

good work towards the implementation of development Schemes. After the revamping of Panchayati Raj by the 73rd Amendment Act, the Panchayat Samitis are trying to act more effectively and efficiently as instruments of rural development in their respective areas.

III. THE ZILA PARISHAD/ZILA PANCHAYAT DISTRICT LEVEL PANCHAYATI RAJ INSTITUTION

The Zila Parishad is the district level top tier of the Panchayati Raj. It operates at the district level and looks after the rural areas of the district. The Zila Parishad is a corporate body having perpetual succession and a common seal. It has the power to acquire, hold and dispose of property and to enter into contracts. As a corporate body it can be sued. While 'Zila Parishad' happens to be the most commonly used name for this top tier of the Panchayati Raj, in Assam, it is known as Mahakum Parishad (sub-divisional level). In Tamil Nadu and Karnataka it is known as the District Development Council, and in Gujarat, the District Panchayat.

I. Composition of Zila Parishad. A Zila Parishad has the following categories of members.

- (i) 10 to 25 directly elected members from all the constituencies falling within the area covered by the Zila Parishad. Approximately 50,000 people elect one representative.
- (ii) All Chairmen of Panchayat Samities falling within the area of Zila Parishad.
- (iii) MPs and MLAs representing the area.
- (iv) Such MPs and MLAs whose names stand registered as voters in any constituency of the area of Zila Parishad.

In the case of Zila Parishad also some seats stand reserved for SCs, OBCs and women. The ratio of reserved seats is in proportion to the population of SCs. $\frac{1}{3}$ rd (now $\frac{1}{2}$) directly elected seats are reserved for women. In the case of OBCs, one seat is reserved in case their population living in the Zila Parishad area is 20% or more of the total population.

Chairman and Vice-Chairman of Zila Parishad. After the constitution of a Zila Parishad, in its first meeting all the members elect from among themselves one person as its Chairman and another as the Vice-chairman. Further, $\frac{1}{3}$ rd (now $\frac{1}{2}$) of all the chairmanships of all the Zila Parishads are reserved for the women members and some of the chairmanships are reserved for members belonging to SCs. The term of the Chairman is equal to the term of the Zila Parishad. He can also be removed by the members by passing a removal resolution by a $\frac{2}{3}$ rd majority of its members.

The main function of the Chairman is to preside over the meetings of the Zila Parishad. He exercises administrative supervision and control over the chief executive officer and other officials of the Zila Parishad. The Zila Parishad can assign him any function. He supervises the financial administration of the Zila Parishad.

III. Quorum for Meetings. The majority of total membership of the Zila Parishad is the quorum for its meeting.

IV. Meetings. The Zila Parishad meets once in three months. Its special meetings can also be held when requested in writing by $\frac{1}{3}$ rd of its members. The Chairman has to call such a special meeting within 15 days of such a request.

V. Committees of the Zila Parishad. The Parishad functions through a number of standing committees, each in charge of specified subjects. The members of these committees are elected from among the members of the Zila Parishad. The Chairman of the Zila Parishad is an ex-officio member of some Standing Committees.

The five main standing committees of a Zila Parishad are : General Committee, Finance Audit and Planning Committee, Social Welfare Committee, Education and Health Committee and Agriculture and Industry Committee.

Each committee consists of 5 members. Chairman of a standing committee is elected by the members of the Zila Parishad. The Chairman of a Zila Parishad is however, *ex-officio* chairman of the first three standing committees as listed above. No member of the Zila Parishad can be a member of more than two committees.

POWERS AND FUNCTIONS OF A ZILA PARISHAD

The powers and functions of Zila Parishad vary considerably from State to State. In Karnataka and Tamil Nadu, the Zila Parishad is coordinating body which exercises general supervision over the working of the Panchayat Samitis and advises the Government on the implementation of the development schemes. Besides these duties, in Andhra Pradesh, the Zila Parishad has some executive role in the establishment, maintenance and expansion of secondary educational, vocational and industrial schools. It also discharges the functions of the Panchayat Samitis in respect of non-samiti blocks. In Maharashtra, the Zila Parishad is the strongest tier of the Panchayati Raj and is vested with executive functions in various fields, including planning, development and advising of the State Government. In Gujarat and Uttar Pradesh also the Zila Parishad is vested with administrative functions in various fields. In the remaining States, the Zila Parishad has no specific executive power and it is only a supervisory and coordinating body.

