Chapter - 5
POWERS, FUNCTIONS AND CONTROL OF THE MUNICIPAL CORPORATION OF PATIALA

The municipal corporation in India, like its counterpart the country borough in England, is the highest form of municipal government designed for the administration of civic affairs of top class cities in the country. The first municipal corporation in India was established at Bombay by the municipal corporation Act, 1888. Later on corporations were constituted at Calcutta and Madras. The number of corporations in India rose rapidly in the post-independence period. These have been established by laws passed by the state legislatures except the Delhi municipal corporation which has been established by an Act of the union parliament.

Municipal Corporation is the top and highest form of urban-local government as it enjoys comparatively more powers and autonomy in day today administration. Unlike rural-local government, urban local government in India is not hierarchical. The municipal corporation as an institution is more respectable and enjoys a greater measure of autonomy than other forms of local government.

I MEANING

The word "Municipal" has a variety of meanings in many state constitutions and statutes all over the world. In some instances, it is employed to designate cities, villages and incorporated towns, in other
it has been applied to any unit of government below the level of the country. The term “municipal corporation” has been defined by the number of scholars. According to *American Encyclopedia* “A Municipal Corporation is a legal institution formed by the sovereign power creating a popular community of prescribed area into a body politic and corporate with a corporate name and continuous succession and for the purpose and with authority of subordinate self government for improvement and administration of the affairs of the area. In more concrete terms, a municipal corporation is a body politic, created by the incorporation of the people of a prescribed locality and invested with subordinate powers of legislation, for the purpose of assisting in the civil government of the state and regulating and administering its local and internal affairs.” In the words of *W.b. Mumo* “A municipal corporation is a subordinate political body established by the authority of law, its existence evidenced, by general or special character with a corporate name, with defined limits and population and with delegated powers of local government. It is created by law and depends for its existence as well as its powers upon the state or nation. According to the *Encyclopaedia of social sciences,* “Municipal corporations are purely political institutions created by the legislative power without the necessary consent of the

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people. As organs or agencies of state, they are endowed with government powers, but these rights, privileges and powers are conferred upon as trustees of the public welfare and are subject to the legislative powers of the state within the limits of the constitutions, within the sphere assured to them by their charters. However, they are independent corporate entities.

II MUNICIPAL CORPORATION AND MUNICIPALITY DISTINGUISHED

A municipal corporation differs from a municipality in the sense that it is the highest form of municipal government. Analysis of these bodies brings out some significant point of differences which can be discussed in the following manner:

1. Area: The municipal corporations are usually set up or constituted in big cities for example Delhi, Bombay, Calcutta, Ludhiana and Amritsar. These cities represent a metropolitan area signifying a great commercial, industrial, governmental and cultural centre surrounded by housing estates, small towns or villages. On the other hand the municipalities are constituted for an ordinary urban area. The Rural urban relationship committee (1966) recommended “a corporation form of government only for cities which have a population of not less than 5 lakhs and annual income of not less than one crore of rupees”.2

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2. **Governing Council:** The governing body of a municipality has some elected members popularly known as councilors and a civic chief called president or chairman. But on the other side, the corporation’s governing council consists of councilors directly and indirectly elected respectively and a mayor elected by the councilors.

3. **Committee System:** The committee system in local government is widely prevalent both in England and India. In fact, the committees are the blood cells in the municipal corporation. As Municipal Corporation is rendering a wide range of services, the committees are indispensable and occupy important place and role in a municipal corporation than in a Municipality.

4. **Functional Responsibilities:** Functionally both municipalities and Municipal Corporation are responsible for the administration of almost the entire range of civic affairs in their respective areas. In both the state government may intrude into municipal functional domain through executive decision, even where the municipal bodies are vested with legally delegated function but the extent of interference of the state government in municipalities is on the higher side in comparison to the municipal corporation.  

5. **Extent of Local Autonomy:** The extent of autonomy given to the municipal corporations is greater than that of municipalities. To be more specific, the government control is more on the municipalities

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than that on the municipal corporations. As compared to a municipality, a municipal corporation is endowed with enhanced powers of legislation and regulations. For example, the bye laws, budget and schemes regarding certain works of the corporation involving higher cost do not need any prior approval of the government. In some cases, like Delhi, the corporation is entitled to appoint its own Municipal Auditor who audits and at the same time some corporations as of Bombay and Madras can neither be dissolved nor superseded before the maturity of their terms. But in case of municipalities such a situation does not exist in most of the cases.

