



Issues in Urban government in India

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Abstract: *This paper presents an overview of the prevailing form of urban local government in India. Review of literature on key urban local government characteristics – legal, managerial, financial, etc also covered. At the end, key challenges for urban local governments in India are discussed. The urban local governments in India are plagued by numerous problems, which affect their performance in the efficient discharge of their duties. These problems are discussed in section five of this paper and relate to the extent of participation and rule of law in the municipal decision-making process, transparency in the planning and implementation of infrastructure projects, and level of efficiency in various municipal management and finance practices.*

Key words: *Urban government, administration, self-government, management, decentralization*

1. Introduction

India is one of the largest democratic countries in the world. Understanding the local requirement, to fulfill them properly, and where local people co-operate with local administrator is known as local self-government. So, the organization set up by law to carry out administration is known as local self-government organization. Such local self-government have been established to make the administration easy scientific and simple and more so to involve the local resident. Local self-government organisation can be broadly classified in to village area and urban area. In village area it is known as Gram Panchayat, Taluka Panchayat and District Panchayat. Where as in urban area is known as Municipality and Municipal Corporation.

2. Form of Urban Local Government in India

In India, numerous initiatives have been undertaken to strengthen local governments and to improve service levels in urban areas. Important among these are the enactment of a set of constitutional provisions, implementation of numerous urban development programs and adoption of various innovative practices.

3. Evolution of Municipalities

Historical records provide evidence of the existence of organised urban life in India since the ancient period. An officer was appointed to perform various functions related to city administration. Subsequently, local institutions were constituted. As centres of prominence grew, their management became difficult. A number of problems confronting local governments began to emerge, such as excessive official control, narrow franchise, meagre resources, lack of education and training, shortage of capable and committed persons, and inadequate control of local bodies over



services. A need was felt to strengthen the local government institutions that would look after the day-to-day civic affairs in an efficient manner. A number of steps were taken from time to time in an attempt to reform local governments – decentralisation of authority, powers, functions and funds to lower levels of government; democratisation of local governments; providing greater autonomy; granting constitutional status; amendments in municipal Acts; etc.

During the period of reforms, issues related to sharing of power between the officials and non-officials affiliated to the local government emerged prominently. A major achievement of the Indian Government in their endeavour to strengthen urban local governments is the enactment of the Constitution (seventy-fourth amendments) Act during the year 1992.5 The Act provides for initiating reforms in the constitution, composition and functioning of urban local governments (Box 2.1) and empowers State governments to amend their municipal Acts accordingly.

4. Municipal Legislation

Urban local governments are governed by the provisions of the State municipal Acts. Every State has its own municipal Act. The State legislature is empowered by the central government to decide on the structure, functions and powers to be entrusted to the local governments¹⁴ Although the content and format of various State municipal Acts is more or less uniform, there are striking differences in the provisions for devolution of powers, functions and funds to local governments since this is determined by the condition of both the State and the local government. The system is regulated by enactments passed

from time to time by State legislatures. Furthermore, municipalities possess powers to draft local byelaws on various provisions for the furtherance of municipal administration. This is due to the fact that each urban area has its own distinct character. The byelaws are sent to the State legislature for approval. The municipal Act is, therefore, a comprehensive guiding legal document for the local government officials and the elected representatives, and byelaws are framed to further clarify the administrative procedures.

5. Municipal Management Practices

Municipalities follow various practices to discharge their duties. This sub-section includes three important management practices which describe the manner in which municipalities function.

6. Municipal Meetings and Proceedings

Decisions on various municipal matters, such as superintendence of municipal administration, planning for infrastructure facilities, approval of municipal budget, etc., are taken in the meetings of the local government. Meetings are held periodically during which resolutions²² are passed on the basis of voting.

Participation in municipal meetings is not restricted to any category of person and may include the elected, nominated and ex-officio members, and other appointed authorities/officers associated with the local government. Besides, every meeting is open to the public. However, decisions to accept or reject resolutions are taken only by the elected members (councillors, mayor/president) who possess powers for voting. For this reason, the elected members, who are



representatives of the citizens in the local government, are important factors involved in the decision-making process.