In Andhra Pradesh, Assam, Bihar, Madhya Pradesh, Karnataka, Orissa and Punjab, the budget of the Panchayat Samiti is approved by the Zila Parishad. In Gujarat, Rajasthan and U.P the Samiti's budget is scrutinised by the Zila Parishad which can make certain suggestions for the consideration of the Samiti. In Maharashtra, the Samiti's budget, after such modifications as the Parishad may consider necessary, is included within the Zila Parishad's budget. The Zila Parishads exercise powers of supervision and guidance over the Panchayat Samitis in Andhra Pradesh, Assam, Gujarat, Madhya Pradesh, Karnataka, Punjab, Rajasthan and Uttar Pradesh. The Zila Parishads are also empowered to supervise Village Panchayats in Andhra Pradesh, Gujarat, Madhya Pradesh and U.P.

The main functions of the Zila Parishad can be listed as follows :

- (1) Development of Agriculture.
- (2) To set up and maintain warehouses.
- (3) To train the farmers.
- (4) Land Reclamation and Conservation.
- (5) Development of Irrigation.
- (6) Water utilisation in an optimum way.
- (7) Rural Electrification.

- (8) Distribution of Essential Commodities to the people.
- (9) To collect and publish data regarding Panchayats, Panchayat Samities and the Zila Parishad.
- (10) To develop marketing network for marketing agricultural produce.
- (11) Conservation and development of forests.
- (12) To look after the development of Animal Husbandry, Dairy and Fisheries.
- (13) To organise Cold Storage facilities.
- (14) Development of Small scale and cottage industries.
- (15) Encouragement to cottage industries.
- (16) Constitution and maintenance of roads.
- (17) Organisation of Health facilities.
- (18) To promote Rural Housing.
- (19) To look for spreading education.
- (20) To take steps for the welfare of weaker sections of society.
- (21) To undertake poverty alleviation programmes.
- (22) To celebrate national festivals.
- (23) To organise cultural meets and festivals.
- (24) To undertake programmes for social reforms.
- (25) To encourage small savings.
- (26) To perform functions delegated by the State government.

The Zila Parishad is expected to function as an advisory and supervisory body over the Panchayat Samitis. In this sphere, its functions relate to : (a) examination and approval of the budgets of the Samities, (b) distribute funds allotted to the district by the government to the Samities, (c) supervise generally the activities of the Samities in the district, (d) co-ordinate and consolidate the plans of the blocks and prepare plans in respect of the entire district, (e) secure the execution of plans, projects, schemes or other works common to two or more blocks, (f) exercise and perform such of the powers and functions of the district board as are transferred to it, (g) advise the government on all matters relating to development activities and maintenance of services in the district, (h) advise the government on the allocation of work among Panchayats and Panchayat Samitis and coordination of their work, (i) advise government on matters concerning the implementation of statutory or executive order referred to it, (j) publish statistics and other information, (k) obtain information from the local bodies, (l) establish, maintain and expand secondary, vocational and industrial schools, and (m) administration of trusts.

5. Funds of the Zila Parishad. All money received by a Zila Parishad constitutes a fund called the Zila Parishad Fund. All money received by the Zila Parishad is kept in a Government Treasury or Sub-Treasury or in the bank to which the Government Treasury business has been made over, unless the government in any case otherwise permits. All orders or cheques against the Zila Parishad Fund are to be signed by the Secretary.

6. Sources of Income. The Sources of income of a Zila Parishad consist of :

- (i) the Central or State Government funds allotted to the Zila Parishad;
- (ii) a share in the Land Reserve collected from the Zila Parishad area.
- (iii) grants from All India bodies and institutions for the development of cottage, village and small scale industries, and the like ;
- (iv) state taxes or fees as may be prescribed ;
- (v) income from trusts administered by the Zila Parishad ;
- (vi) such income of the District Board as the Government may by order, allocate to it ;
- (vii) Zila Parishad can raise loans.
- (viii) donations and contributions from the Panchayat Samitis or from the public in any form ; and
- (ix) such contributions as the Zila Parishad may levy from the Panchayat Samitis with the previous approval of the Government.

The expenses of the Zila Parishad include the salaries and allowances of the officials of the Zila Parishad, and allowances, if any, to be paid to the members of Zila Parishad or any Consultative Committee thereof.

