

C. MUNICIPAL COUNCIL OR MUNICIPAL COMMITTEE

The Municipal Council, is the most popular and widely used institution of urban local government. Each state has established Municipal Councils for its cities. Their number differs from state to state. In Punjab, for example, there are 97 Municipal Councils. Out of these 27 Municipal Councils are Class-I, 39 Class II and 31 Class -III.

1. Composition of Municipal Council. The membership of each Municipal Council is fixed by the state government. The basis is the population of the concerned urban area.

However, every Municipal Council has the following types of members—

- I. Directly elected members from the Municipal area.
- II. MLAs representing the area of the Municipal Council are ex- officio members.

2. Reservation of Seats. Reservation of seats for (i) Scheduled Castes, (ii) Backward Classes, and (iii) Women, is a rule. The ratio of seats reserved for Scheduled Castes is in proportion to the population of Scheduled Castes in the Municipal area. One seat is reserved for the Backward Classes. No less than 1/3 of the seats reserved for Scheduled Castes are to be reserved for Scheduled Caste women.

(ii) 1/3rd of the total number of seats to be filled by direct election in each Municipal Council (including the number of seats reserved for-women belonging to the Scheduled Castes) stand reserved for women.

The reservations of seats for women have been now increased from 33% to 50%.

3. Qualifications. The qualifications for membership of a Municipal Council are :

- (i) A person must be a citizen of India.
- (ii) His name should figure in the voters list of the area.
- (iii) He must be at least 21 years of age.
- (iv) He should not hold any governmental post *i.e.* office of profit.
- (v) He should not have been declared disqualified for election.

4. Tenure. The tenure of the Municipal Council is 5 years. The term begins from the date of the first meeting of the Municipal Council. If for any reason, any Municipal Council is dissolved before the expiry of its tenure, then fresh elections are to be held within six months of its dissolution. In this case, the new Municipal Council gets the remainder of the tenure of dissolved Municipal Council. However, if the remaining term of the dissolved Municipal Council is less than 6 months, it is not necessary to hold fresh elections for constituting Municipal Council for such a period. A new Municipal Council is elected within six months and it has a full tenure of 5 years.

If in the opinion of the State Government, a Municipal Council is not competent to perform its duties or persistently defaults in the performance of its duties or exceeds or abuses its power, the State Government can dissolve that Municipal Council even before the expiry of its term. However, before

doing it the Municipal Council has to be given a reasonable opportunity for clarifying its position before its dissolution.

5. President and Vice-President of the Municipal Council : The Municipal Council elects one of its members as the President and another as the Vice-President. The President convenes the meetings of the Municipal Council and presides over the meetings.

The term of office of President of the Municipal council is 5 years *i.e.* equal to the term of the Municipal Council. However, he can leave office by submitting resignation before the expiry of his term.

Members of the Municipal Council can also remove the President from office before the expiry of his term by passing a resolution to that effect by a 2/3rd majority. Besides this, he can be removed from office by the government if he abuses his power or is unable to discharge his responsibilities in a proper manner.

6. Reservations of the Office of President. A fixed percentage of the offices of the Presidents of Municipal Councils in a State are reserved for the persons belonging to SCs and women.

7. Meeting. One meeting of the Municipal Council is essentially held in a month. In other words, twelve meetings are held in a year. 1/5th of the members of the Municipal Council can put in a request for convening a special meeting. Thereupon, the President of the Municipal Council has to convene a special meeting within 14 days of the receiving of such a request.

8. Quorum. The quorum of the Municipal Council stands fixed at one-half of its total membership. All the decisions of the Municipal Council are taken by majority. In case of a tie, the President can exercise a casting vote.

9. Executive Officer of the Municipal Council. Executive Officer is an important officer of the Municipal Council who is appointed by the State Government out of the State Cadre of Municipal Officers or State Civil Services Cadre. He has the responsibility to implement the decisions taken by the Municipal Council. He runs the day to day administration of the Municipal Council, collects the taxes imposed by the Municipal Council, issues and rejects licences, and exercises control over Municipal Councils Officials.

Besides, Executive Officer, Municipal Council has several other officers also, such as Health Officer, Engineer, Sanitary Inspectors, Octroi Inspectors and others.

