters
- Financial Powers: State legislature may Endow to Municipality:
  - To collect taxes
  - Tax collected by state but assigned to Municipality

## **State Finance Commission**

- Will be established for 5 Years by Governor
- Will handle the distribution of taxes between State government and Municipality
- Its composition, Qualification and member of election is all decided by State Legislature
- State Finance commission gives its report to governor who place this to State legislature
- Central Finance commission can also suggest measures to augment the consolidated fund of state
- Audit of accounts of Municipality will be decided by State Legislature
- Applicability of this act on Uts will be decided by the President
- This act is not applicable to schedule and tribal areas of State
- States had 1 year to adopt this act from 1 June 1993
- It bars the Court in interference of Electoral matters of Municipality. This will be decided by state Legislature

## **District Planning Committee**

- State government constitute DPC and all its functions, Number of members etc will be decided by State Govt.
- Function is to consolidate plans prepared by Panchayats and Municipality
- 4/5th members of DPC should be indirectly elected by elected members of Panchayats and Municipality

## Metropolitan Planning Committee

- All points same as that of DPC
- 2/3 members will be elected by elected members of Municipality and chairperson of Panchayats in Metropolitan area

## Central Council of Local Government

- Setup in 1954 by order of President under article 263
- It is an advisory body including Urban Minister (Union govt) as Chairperson with other ministers of Local Self Government
- Recommends policy matters, cooperation between centre and states, making proposals for legislations

## Urban Local Government

It comes under three ministries

- Ministry of Urban Development
- Ministry of Defence
- Ministry of Home Affairs (UTs)

## Historical Background of Municipality

- 1687-88: Madras became the first Municipal corporation and after that Bombay and Kolkata
- Ripon is known as father of Self Government, passed Magna Carta of local self government

- **GOI Act-1919:**Dyarchy was established and Local Self government was under Transferred subject
- **GOI Act-1935:**It was under Provincial subject list

## **Eight types of Urban Local Bodies**

There are several types of urban bodies in India such as Municipal Corporation, Municipality, Notified Area Committee, Town Area Committee, Special Purpose Agency, Township, Port Trust, Cantonment Board etc. Brief detail about them is given below:

### **Contents**

- **Municipal Corporation**
- **Municipality**
- **Notified Area Committee**
- **Town Area Committee**
- **Cantonment Board**
- **Township**
- **Port Trust**
- **Special Purpose Agency**

## **Municipal Corporation**

Municipal Corporations are created to look after the administrative needs of large cities such as Delhi, Mumbai, Chennai, Kolkata, etc. The respective state legislatures can establish the municipal corporations by passing an act. In case of union territories, they can be established by the acts of Indian Parliament. There may be a one single act for all municipal corporations in the state or separate act for each municipal corporation.

## **Municipality**



The municipalities are created for the administration of smaller cities and towns. They are set up by the acts of the respective state governments. In case of union territories, they are set up by acts of Parliament of India. Municipalities are called with different names like municipal council, municipal committee, municipal board, borough municipality, city municipality, etc.

A municipality has three authorities viz. the council, the standing committees and the chief executive officer. The council acts as the deliberative and legislative wing of the municipality. The council is made up of councillors who are directly elected by the people. The head of the council is called president or chairman. He is assisted by a vice-president or vice-chairman. President/Chairman presides over the meetings of the council. The standing committees deal with different fields like public works, education, health, etc. They facilitate the working of the council. The chief executive officer looks after the day-to-day responsibilities of administration of the municipality. He is appointed by the state government.

## **Notified Area Committee**

A notified area committee is established to take care of administration of an area which is either a fast developing town from industrialisation or a town not yet developed to fulfil all the conditions to create a municipality but is considered as important by the state government. A notified area committee is created by a notification in the government gazette. The notification also mentions the provisions of the State Municipal Act that are applied to the notified area committee.

## **Town Area Committee**

A town area committee is created for the administration of a small

town. It is like a semi-municipal authority. Limited number of civic functions such as roads, street lighting, and drainage are entrusted to it. It is established by a separate act passed by a state legislature. The act mentions the composition, functions, and other matters related to the town area committee. It may be a wholly nominated body by a state government or a wholly elected body or partly nominated and partly elected.

## **Cantonment Board**

They are created for municipal administration for civilian population in the cantonment areas. Unlike other urban local bodies, a cantonment board is created as well as administered by union government. The provisions of the Cantonments Act of 2006, a central government act, are applicable to a cantonment board. A cantonment board functions under the administrative control of union defence ministry. Now, there are 62 cantonment boards in the country.

The members of a cantonment board are partly elected and partly nominated. While the elected members hold the office for a term of 5 years, the nominated members continue as long as they hold the office.

## **Township**

Townships are created by the large public sector enterprises for its staff and workers near to the plant with all civic amenities. A town administrator is appointed by the enterprise to take care of the administration of the township. He is assisted by some engineers and some other staff. The township form of urban government has no elected members.

## Port Trust

The port trusts are created in the port areas like Kolkata, Chennai, Mumbai, etc. The objective in their creation is to manage and protect the ports; and to provide civic amenities. A port trust is set up by an Act of Parliament. Its members include both elected and nominated. Its chairman is an official. Its civic functions are almost similar to those of a municipality.

## Special Purpose Agency

Along with the above seven types of urban bodies, the states can create certain agencies to look after specific functions that 'legitimately' belong to any of the above local urban governments. These agencies are function-based and not area-based like the above seven bodies. They are known as 'special purpose' or 'single purpose' agencies or 'functional local bodies'.

They are created as statutory bodies by an act of state legislature or as departments by an executive resolution. They work as autonomous bodies dealing with their allotted functions independently of the local urban governments. They are not subordinated to any local urban governance bodies.

Examples of such bodies are:

- Town improvement trusts.
- Water supply and sewerage boards.
- Pollution control boards.
- Electricity supply boards.
- Urban development authorities.
- City transport boards.
- Housing boards.