The Chief Executive Officer of a Zila Parishad, frames and places before the Zila Parishad, on or before the prescribed date, an annual budget showing the estimated receipt and expenditure during the next financial year.

Thus, Rural Local Government in India continues to be a three tier structure. The 73rd Constitution Amendment Act has ensured the continued operation of the institutions of Panchayati Raj. It has given additional powers and sources of revenue for enabling these to work efficiently. The involvement and empowerment of rural women has been secured by giving them reservations for becoming the members and chairpersons of Panchayats, Panchayat Samities and Zila Parishads. The revamping of Panchayats Raj by this Amendment has been aimed at the objective of making the local government institutions well-functioning, active and productive instruments of Indian democracy at the grass-root level. These are designed to act as agents of rural development as well as for ensuring sustained development of rural living.

II. URBAN LOCAL BODIES IN INDIA

More than 26 per cent population of India lives in urban areas and a trend towards rapid urbanisation has been distinctly visible. There are about 2500 towns in India and in each municipal town a unit of urban local government is at work. In big cities Municipal Corporations are at work and in other cities/urban areas Municipal Councils are at work. For fast urbanising areas which are currently and basically rural areas, Nagar Panchayats, Notified Area Committees and Town Area Committees have been established. For cantonments, Cantonment Boards have been established. Besides these, some special institutions like Improvement Trusts, Port Trusts, Town Planning bodies, Urban Development Agencies, and Housing Boards, have also been established.

Since the dawn of independence, the Urban Local Government has been working at the grassroot level. Urban Local government is engaged in meeting local needs with local resources and through a local council organised by the local people. In 1992, the Constitution 74th Amendment Act was passed for revamping the Urban Local Government with a view to ensure for its stability, more representativeness and a more powerful role.

A study of Urban Local Government therefore must begin by studying the Constituion 74th Amendment Act 1992.

THE CONSTITUTION 74TH AMENDMENT ACT 1992

By this Act, Part IXA was inserted in the Constitution. After defining the Municipal area and the Municipality, the Amendment Act lays down rules regarding the organisation, powers, functions and finances of the institutions of Urban Local Government.

These can be described as follows :

I. Constitution of Municipalities. (1) There shall be constituted in every State—

- (a) a Nagar Panchayat (by whatever name called) for a transitional area, that is to say, an area in transition from a rural area to an urban area;
- (b) a Municipal Council for a smaller urban area; and
- (c) a Municipal Corporation for a larger urban area, in accordance with the provisions of this Part :

Provided that a Municipality under this clause may not be constituted in such an urban area or part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, by public notification, specify to be an industrial township.

(2) In this Article, “a transitional area”, “a smaller urban area” or “a larger urban area” means such area as the Governor may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit, specify by public notification for the purposes of this Part.

II. Composition of Municipalities. (1) Save as provided in clause (2), all the seats in a Municipality shall be filled by persons chosen by direct election from the territorial constituencies in the Municipal area and for this purpose each Municipal area shall be divided into territorial constituencies to be known as wards.

(2) The Legislature of a State may, by law, provide,—

(a) for the representation in a Municipality of—

- (i) persons having special knowledge or experience in Municipal administration;
- (ii) the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly the Municipal area;

(iii) the members of the Council of States and the members of the Legislative Council of the State registered as electors within the Municipal area;

(iv) the Chairpersons of the Committees constituted under clause (5) of Article 243S :

Provided that the persons referred to in paragraph (i) shall not have the right to vote in the meetings of the Municipality;

(b) the manner of election of the Chairperson of a Municipality.

III. Constitution and Composition of Ward Committees, etc.

(1) There shall be constituted Ward Committees, consisting of one or more wards, within the territorial area of a Municipality having a population of three lakhs or more.

(2) **The Legislature of a State may, by law, make provision with respect to—**

(a) the composition and the territorial area of a Ward Committee;

(b) the manner in which the seats in a Ward Committee shall be filled.

(3) A member of a Municipality representing a ward within the territorial area of the Ward Committee shall be a member of that Committee.

(4) **Where a Ward Committee consists of—**

(a) one ward, the member representing that ward in the Municipality; or

(b) two or more wards, one of the members representing such wards in the Municipality elected by the Members of the Ward Committee shall be the Chairperson of that Committee.

(5) Nothing in this Article shall be deemed to prevent the Legislature of a State from making any provision for the constitution of Committees in addition to the Ward Committees.