III  MAIN FEATURES OF A MUNICIPAL CORPORATION

The following may be the main features of Municipal Corporation:–

1. Territorially Delimited Organization: Municipal corporations must have legally prescribed boundaries or else they cannot exist. To be more specific, Municipal Corporation is a territorially delimited political organization having a population for whose exclusive welfare it is intended. This concept is based upon two assumption – (i) authority, if it is to be exercised, must be over persons or things within a given area and (ii) if limits are to be imposed upon authority, then the area or object of control must be clearly defined.

2. Statutory Status: A corporation is constituted by Act which is passed by the state legislature or by the parliament in case of union
territory. The corporate existence of a municipal corporation springs from the fact that it is a creature of state and largely, a product of its law. Subject to the restrictions contained in either, the constitutions or the statute, the state legislature has virtually unlimited authority to create such legal entities.

3. Non-Sovereign Status: A municipal corporation enjoys a non-sovereign status. Since it is created by the state government, it has no inherent powers of its own and enjoys only such powers as are allocated to it. In other words, its powers are derivative and not original. And as such it is subject to the control of the state government which exercises the powers of determining its area, size of its council, its term of office, powers and responsibilities and financial resources and can also dissolve it in case of consistent default in the performance of its duties.

4. Right of Local Autonomy: This important characteristic or feature of Municipal Corporation flows from the concept of self governance. The right of local autonomy is not regarded as an absolute right but rather one that arises from the fact that it is more convenient for the state to permit local inhabitants to handle matters of specific concern to them.

5. Principle of Contribution by Inhabitants towards Expenditure: A municipal corporation is based on the principle that a major portion of the expenditure incurred upon the services and
amenities it provides, should be contributed by the inhabitants of the area. It derives its revenues through levying a variety of taxes and fees which it is authorized to impose in addition to the grant-in-aid received from the state government.

6. Self Government: A municipal corporation is a self government because it is managed by the inhabitants of its own area for their common welfare on the lines of representative democracy. In essence it is democratic government on the spot.

7. Separation between Deliberative and Executive Functions: A municipal corporation is marked by statutorily separation of deliberative and executive wings. However, in case of municipalities no single pattern of separation exists. From the above discussion we can conclude that municipal corporation is a legal entity embodying the organized legal will of the community, its main justification for existence is that it seeks to provide for the welfare of all its citizens.

IV LEGAL BASIS OF MUNICIPAL CORPORATIONS

The municipal enactments that provide legal framework to municipal corporations and municipalities in India share a number of common features. All municipal Acts have provisions dealing with the following matters:

(i) Give the descriptions of municipal authorities charged with the execution of Acts.
(ii) Prescribe the obligatory and discretionary duties of municipal bodies,

(iii) Confer powers to implement the functions assigned to municipal bodies.

(iv) Specify the political structure (the deliberative wing) and the election procedures along with the qualification and disqualification of candidates for election, tenure of various offices.

(v) Lay down the taxes and fees that may be imposed or levied and conferring of power on the municipal bodies to impose and collect taxes, fee etc.

(vi) Confer power to make rules, regulations and bye laws for various purposes required by the Act, and

(vii) Define the nature and extent of state supervision and control over the municipal bodies.

The Rural-Urban Relationship committee tried to bring about uniformity by recommending a corporation form of government only for those cities which have a population of not less than 5 lakh and annual income of not less than one crore of rupees. But the analysis of the prevailing pattern in various states has shown that such qualifying tests as those of population-cum revenue seem to be rather too rigid and cannot become exclusive criteria for the conversion of a municipality into a corporation. On this count, S.R. Maheshwari has
suggested the following criteria for setting up a municipal corporation for a city:

1. The city should have thickly populated area.
2. Existing development of the municipality and scope for its future development.
4. Ability and willingness of the people of that area to bear the burden of increased taxation.
5. Public opinion in favour of a corporation.

These are certainly no exact criteria. Indeed, all these would be considered valid for constituting any kind of urban government in an area. The truth is that the state is the sole judge of which city should be converted into a corporation, town and when. Generally speaking a sustained public opinion in favour of Municipal Corporation and the bigness of a city induce the state government to confer on it the status of a municipal corporation. The test of revenue cum-population has an element of relevance only in the context of time and so, loses meaning and validity as time changes.

V HISTORICAL AND DEVELOPMENT ASPECTS OF THE MUNICIPAL CORPORATION OF PATIALA

A large portion of the territory which formed the state of Patiala was once included in the hallowed tracts which in the remote past and in the sacred literature of the Hindus were called Brahrurishidesha. In
and around Patiala, there exist places which are redolent of hysterical association and sacred traditions.