FUNCTIONS OF THE MUNICIPAL COUNCIL

After the incorporation of 12th Schedule by the 74th constitution Amendment Act, a Municipal Council stands assigned the following subjects for administration:

1. **Planning.** Preparation and implementation of plans for the development of the city.
2. **Regulation of land use and construction of Buildings.** It makes bye-laws for the proper use of land and undertakes construction of buildings.
3. **Planning for Economic and Social Development.** Municipal Council has also been given the task of undertaking planning and implementing the plans for the economic and social development of the inhabitants of the city.

4. **Construction and maintenance of Roads and Bridges.** Municipal Council constructs roads and bridges in its area and undertakes the repair and maintenance work.
5. **Water Supply for Domestic, Industrial and Commercial Purpose.** It has the power to make provision for the supply of clean drinking water in its area. It is to make arrangements for the supply of water for industrial and commercial purposes.
6. **Public Health and Sanitation.** Public Health and Sanitation of the city is the responsibility of the Municipal Council and Health Officer and Sanitary Inspectors are responsible for carrying on this main function. In this context it undertakes several functions (i) Makes provision for public latrines and urinals, (ii) Provides proper drains for the disposal of dirty water and urination, (iii) Imposes ban on the sale of rotten etables. (iv) Makes adequate arrangements for checking adulteration in food-stuffs, (v) Set up hospitals and dispensaries. (vi) Makes arrangements for vaccination to contain epidemics like small-pox and cholera etc.
7. **Provision of Fire Fighting Service.** Municipal Council makes provision of a fire-brigade and makes all necessary arrangements needed for fire-fighting operations.
8. **Urban Forestry, protection of environment and Ecological balance.** Municipal Council makes necessary arrangements for the protection of the environment of the city, for maintaining ecological balance, and undertakes necessary measures for checking pollution. It makes special drives for tree-plantation.
9. **To Protect the interests of weaker sections of society.** Municipal Council makes adequate arrangements for safeguarding the interests of the weaker sections of society, including the handicapped and mentally retarded. For this purpose it can undertake the construction and running of homes and handicapped persons.
10. **Slum Improvement.** To keep the city clean and to beautify it is the basic duty of Municipal Council. For this purpose, it makes necessary arrangements for the development and improvement of urban slums.
11. **Urban Poverty Alleviation.** Municipal Council takes steps for providing employment and self-employment to the people and for alleviating urban poverty.
12. **Maintenance and establishment of Parks, Gardens and Play- Grounds.** To keep the urban environment clean and to maintain the beautification of the town, the Municipal Council develops parks in the town, sets up gardens in open spaces and makes provisions for play-grounds.
13. **Promotion of Cultural and Educational Welfare.** For the cultural, educational and aesthetic development of the people of the town the Municipal Council establishes cultural centres in the town, sets up museums, opens educational institutions and manages them.
14. **Maintenance of Cremation Grounds.** Municipal Council makes necessary arrangements for the cremation and burial of dead bodies. Keeping in view its resources, Municipal Council can make provision of Electric Crematorium also.

15. **Prevention of Cruelty against Animals.** Municipal Council makes necessary arrangements for the burial of dead animals as well as for preventing cruelty to animals.
16. **Registration of Birth and Deaths.** Municipal Council undertakes registration of birth and deaths and issues birth and death certificates.
17. **Public amenities including Street lighting, Parking, Bus Stops, and public conveniences.** Municipal Council makes proper arrangements for street-lighting in the town, sets up parking places in the town for parking of vehicles, tongas and rickshaws, and provides amenities, such as latrines and urinals.
18. **Regulation of Slaughter houses and Tanneries.** Municipal Council opens slaughter houses in the town and makes rules regarding their utilisation. It also regulates the working of tanneries and makes necessary arrangements to deal with the problems arising out of it.

Administrative Functions

- (i) Municipal Council frames its own bye-laws for running its administration.
- (ii) It can impose fines on those who violate its rules.
- (iii) It has the power to recruit and remove some categories of its employees.
- (iv) It can purchase and sell land.
- (v) It can demolish dilapidated and dangerous buildings and bridges.
- (vi) It can levy and collect taxes.

Thus each Municipal Council has all such powers as are deemed essential for the performance of its assigned local functions.