IV. Reservation of seats. (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality.

(4) The office of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide.

(5) The reservation of seats under clauses (1) and (2) and the reservation of office of Chairpersons

(other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in Article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Municipality or office of Chairpersons in the Municipalities in favour of backward class of citizens.

V. Duration of Municipalities, etc. (1) Every Municipality, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer :

Provided that a Municipality shall be given a reasonable opportunity of being heard before its dissolution.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Municipality at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1).

(3) An election to constitute a Municipality shall be completed,—

(a) before the expiry of its duration specified in clause (1);

(b) before the expiration of a period of six months from the date of its dissolution :

Provided that where the remainder of the period for which the dissolved Municipality would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Municipality for such period.

(4) A Municipality constituted upon the dissolution of Municipality before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Municipality would have continued under clause (1) had it not been so dissolved.

VI. Disqualification for membership. (1) **A person shall be disqualified for being chosen as, and for being, a member of a Municipality—**

(a) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned :

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;

(b) if he is so disqualified by or under any law made by the Legislature of the State.

(2) If any question arises as to whether a member of a Municipality has become subject to any of the disqualifications mentioned in clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

VII. Powers, authority and responsibilities of Municipalities. Subject to the provisions of this Constitution, the Legislature of State may, by law, endow—

(a) the Municipalities with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provision for the devolution of powers and responsibilities upon Municipalities, subject to such conditions as may be specified therein, with respect to—

- (i) the preparation of plans for economic development and social justice;
 - (ii) the performance of functions and the implementation of schemes as may be entrusted to them including those in relation to the matter listed in the Twelfth Schedule;
- (b) the Committees with such powers and authority as may be necessary to enable them to carry out the responsibilities conferred upon them including those in relation to the matters listed in the Twelfth Schedule.

VIII. Power to impose taxes and Funds of the Municipalities. The Legislature of a State may, by law—

- (a) authorise a Municipality to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;
- (b) assign to a Municipality such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;
- (c) provide for making such grants-in-aid to the Municipalities from the Consolidated Fund of the State; and
- (d) provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Municipalities and also for the withdrawal of such moneys therefrom, as may be specified in the law.

IX. Finance Commission. (1) The Finance Commission constituted under Article 243-I shall also review the financial position of the Municipalities and make recommendations to the Governor as to—

(c) the principles which should govern—

- (i) the distribution between the State and the Municipalities of the net proceeds of the taxes, duties, tolls and fees levied by the State, which may be divided between them under this Part and the allocation between the Municipalities at all levels of the respective shares of such proceeds;
 - (ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by the Municipalities;
 - (iii) the grants-in-aid to the Municipalities from the Consolidated Fund of the State;
- (d) the measures needed to improve the financial position of the Municipalities;
- (e) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Municipalities.

(2) The Governor shall cause every recommendation made by the commission under this Article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

X. Audit of accounts of Municipalities. The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Municipalities and the audit of such accounts.

XI. Elections to the Municipalities. (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipalities shall be vested in the State Election Commission referred to in Article 243K.

(2) Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to or in connection with, elections to the Municipalities.

XII. Application to Union Territories. The provisions of this Part shall apply to the Union territories and shall, in their application to a Union Territory, have effect as if the references to the Governor of a State were references to the Administrator of the Union territory appointed under Article 239 and references to the Legislature or the Legislative Assembly of a State were references in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly :

Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

XIII. Part not to apply to certain areas. (1) Nothing in this Part shall apply to the scheduled areas referred to in clause (1), and the tribal areas referred to in clause (2), of Article 244.

(2) Nothing in this Part shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under any law for the time being in force for the hill areas of the district of Darjeeling in the State of West Bengal.

(3) Notwithstanding anything in this Constitution, Parliament may, by law extend the provisions of this Part to the scheduled areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purposes of Article 368.

XIV. Committee for District Planning. (1) There shall be constituted in every State at the district level a District Planning Committee to consolidate the plans prepared by the Panchayats and the Municipalities in the district and to prepare a draft development plan for the district as a whole.

(2) The Legislature of a State may, by law, make provision with respect to—

(a) the composition of the District Planning Committees;

(b) the manner in which the seats in such Committees shall be filled :

Provided that not less than four-fifths of the total number of members of such Committee shall be elected by, and from amongst, the elected members of the Panchayat at the district level and of the Municipalities in the district in proportion to the ratio between the population of the rural areas and of the urban areas in the district;

(c) the functions relating to district planning which may be assigned to such Committees;

(d) the manner in which the Chairpersons of such Committees shall be chosen.