Till (1948) the erstwhile Patiala state was situated in the southeastern reaches of the Punjab between the upper courses of Jamuna and the Satluj and between the Shivaliks in the north and the desert of Rajputana in the south. Barnala was the original seat of the rulers of Patiala. It was the wessex of the Patiala state – the nucleus from which the state developed. It was from there that Baba Ala Singh its founder, entered upon his career of conquests.

From Chaudhury Phul was derived the appellation of the dynasty (Phulkian house), which ruled over the states of Patiala, Nabha and Jind. Born on April 17, 1643. Phul died in the strange circumstances while yet in the prime of his life in 1688. Chaudhury Phul left behind two sons, Chaudhury Rama Singh and Tiloka.

Ala Singh, grandson of Phul and son of Chaudhury Ram Singh, was the next important figure of this house. He assumed the leadership in 1714 after the death of his father. In 1763, he laid the foundation of the Patiala Fort (the present Qila Mubarik) around which the town of Patiala started growing up. Ala Singh died on 22\textsuperscript{nd} August 1765, and was succeeded by his grandson Amar Singh. In 1779, the Delhi government sent a strong force to attack Patiala, but the attack was beaten off, Amar Singh died in 1781 at the age of 33. He was succeeded by his son Sahib Singh who was then only 7 years old.
Sahib Singh was a weak ruler seeing this, a big Maratha army under Rao Mankeshwar and Lachhman Rao invaded Patiala in 1794. It was due to the indomitable courage and will of Sahib Kaur, the sister of the ruler, that the invasion was repulsed. It was during the time of Sahib Singh that the Patiala state entered into the well known alliance with the British Government in A.D. 1808. Sahib Singh died in 1813 and was succeeded by his son Karam Singh who was only 15 years of age at that time.

In 1814, Karam Singh helped the British in the Nepal was and was rewarded with two isolated tracts of Kohistan. After his death in 1845 came to the throne the greatest ruler of the house, Maharaja Narinder Singh (1845-1862). The state grew largely in area and progressed in every other field. He died full of honours in 1882. His successor was Maharaja Mahinder Singh who died young in years in 1876 and was succeeded by his minor son, Rajinder Singh (1876-1900).

The next great ruler was Maharaja Bhupindra Singh who ruled from 1900 to 1938. He gave the Patiala state a prominent place on the political map of India and in the field of international parts. The last ruler was the Maharaja Yadvindra Singh who ruled till 1948, when the state was merged into the Patiala and East Punjab States Union (PEPSU) with the Maharaja as the Rajpramukh. He played a
prominent role in the achievement of integration of Indian states with the Indian union after independence.

Sardar Vallabhbhai Patel, the first Deputy Prime Minister of India, while inaugurating the Patiala and East Punjab States Union (PEPSU) on July 15, 1948 said ‘I must mention the notable contribution which this Highness the Maharaja of Patiala has made to the unity and integrity of India. He took up the cause of the country at a time when there were few friends amongst the princely order and when senior attempts were being made to balkanize India. It was his patriotic lead that contributed, in a large measure, to a change in the attitude of the princes to the problem of accession to the Indian Domination.

Although Patiala is not very old – it may well be called one of the youngest towns of the re-organized Punjab – it is, however, believed to be built on an ancient site where once flourished a settlement named ‘Prasthala’ or ‘Pastyanant’ in the Vedic age. According to the late Professor S.N. Banerjee, formerly Director of Archives, Punjab state, there is a mention of a place named Pasthawant in the Rigveda, which he believed to be situated in the vicinity of the site of Patiala from which the town has taken its name.

Patiala is a unique place where history and legend inextricably intermingle. Situated in the well demarcated Malwa region of the state of Punjab, Patiala became and continues to be the heart – throb of the
Malwa belt. Its position as the cultural and educational centre of Malwa will remain unchallenged in the times to come as has been in the past. Like all great cities of the world, Patiala’s proximity to rivers is a natural fact. The river Ghaggar flows through the district. Another seasonal rivulet, the Patiala Nadi, also makes its presence felt on the very threshold of the city. As a matter of fact, the prominence and glory of Patiala is unlikely to be dimmed since the city happens to be one of the nine cities selected for upgradation as a counter-magnet to Delhi in the National Capital Region.