Sources of Income of the Municipal Council

1. **Income from Taxes.** The main source of income of a Municipal Council is taxes, such as Property Tax, Octroi, Tax on Vehicles, Tax on Animals, Tax on advertisements, Toll tax, Profession Tax, Entertainment Tax, etc.
2. **Income from Property, Electricity and Water Supply.** Municipal Council collects taxes from the people for the provision of water supply and electricity. Apart from this, the Municipal Council has income from its shops, inns, rest houses, janjghars etc.
3. **Government Grants.** The Municipal Council receives regular and specific grants from the government which constitute also a major source of its income.
4. **Loans.** The Municipal Council can raise loans from banks and other financial institutions with the prior approval of the government.

After 74th amendment of the Constitution, the state government has to set up a Finance Commission which can be given the responsibility (i) to determine principles of distributing income from various taxes imposed by state government between state government and Municipal Councils, (ii) to formulate principles relating to taxes to be assigned to Municipal Councils, and (iii) to recommend proper action to the government for improving the financial position of Municipal Councils.

SOME OTHER URBAN LOCAL BODIES

I. IMPROVEMENT TRUST

Increase in the populations of our cities has been a continuous process. Along with this, migration of rural people to cities for getting employment has been taking place. Consequently, all cities keep on continuously facing the problem of housing and other facilities for their populations. Housing shortages, inadequate residential localities, emergence of slums, and poor living conditions have been the problems of our cities. Such a situation gives rise to the need for planning and improving residential localities and providing for better housing facilities. The municipalities working in cities find it difficult to meet all these needs. That is why Improvement Trusts have been established in all big cities.

Every Improvement Trust has one chairman and some other members who are all nominated by the state government. Some local elected representatives also act as its members.

An Improvement Trust prepares plans for new residential localities with all modern facilities roads like drainage, sewerage, electricity, parks, markets and others. It tries to meet the need for residential colonies. It also tries to secure improvement of civic facilities in the residential colonies.

II. CANTONMENT BOARD

A cantonment is a place/area where a large army establishment is located. It is a defence area and is used as an army base/station. In other words, a cantonment is basically a military area. However for providing things of daily use, non-military or civil population also starts living in every cantonment. Thus a Cantonment has both civil and Military areas.

For meeting the civic needs—housing, roads, sewerage, markets etc. of the civil area of the Cantonment also need a local government. Since every cantonment is a military establishment there is also need for roads, electricity sewerage and other civic facilities in military areas. For the maintenance and development of such facilities in both civil and military area, a special local body is established. It is called the Cantonment Board.

The commanding military officer of the Cantonment is the Chairman of Board. He is assisted by a special officer called Cantonment Executive Officer. Several employees of the Cantonment Board work under him.

Each Cantonment Board has two Committees :

1. Military Committee. It consists of some military officers who are nominated by the Army Commander of the area. The military committee looks after the development of military areas of the cantonment.

2. Civil Committee. It consists of the elected representatives of the civilian population living in the cantonment. It looks after the civic needs of the civil areas of the cantonment.

III. PORT TRUST

A port is located at the sea shore. It is a place where ships bring in as well as take out passengers and goods to other countries.

For the administration and development of a port, a Port Trust is established by the government.

Each Port Trust consists of some elected members, some representatives of business institutions, some members of the Municipal Committee or the Municipal Corporation of the port city, and some members nominated by the government.

A Port Trust manages the commercial and trading facilities in the Port area. It creates and maintains berths for anchoring of ships. It regulates the loading, unloading, arrivals and departures of ships. It constructs and maintains facilities for storage of goods in the port. It has a fleet of Pilot Boats which guide the ships towards their halting berths. Port Trust looks after the civic amenities—roads, drains, sewerage, lights etc, of the port area.

Improvement Trusts, Cantonment Boards and Port Trusts are three important Urban Local bodies working in India.

GOVERNMENT CONTROL OVER LOCAL SELF-GOVERNMENT INSTITUTIONS

Although the 74th Amendment of the Constitution has granted sufficient autonomy to urban local (Municipal) institutions, these are not completely free from governmental control. The urban local bodies work within the limits prescribed by the State. A Municipal Act creates and governs them. Further, the state government exercises its control over these bodies in several other ways :

1. Legislative Control. Urban Local bodies are set up under the laws passed by the legislature. State government can bring changes in their organisations, powers and functions through a law passed by the legislature.

2. Financial Control. From time to time government undertakes the audit of the accounts of urban local bodies for checking financial irregularities committed by these institutions. For raising loans from the financial institutions, Municipal Councils have to seek the prior approval of the government.