(3) Every District Planning Committee shall, in preparing the draft development plan,—

(a) have regard to—

(i) matters of common interest between the Panchayats and the Municipalities including

spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;

(ii) the extent and type of available resources whether financial or otherwise;

(b) consult such institutions and organisations as the Governor may, by order, specify.

(4) The Chairperson of every District Planning Committee shall forward the development plan, as recommended by such committee, to the Government of the State.

XV. Committee for Metropolitan Planning. (1) There shall be constituted in every Metropolitan area a Metropolitan Planning Committee to prepare a draft development plan for the Metropolitan area as a whole.

(2) The Legislature of a State may, by law, make provision with respect to—

(a) the composition of the Metropolitan Planning Committees;

(b) **the manner in which the seats in such Committees shall be filled :**

(c) Provided that not less than two-thirds of the members of such Committee shall be elected by, and from amongst, the elected members of the Municipalities and Chairpersons of the Panchayats in the Metropolitan area in proportion to the ratio between the population of the Municipalities and of the Panchayats in that area;

(d) the representation in such Committees of the Government of India and the Government of the State and of such organisations and institutions as may be deemed necessary for carrying out of functions assigned to such Committees;

(e) the functions relating to planning and coordination for the Metropolitan area which may be assigned to such Committees;

(f) the manner in which the Chairpersons of such Committees shall be chosen.

(3) Every Metropolitan Planning Committee shall, in preparing the draft development plan,—

(a) have regard to—

(i) the plans prepared by the Municipalities and the Panchayats, in the Metropolitan area;

(ii) matters of common interest between the Municipalities and the Panchayats, including coordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;

(iii) the overall objectives and priorities set by the Government of India and the Government of the State;

(iv) the extent and nature of investments likely to be made in Metropolitan area by agencies of the Government of India and of the Government of the State and other available resources whether financial or otherwise;

(b) consult such institutions and organisations as the Governor may, by order, specify.

(4) The Chairperson of every Metropolitan Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.

XVI. Continuance of existing Laws and Municipalities. Notwithstanding anything in this Part, any provision of any law relating to Municipalities in force in a State immediately before the commencement of the Constitution (Seventy-Fourth Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier :

Provided that all the Municipalities existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State.

XVII. Bar to interference by courts in electoral matters. Notwithstanding anything in this Constitution,—

- (c) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under Article 243ZA shall not be called in question in any court;
- (d) no election to any Municipality shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or actions made by the Finance Commission of the State.”

Addition of 12th Schedule in the Constitution.

A. MUNICIPAL CORPORATION

Municipal Corporation is the highest local government institution working in each large urban area. There are at work about 70 Municipal Corporations in India. Each Municipal Corporation is set up by an Act passed by the concerned State Legislature.

1. Composition of Municipal Corporation. The number of members of each Municipal Corporation is determined, on the basis of the population of the city concerned, by the laws passed by the State Legislature.

Each Municipal Corporation includes the following categories of members.

- (i) **Directly elected members from the area of Municipal Corporation.** For the election of these members, the whole area of the large city is divided into wards and each ward elects one member. The strength of the directly elected members depends upon the size of the population of the urban area.
- (ii) Members of State Legislative Assembly, who represent the area of Municipal Corporation.

Provision for Reservation of Seats. Some reservation of seats is there in every Municipal Corporation for (i) Scheduled Castes, (ii) Back ward Classes and (iii) Women. The ratio of seats reserved for Scheduled Castes is in proportion to the total population of Scheduled Castes in the Municipal Corporation area. In every Municipal Corporation, two seats are reserved for the Backward Classes. At least $\frac{1}{3}$ of the seats reserved for Scheduled Castes are reserved for women belonging to Scheduled Castes.

At least $\frac{1}{3}$ of the seats to be filled by direct election in each Municipal Corporation are reserved for women (including the seats reserved for Women belonging to Scheduled Castes).

2. Qualifications. The qualifications necessary for the membership of a Municipal Corporation are—

- (i) The person should be a citizen of India.
- (ii) His/Her name should figure in the voter's list of the city concerned.
- (iii) He/she must, at least be of 21 years of age.
- (iv) He/she should not hold any governmental office *i.e.* office of profit under the government.
- (v) He/she should not have been declared ineligible to contest elections for committing a crime.