Patiala has had the great fortune of being founded by the venerable saint-soldier Baba Ala Singh around the year 1763. Baba Ala Singh, who came from the Phulkian family and had arisen to power during the forties of the eighteenth century with his headquarters at Barnala. He was a part of the Sikh confederation that sacked and partitioned the erstwhile Mughal province of Sirhind. He was a great and popular hero of the Malwa region of the Punjab. At that time Mughal authority in the Punjab was declining fast due to internal dissensions, frequent invasions of Ahmad Shah Durrani and the triumph of the Sikh Misldars. In the Malwa region, Baba Ala Singh soon emerged as the most powerful leader and a force to be reckoned with.

In partition, Sirhind and its surrounding areas were allocated to Baba Ala Singh. As the legend goes, Baba Ala Singh visited this part
looking for a possible site to construct his fort. During this visit, he came across a Muslim Faqir (Saint) who recommended the raising of the fort exactly at the site where it was later constructed. This is where the Qila Mubarak (the fort) stands to date. A Sikh ruler, laying the foundation of this fort and town on the advice of a Muslim Saint, what could be more open hearted and elevating than this.

Baba Ala Singh died on 22nd August 1765 and was succeeded by his gradson Amar Singh. During the period of Raja Amar Singh, Patiala made steady progress. Saijabad (the present Bahadurgarh fort) was conquered by him from one Gul Beg. After Maharaja Amar Singh, Maharaja Sahib Singh (1781-1813), Karam Singh (1813-1845) and Narinder Singh (1845-1862) come to the Patiala gaddi one after another. Out of these Maharaja Narinder Singh made the greatest contribution towards to development of the Patiala town. The Moti Bagh Palace designed on the pattern of Shalimar of Lahore with terraces, fountains, canals and the Sheesh Mahal was built by him in 1847.

Patiala not only represent Punjab folk spirit but is also an important educational city with a number of college such as Mahendra College, State College of education, khalsa College, Modi College, Govt. Medical College, Thapar Institute of Engineering and of course Punjabi University. Besides being the hub of educational institutions Patiala is also famous for its Majestic Forts, Palaces,
Gardens such as Baradari Gardens, Old Moti Bagh Palace which at present houses (NIS) Netaji Subash Chand Bose National Institute at sports. New Moti Bagh Palace which came up in 1962 and Sheesh Mahal (the hall of Mirrors) known for its exquisite murals, paintings and portraits.

Patiala Gharana is popular for domain of Music, Patiala Peg, Pagree (Turban), Paranda (Praid for hair), Pulkari (embroidery), Jutti (footwear) and Patiala Salwar. Shrines like Gurudwara Dukhniwaran Sahib built up in the memory of the visit of Sri Guru Teg Bahadur, The Kali Devi Mandir (built by Maharaja Bhupinder Singh) retain an obvious place. Overall Patiala houses both conventional, religions and contemporary traditions.

Description of Patiala would be incomplete without the mention of some buildings with district architectural designs like head office of State Bank of Patiala, Punjab State Electricity Board, Division Headquarters of Army, Gymkhana, Cricket Stadium and Municipal Committee of Patiala etc.

ESTABLISHMENT OF MUNICIPAL COMMITTEE AT PATIALA

The municipal committee of Patiala was constituted for the first time on November 10, 1904 under the orders of Department of Local government Patiala state. As per orders of the government, this committee was composed of 10 members, all of them being nominated by the state. Major C.H. James, IMS, Medical Adviser to the Patiala
state was unanimously voted to the chair and under the provisions of section 15 (i) of Act xx of 1891, the Punjab Municipal Act, it was resolved unanimously, that Major C.H. James be elected president of the Patiala municipal committee.4

The notification prescribing the boundaries of the Patiala municipality was issued subsequently. Mr. Lawrence wood was appointed secretary of the committee on such terms of the agreement as were laid down by the council of regency.5

On November. 10, 1904 a special meeting of the committee was convened for the purpose of administering the areas falling within the jurisdiction of Patiala municipality. The Patiala city was divided into individuals (8 for the city proper and one for civil lines). For purpose of the supervision of conservancy and for passing of orders under section 87, 92 and 95 of Act xx of 1891, each division was to be in the charge of one member, but the civil lines area was to be in the charge of one member as also that of the president.6 On may 18, 1905, the municipal committee was again reconstituted, under section 5 of the Punjab municipal Act xx of 1891, the strength was raised from 10 to 18 amongst them were 1/3rd officials and 2/3rd non-officials.7 There were two vice-presidents, one senior and one junior elected from

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4 First Ordinary Meeting Nov. 10, 1904, Res. No. 4
5 Special Meeting Nov. 10, 1904, Res. no. 5
6 Special Meeting Nov. 10, 1904, Res. 5
7 U/Sec-5 of Punjab Municipal Act xx of 1891 by the orders of Lala Bhagwan Dass, Member of the Council of Regency, Patiala State
amongst the members. Sub committees were formed having majority of members from non officials.\textsuperscript{8}

The circumstances in the country were such that people wanted to have share in local administration. But during the strong movement for freedom, sentiments of the public of Patiala were suppressed by having a nominated municipal committee only. It was only in 1946 that the elections for the first time were held to the Patiala municipal committee. Even at that time only a few members were elected and the rest were nominated by the state authorities. The popularly elected element at that time was not strong enough, thus the very purpose of having self-government could not be fulfilled to the extent, the public desired.