3. Control through Government Officials. Executive Officers of urban local bodies are government officials and the government exercise its control over these bodies through them. Executive Officer of a Municipality and the Commissioner of Municipal Corporation are the key instruments of governmental control over urban local bodies. Director, Urban Local Bodies also performs such a role.

4. Power to dissolve the Urban Local Institutions. Under 74th Amendment of the Constitution, Municipal institutions have been given a stable 5 years tenure. However, if in the opinion of the government, an institution is found to be non-competent in performing its duties, or persistently makes default in the performance of duties, the government can dissolve it even before the expiry of its term.

5. Administrative Control. (i) The Government can seek any report, record or information from the Municipalities and Municipal Corporations, (ii) The government can appoint any officer of its own to scrutinise and examine the work done by any Municipal Council (iii) The approval in respect of the bye-laws passed by a Municipal Council has to be obtained from the state government.

Thus, Indian Political System has within it a well-organised and well-functioning system of urban local self-government. These grassroots level municipal institutions serve as instruments for providing : self-rule of the people, civic amenities for the local areas, and political education and training to the local people. These also act as very useful means for securing the socio-economic development of Indian cities.

No doubt their working has not been fully successful in securing the desired goals. Nevertheless, these have the potential to develop and become stronger and efficient organs of local development with the help of local resources, local efforts and local representatives. The Constitution 74th Amendment Act has made a bold attempt to ensure their continuity, stability, representativeness and autonomy with a view to enable them to function as valuable institutions of self-rule of the people of all urban areas.

CHALLENGES OR PROBLEMS FACED BY RURAL AND URBAN LOCAL SELF-GOVERNMENTS

Unfortunately even after the reforming of the rural and urban local self-government institutions by 73rd and 74th Constitutional Amendments, these continue to suffer from several problems and challenges.

These can be listed as follows :

1. The challenge passed by Poverty, illiteracy and ignorance.
2. Inexperienced Representatives.
3. Groupism and factionalism in rural areas.
4. Lack of political awareness among the people and their representatives.
5. Inadequal funds for local government institutions and need for more development grants from the center and states.
6. Small size of the block area.
7. Ineffectiveness of Gram Sabha.
8. Party politics.
9. Excessive governmental control interferences.
10. Bureaucratic delays and corruption.
11. Unwillingness and inability to mobilise local resources.
12. Inadequate and less effective role of elected women representatives in the working of local government institutions.
13. Widespread corruption.
14. Continued low level of rural and urban infrastructure.
15. Unwillingness of the State Governments to transfer all subjects listed in the 11th and 12th Schedules of the Constitution to Rural and Urban Local Institution.

Suggestions for Reforms

There is every need for overcoming these hindrances, problems and challenges being faced by Rural and Urban Local Self-Governments in our country.

1. For meeting this need, the biggest need is to make the people fully aware of the organization and working of local government institutions. They must be given education and training for managing their local governments as their self-governments, their willing participation in the working of these institutions must be encouraged and ensured.
2. The people must be encouraged to use the Right to Information for getting all information about the work being done and not being done by their local government institutions. The States must enact Right to Services Acts (popularly called Citizen Charters) which specify the time bound services which local government staff is to provide to the people. The people alone can ensure an efficient and proper working of these institutions. Their full participation is needed for the success of all the local self-government institutions working in India.
3. The proposal for increasing the reservation quota for women from 33% to 50% must be put into operation but along with there must be organised and run a special education and training programme for women Panches, Sarpanches and other members of the local government institutions.
4. The State Governments must transfer additional subjects, powers and resources to the Local Self-Governments working in their respective areas. These must act on the principle of Democratic Decentralisation
5. The elected members of Panchayats and Urban Local Institutions must understand and accept their role as the elected representatives of the people. They must use their powers sincerely and effectively and try to secure an effective working of these institutions. Local Government Institutions must be run and managed by the elected representatives of the people as their own institutions, which are to secure all-round socio-economic development of all their areas.

The success of Rural and Urban Local Self-Governments is needed most for securing the objectives of Rural Development, Agricultural development, Socio-Economic development of the rural people, environmental protection and development and above all the objective of all-round development of our society, economy and polity.

Answer the following:

1. Discuss the composition of Municipal Council.
2. State the functions of the Municipal Council.
3. Regarding the other Urban Local bodies, discuss
 - a) Improvement Trust.
 - b) Cantonment Board.
 - c) Port Trust.
4. Mention the problems and challenges faced by the rural and urban Local self-government institutions.