3. Tenure. Every Municipal Corporation, has a term of 5 years and begins from the date of the first meeting. Elections take place after the expiry of the five years term. An election to constitute a Corporation has to be completed within six months from the date of the dissolution of a municipal corporation. A Municipal Corporation constituted upon the dissolution of a Municipal Corporation before the expiry of full term, continues only for the remaining period of the tenure of the dissolved Corporation. However, if the remaining tenure of the dissolved Municipal Corporation is less than six months, it is not necessary to hold any election for constituting the Corporation for such a period.

If in the opinion of the government, a Municipal Corporation is not competent to perform its duties or persistently makes mistakes in the performance of duties imposed on it or exceeds any of its powers, the Government can dissolve such a Corporation before the expiry of its term. Never-the-less, before doing this the Corporation has to be given a reasonable opportunity of being heard before its dissolution. After dissolution of a Municipal Corporation, a new corporation has to be elected and constituted within six months.

4. President/Mayor of Municipal Corporation. Municipal Corporation has one Chairman and one Deputy Chairman who are called Mayor and Deputy Mayor respectively. In their first meeting the members of Municipal Corporation elect Mayor and Deputy Mayor from amongst the elected Councillors. Each has a tenure of five years *i.e.* equal to the tenure of the Municipal Corporation. Members of the Municipal Corporation can remove the Mayor and Deputy Mayor from office by passing a resolution to that effect by a $\frac{2}{3}$ rd majority.

5. Provisions for Reservation of the offices of Mayor. Municipal Corporation Act of a state provides for the reservation of seats for the office of Mayor,

- (i) 5% offices for Scheduled Castes.
- (ii) 5% offices for women, including women belonging to the Scheduled Castes; and
- (iii) 2% offices for Backward Classes.

6. Meetings. It is compulsory to convene one meeting of the Municipal Corporation in a month. 1/5th members of a Municipal Corporation can also make a written request for convening a special meeting. Such a meeting has to be convened by the Mayor within 14 days of the receipt of the requisition.

7. Quorum. The quorum for the meeting of a Municipal Corporation is 1/2 of the total members. All decisions of the corporation are taken by a majority of members present and voting. In case of a tie, the Mayor can use a casting vote.

8. Executive Officer of the Municipal Corporation. The main responsibility to run the administration of Municipal Corporation is that of an executive officer who is designated as Commissioner of Corporation. The Commissioner is appointed by the government and he is a senior government official. His salary and allowances are given out of the Corporation funds.

The Commissioner has the responsibility to run the administration by implementing the decisions taken by the Municipal Corporation. He prepares annual budget of the Municipal Corporation, gets it passed from the Corporation and implements it. All the personnel of the Municipal Corporation work under his supervision and control. The Commissioner prepares the annual report of the working of the Municipal Corporation and presents it before a meeting of the 'Corporation Council'. The Commissioner always plays an important role in the administration of the Municipal Corporation.

9. System of Ward Committees. 74th Amendment to the Constitution provides for the establishment of Ward Committees in the Municipal Corporation area and for Municipal Corporation with population of 3 lakh and above. One Ward Committee is constituted for at least five wards. While forming ward committees the geographical contiguity of the wards is taken into consideration.

Each Ward Committee includes the following members.

- (i) Councillors of wards included in the area of Ward Committee.
- (ii) The Commissioner of Municipal Corporation is the ex-officio member of the Ward Committee.

Each ward committee has a Chairperson who is elected by the elected members of Ward Committee from amongst themselves.

FUNCTIONS OF A MUNICIPAL CORPORATION

A Municipal Corporation is always authorised by a law passed by the legislature to administer the subjects included in the 12th Schedule of the Constitution. These subjects are—

- (1) Urban planning, including town planning;
- (2) Regulation of land-use and construction of buildings;
- (3) Planning for economic and social development;
- (4) Construction of roads and bridges and their maintenance;
- (5) Water supply for domestic, industrial and commercial purposes;
- (6) Public health and sanitation;
- (7) Provision of fire-services;

- (8) Urban forests, protection of environment and promotion of ecological balance;
- (9) Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded;
- (10) Slum improvement and upgradation;
- (11) Alleviation of urban poverty;
- (12) Provision of urban amenities and facilities, such as parks, gardens and play grounds;
- (13) Cultural, educational and aesthetic development;
- (14) Provision of public amenities including street-lights, parking lots, bus stands, etc;
- (15) Prevention of cruelty to animals; and
- (16) Regulation of slaughter houses and tanneries.