7. Committee System in Municipalities

A municipality is the apex body, which is empowered to constitute various sub-committees. For this purpose, the sanction of the State government is required. A municipality may delegate all or any of its powers and functions to a sub-committee. Sub-committees are, therefore, constituted for assistance in administrative matters. This helps in the distribution as well as in the speedy implementation of works. Each sub-committee consists of about four or five members who are elected annually from amongst the councilors. In municipal councils, the president or the vice president or an elected member of the municipality is the chairperson of the sub-committee.

Sub committees function in almost the same manner as the municipality, i.e. meetings are held regularly; decisions on work are taken by casting vote; proceedings are recorded in the minute book; etc. A final decision on any work to be implemented is, however, taken during the meeting of the municipality and is based on the proceedings of the sub-committees

8. Municipal Finance Practices

Municipalities require a substantial amount of money to execute their functions. They derive this money from various internal and external sources (Table 2.9). Internal sources comprise income generated from various taxes and non-taxes levied by the municipality. External sources include funds obtained (in the form of grants, loans, etc.) from the Central government, State

government, domestic institutions, financial intermediaries, capital markets, and bilateral and multi-lateral donor agencies. Most unicipalities in India are unable to generate adequate funds from their internal sources.

9. Political empowerment

Even though the Constitution of India, following the 74th Amendment, has granted constitutional status to the Urban Local Bodies, the Municipal Bodies in any State derive their powers and responsibilities from the Municipal, as well as subject matter, laws framed by the respective States. For effective, efficient, responsive, transparent and accountable urban governance, the legal and institutional framework must provide for adequate and effective devolution of functions, functionaries and funds to the urban local bodies. Unfortunately, there is no uniformity in this regard across the country, as states have resorted to varying levels of devolution.

The urban local bodies comprise the elected wing, which is expected to translate the legitimate aspirations of the citizens into public policies and programs; and an administrative wing, which is responsible to ensure implementation of such public policies in a fair and transparent manner. A system of effective checks and balances needs to be put in place to facilitate the elected wing and administrative machinery in urban local bodies to play their respective e roles effectively and synergistically

Induction Training Programmes for the Councilors needs to be conducted by every state government for all urban local bodies immediately after elections, so as to educate and sensitise the elected members regarding the relevant and provisions of the law and their roles and



responsibilities in respect of the various Government policies and programs relevant to the urban areas. During the course of their tenure, training assessment of elected representatives should be carried out on an ongoing basis and they should be facilitated in gaining capabilities to discharge their role in a positive, enlightened and progressive manner. Capacity Building programmes should be tailored to meet these needs.

Preparation of Annual Plans and budgets should follow a more rational, objective and consultative process, by calling for suggestions from citizens, reviewing committed liabilities and assessing compliance with City Development Plans. Urban local bodies would need to make allocations to wards and functional sectors on a transparent and rational basis.

Standing Committees of ULBs are critical institutions for detailed planning, close scrutiny of proposals and effective monitoring. Unfortunately, they are not functional in most parts of the country. It is necessary to revitalise them.

10. Reforms Introduced by the 74th Constitutional Amendment

The recommendations and suggestions of several commissions and committees appointed by the Central Government, from time to time, to improve the urban bodies resulted in the enactment of the Constitution (Seventy-fourth Amendment) Act, 1992. Earlier, State Governments were free to manage their local bodies as they wished. The Amendment made statutory provisions for the establishment, empowerment and functioning of urban local self-governing institutions. The main provisions of this

Act can be grouped under two categories—compulsory and voluntary.

11. Conclusion:

Urban local government institutions/municipalities are constituted for the maintenance and planned development of urban areas. Key problems in urban governance include weak legal and institutional framework within which the ULBs operate and their poor capacity including lack of a professional and sensitized cadre, to perform their development and regulatory functions. It is recommended that to synergize development plans and investment plans, the

States should be asked to incorporate their sector level developmental plans with respect to urban areas and synergize the investment flows with the Five Year Plans.

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