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***Public Policy & Administration in India***

**TOPIC: 74th Constitutional Amendment Act, 1992: Local Self-Governance for Urban:**

Like the 73rd Amendment Act, the Constitution 74th Amendment Act, 1992 is a landmark initiative of the Government of India to strengthen local self-government in cities and towns. The mandate of the Municipalities is to undertake the tasks of planning for ‘economic development and social justice’ and implement development plans in urban areas. With the 74th Amendment Act of 1992, the system of urban local self-governance has been constitutionally recognized. The Acts came into force as the Constitution 74th Amendment Act, 1992 on June 1, 1993. It’s important features are:

**Salient Features of the Constitutional 74th Amendments Act:**

1. Metropolitan area means an area having a population of ten lakhs or more, comprised in one or more districts and consisting of two or more Municipalities or Panchayats or other contiguous areas, specified by the Governor by public notification to be a Metropolitan area.
2. Municipality means an institution of self-government constituted under article 243Q of the Constitution.
3. The Act provided three-tier system of urban local-self governance- (a) a Nagar Panchayat (b) a Municipal Council for a smaller urban area; (c) a Municipal Corporation for a larger urban area.
4. The Amendments added new parts to the Constitution, namelyPart IXA titled **‘**The Municipalities’.
5. The basic units of democratic system- Ward Committees (Municipalities) comprising all the adult members registered as voters.
6. Seats at all levels to be filled by direct elections (Article 243C (2).
7. There shall be 1/3 of the total number of seats to be reserved for women.
8. Similarly, 1/3 of the seats reserved for SCs and STs also reserved for women.
9. Again, 1/3 offices of Chairpersons at all levels reserved for women (Article 243D).
10. Tenure of urban local self-governing bodies is fixed at five years and in case of earlier dissolution fresh elections are held within six months; (Article 243E).
11. The State Election Commission, constituted in order to conduct elections in the Panchayati Raj bodies, will also conduct elections to the urban local self- governing bodies.
12. The 74th Amendment provides for a District Planning Committee to consolidate the plans prepared by Panchayats and Municipalities (Article 243ZD).
13. There is provision for a Finance Commission in each State to determine the principles on the basis of which adequate financial resources would be ensured for municipalities (Article 243I).

**Composition and Function of Urban Local Bodies:**

**(1) Ward Committee:**

All the seats in a Municipality are filled by persons chosen by direct election from the territorial constituencies in the Municipal area. For this purpose each Municipal area shall be divided into territorial constituencies to be known as Wards.Article 243S of the Constitution make the provisions for constitution and composition of Wards Committees. consisting of one or more wards, within the territorial area of a Municipality having a population of three lakhs or more.

A member of a Municipality representing a ward within the territorial area of the Wards Committee shall be a member of that Committee. Where a Ward Committee consists of two or more wards, one of the members representing such wards in the Municipality elected by the members of the Wards Committee shall be the Chairperson of that Committee.

**(2) Town Committee:**

A Town Committee is a semi-municipal authority constituted for the administration of small towns. The formation of Town Committee varied from state to state in India and mainly depends on the size of population. For instance in Andhra Pradesh the total population should be more than 25,000 for having a Town Committee. In the case of Assam, a Town Committee can be formed where population is not more than 10,000.

**Composition:** The organisaton of Town Committee also depends on the state Governments laws and population in that area.