Each Municipal Corporation also performs several administrative functions in its area.

- (i) It frames its own bye-laws for proper municipal administration.
- (ii) It imposes fines on those who violate its rules.
- (iii) It recruits staff of the Municipal Corporation.
- (iv) It can purchase and sell land.
- (v) It demolishes the dilapidated and dangerous buildings and bridges.
- (vi) It registers births and deaths.
- (vii) It makes arrangements for the cremation of the dead.
- (viii) It welcomes the foreign guests.
- (ix) It collects data and statistics regarding the city.

Besides these, each Municipal Corporation performs all civic functions:

- (1) Construction of buildings and regulation of land use.
- (2) Construction and maintenance of roads and bridges.
- (3) Water supply
- (4) Sanitation
- (5) Fire fighting services
- (6) Environment Protection
- (7) Slum development
- (8) Maintenance of Parks and Play Grounds
- (9) Registration of Births and Deaths
- (10) Providing street lighting, sewerage, bus stops, parking and public convenience services for the people.

Sources of Income of a Municipal Corporation. The following are the sources of income of a Municipal Corporation :

1. Taxes. The taxes constitute a major source of income of the Municipal Corporation. It can levy the following taxes :

- (i) Property Tax, (ii) Tax on Vehicles and Animals, (iii) Theatre Tax, (iv) Entertainment Tax, (v)

Tax on Advertisements, (vi) Tax on Sale and Transfer of Property, (vii) Tax on Building Plans, (viii) Education Tax, (ix) Tax on Consumption of Electricity, (xi) Toll Tax and Octroi, (xii) Boat Tax.

2. Grants. The Municipal Corporation receives a number of grants from the government, and this is an important source of its income.

3. Loans. The Municipal Corporation can raise loans from government and non-government institutions.

4. Income from other Sources. Apart from the sources of income mentioned above, the Municipal Corporation has other sources of income also, such as—

(i) Licence Fee, (ii) Income from the means of transportation, (iii) Income from the supply of electricity, (iv) Rents from rest houses, and other buildings, (v) Income from industries, etc.

After the 74th Constitutional Amendment, each state has to establish a Finance Commission which lays down rules for distribution of taxes between State Government and Municipal Corporation, the number and nature of taxes which a Municipal Corporation can levy, and the amount of grants which the state is to provide to the Municipal Corporations. The State Government is expected to ensure such financial autonomy for each Municipal Corporation as can enable it to carry out its functions in a productive and efficient manner.

B. NAGAR PANCHAYAT

Nagar Panchayats are created for a transitional areas (the area which is fast changing from a rural to an urban area) or for a very small urban area. For this purpose, several factors are taken into consideration ; the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance of the area and some others.

1. Composition of a Nagar Panchayat. The strength of the members of Nagar-Panchayats is fixed by the government from time to time. They are directly elected by the people of the area on the basis of adult franchise. For the purpose of election, the areas of Nagar Panchayats is divided into wards and each ward elects one member.

Besides the elected members, the member of the State Legislative Assembly (M.L.A) representing that area is also the ex-officio member of Nagar Panchayat.

The tenure of Nagar Panchayat has been fixed at 5 years. It begins from the date of its first meeting. It is obligatory to hold its elections before the expiry of its 5 years term. If a Nagar Panchayat is dissolved before the expiry of its term, its re-election has to be held within six months of the dissolution. The new Nagar Panchayat in this case holds office for the remaining tenure of the dissolved Nagar Panchayat.

2. President and Vice-President. Every Nagar Panchayat elects one President and one Vice-President from amongst its members. They are elected by all the elected members. The President presides over its meetings.

3. Reservation of Seats. There is reservation of seats for (i) Scheduled Castes, (ii) Backward Classes, and (iii) Women. The criteria for reservations is the same as for all other local government institutions.

The Nagar Panchayat performs all the civic functions for its area. It formulates and implements plans for the development of the area. (For details refer to the functions of the Municipal Council.) //

Answer the following:

1. Discuss the provisions of the 74th amendment act.
2. Explain the composition and functions of the Zila Parishad.
3. State the composition and functions of the Municipal Corporation.