1. Town Committee is established by a separate Act of state legislature for the administration of a small town.
2. The Town Committee shall consist of 9- 20 members, keeping in mind the density of population.
3. There are elected members. The voters of each ward elect one member to the Town Committee. The voters having their name registered in the electoral roll of that ward are eligible to vote.
4. There are partly nominated members as provided by State government. The Legislature of a State may, by law, provide the representation in a Municipality of persons having special knowledge or experience in Municipal administration.
5. Members of the House of the Parliament, Legislative Assembly of the State; Council of States and the members of the Legislative Council of the locality are the are the ex-officio members.
6. One of the members representing such wards in the Municipality elected by the members of the Wards Committee shall be the Chairperson of that Committee.
7. Reservation of seats in urban local bodies for Scheduled Castes / Scheduled Tribes roughly in proportion to their population.
8. Reservation of seats for women up to one-third seats;
9. Tenure of Town Committee is fixed at five years and in case of earlier dissolution fresh elections are to be held within six months;

**Powers and Functions:**

The Town Committee is assigned a limited number of civic functions like street lighting, drainage, roads, conservancy etc. Its functions may be divided into two types-(i) obligatory and (ii) discretionary:

The obligatory (compulsory) functions includes such as water supply; construction and maintenance of roads, streets, bridges, subways and other public works, street lighting; drainage and sewerage; garbage collection and disposal; prevention and control of epidemics.

In addition, some other obligatory functions are-public vaccination and inoculation; maintenance of hospitals and dispensaries including maternity and child welfare centres; checking food adulteration; removal of slums; supply of electricity; maintenance of cremation and burial grounds; and town planning. In some States some of these functions may be taken over by State Government.

The discretionary functions of the Town Committee includes- construction and maintenance of rescue homes and orphanages, housing for low income groups, organizing public receptions, provision of treatment facilities, etc.

**(3) Municipal Council:**

Municipality means an institution of local self-government constituted under **Article 243Q** of the Constitution. The municipalities are established for the administration of towns and smaller cities. They are known by various other names like Municipal Council, Municipal Committee, Municipal Board and others.

**Composition:**

1. Urban areas having towns with population ranging from above 50,000 to 500,000 are governed through elected municipal bodies recognized as Municipal Councils. However, the numbers varies from state to state.
2. The town is divided into Wards according to population and representatives are elected from each ward separately.
3. 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 councilors 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 or 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.
4. There are members who are nominated by State government having special knowledge or experience in Municipal administration.
5. Members of the House of the Parliament, Legislative Assembly of the State; Council of States and the members of the Legislative Council of the locality are the ex-officio members.
6. The members of the Municipal Council are elected for a term of five years and in case of earlier dissolution fresh elections are held within six months.
7. Reservation of seats in urban local bodies for SCs and STs in proportion to their population.
8. Reservation of seats for women up to one-third seats.

**Powers and Functions:**

The 74th Constitutional Amendment Act has assigned a number of powers and functions to theMunicipal Councils. Members of the Council make all the major decisions affecting the Municipality. Following are some of the important functions of the Council:

1. Urban planning including town planning.
2. Regulation of land-use and construction of buildings.
3. Planning for economic and social development.
4. Water supply for domestic, industrial and commercial purposes.
5. Public health, sanitation conservancy and solid waste management.
6. Fire services.

**Sources of income:** The various sources of income of Municipal Council are:

1. Income from taxes, including on houses, entertainment, electricity, water tax (in certain cities), vehicles, property, and land;
2. Toll tax is the most important income of a municipality. All commercial vehicles may receive toll taxes.
3. Income is also generated from commercial activities like hotels, tourist centers, renting and sale of municipal property;
4. Financial grants from the state government are a major source of income for all municipal bodies. Loans are also provided if special projects are undertaken for citizens' welfare.

However, it is to mention here that some of the functions of the municipality, including those listed in the 12th Schedule of the Constitution, are left to the discretion of the state government. The Act has not provided them with any powers directly and has instead left it to state government discretion.

**(4) Municipal Corporations:**

The area administered by a Municipal Corporation is known as a municipal area.The Municipal Corporations are created for the administration of big cities like Delhi, Mumbai, Kolkata and others. Municipal Corporations are referred to by different names in different states such as Municipal Corporation, Nagar Nigam, Mahanagar Palika, Pouro Nigom etc.

**Composition:**

1. The numbers of members of the Municipal Corporations is decided by the state Government and determined by the population and area of the city.
2. Each municipal area is divided into territorial constituencies known as wards. A Municipal Corporation is made up of a Ward Committee. Each ward has one seat in the wards committee.
3. Members are directly elected to the Wards Committee on the basis of adult franchise.
4. The members of the Municipal Corporations are elected for a term of 5 years and in case of earlier dissolution fresh elections are held within 6 months.
5. It has three kinds of authorities namely; (i) the Council- is the legislative wing of the corporation, (ii) the Standing Committee- is to facilitate the working of the Council and (iii) the Commissioner is the Chief Executive authority of the Corporation.
6. The state legislature may also choose to make provisions for the representation of persons having special knowledge or experience in Municipal administration.
7. The MPs or MLAs representing the constituencies which comprise wholly or partly the municipal area are the ex-officio members.
8. The head of the Municipal Corporations is known as Mayor elected for one year. He presides over the meetings of the Corporation.
9. Seats shall be reserved for the SCs and STs.
10. Not less than 1/3 of the total number of seats reserved shall be reserved for women belonging to the SCs and STs.

**Powers and Functions:** The 74th Constitutional Amendment Act has conferred 18 subjects to the Municipal Corporations as contained in the 12th Schedule of the Constitution. The Municipal Corporations are responsible to perform functions and implement schemes which include:

1. Urban planning including town planning.
2. Regulation of land-use and construction of buildings.
3. Planning for economic and social development.
4. Water supply for domestic, industrial and commercial purposes.
5. Public health, sanitation conservancy and solid waste management.
6. Fire services.
7. Urban forestry, protection of the environment and promotion of ecological aspects.
8. Safeguarding the interests of weaker sections of society, including the handicapped and mentally disabled.
9. Slum improvement and up gradation.
10. Urban poverty alleviation.
11. Provision of urban amenities and facilities such as parks, gardens, playgrounds.
12. Promotion of cultural, educational and aesthetic aspects.
13. Burials and burial grounds; cremations, cremation grounds and electric crematoriums.
14. To maintain a record of deaths and births in their respective town or cities.
15. Cattle pounds; 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.
18. Regulation of slaughter houses and tanneries.

All the above mentioned powers those listed in the 12th Schedule to the Constitution are left to the discretion of the State government. The Act has not provided them with any powers directly and has instead left it to State government discretion. Because of this, the powers are divided into Compulsory and Discretionary powers.

**Sources of income:** Municipal Corporations raise their own resources from a variety of sources, as provided for in the respective municipal laws. Their own revenue sources of income are (i) taxes, (ii) fees and fines, and (iii) earning from municipal enterprises like land, tanks, markets, shops, etc.The main sources are:

1. Water supply bills;
2. Property tax on land and buildings is the most important source of income;
3. Rents from municipal corporation-owned markets, houses, plazas, etc.
4. Taxes from commercial vehicles registered in the city;
5. Grants provided by the respective state governments. It is a general practice for states to give grants to their municipal bodies to improve their revenue position.

**Municipal Commissioner:**

In the corporations, the Municipal Commissioner is the chief executive head. The Commissioner is appointed by State Government and is generally an IAS officer. In the municipalities, the executive officer holds a similar position and looks after the overall administration of a municipality. The tenure of office varies from 3 to 5 years in different states.

**Functions:** The Chief Commissioner basically perform two major types of functions-(i) the Constitutional powers and (ii) the powers transferred by the Council or Standing Committee. AsChief executive officer, he performs the following important functions:

1. The Municipal Commissioner is the main link between the municipal corporation and the State Government;
2. He has to ensure that the decisions taken by the Corporation are collective;
3. He has to see that all the decisions taken by the Corporation should be implemented properly;
4. Most importantly he coordinates between the working of several departments like education; health, engineering and sanitation;
5. He possesses power to appoint the lower level employees.

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