After independence the mode and manner of election of the committee underwent a corresponding change. A provision was made to nominate some members and others were to be elected. Shri Sirjung Bahadur assumed the duties as executive officer of the committee. The second municipal election of Patiala municipal committee was held in 1952. The committee consisted of 13 members who were elected by the inhabitants of the city on the basis of adult franchise. The whole city was divided into 13 constituencies (wards) hence 13 members were elected as municipal commissioners. S. Hardyal Singh Harika was appointed as executive officer. The city has expanded in

\textsuperscript{8} U/Sec. 25 of Punjab Municipal Act of xx of 1891
population and area after independence. A number of new colonies like the Model Town, Ajit Nagar, Sant Nagar, Bishan Nagar, Kishan Nagar, Tripuri, Gurbax Colony, Yadvindra Colony, and Tafazalpura have came up. When the country became free and partition took place, there was a sudden increase in its population due to the immigration from across the border from the territories included in Pakistan.

The municipal committee was superseded by the deputy commissioner of Patiala in 1953 on the charge that the municipal committee was incompetent to perform its functions efficiently and mostly due to political differences, the members of the committee could not work harmoniously. The Akalis and socialist party formed majority in the committee and the congress party was in minority. As the congress party holding power in PEPSU, it also wanted to get control over the municipal committee of Patiala through new elections. The entire administration of Patiala city at that time was placed under the control of deputy commissioner of Patiala who became the chief administrator of the municipal committee. The executive officer S. Hardyal Singh Harika was reverted to act as secretary-cum-municipal engineer, the post which he was holding before the enforcement of executive officer Act. He however protested against this reversion and in Sept. 1954 he was again appointed as executive officer-cum-municipal engineer, on the presumption that powers of municipal
secretary would also be exercised by him. He continued in office till 1960 and on 27th April 1960 Shri Bhagwan Das Sholla was appointed as executive officer.

The Punjab Government decided to hold election to municipal committee, Patiala after a lapse of eight years and the notification to that effect was issued to hold election in Feb. 1961. The strength of municipal Committee was increased from 13 to 26 owing to increase in population of the city. For the purpose of election the city was divided into 24 wards out of which two were double members’ constituencies. In all 26 members were elected as municipal commissioner. On March 23, 1962, the Executive officer Shri Bhagwan Das Sholla resigned from his office. In April, 1962 S. Jagmohan Singh was appointed as executive officer of this municipal committee.

In the beginning of 1963, out of 26 members, 2 were disqualified [1 belonging to Akali party on the charge for misuse of his powers as municipal commissioner and other belonging to Jan Sangh party for continuous absence from the meetings of municipal committee]. During 1963-64, 3 members resigned and thereby the strength of committee was further reduced to twenty. In 1965, the executive officer resigned from the office as he secured a job in a foreign country.

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Shri Sant Ram Singla was appointed executive officer by the Punjab Government. After him Shri Parkash Chander Malhotra was appointed as executive officer. Since 1961, no elections were held to the municipal committee Patiala. This committee continued to work till it was superseded by the Punjab Government in 1970. On December 30, 1970 the Punjab Government issued an ordinance for the supersession of municipal committee of Patiala. This ordinance came into operation on 2nd Jan. 1971 and the committee was superseded by the Deputy Commissioner who was appointed administrator of the committee. It was alleged that this supersession of the committee was done on purely political reason. The state government refused to notify the name of Sh. Narinder Nath Rishi as president of the committee who was unanimously elected as president. He was an independent candidate. On the eve of election he promised to support congress but after his victory he refused to support and did not join the congress. It was on this account that the municipal committee was superseded. Shri Narinder Nath Rishi, President of the committee challenged this decision of the state government in the Punjab and Haryana High Court. The High Court declared the decision of the state invalid as show-cause notice was not served to the committee. The committee was re-instated on 31st Dec. 1971.

In 1972, the Punjab government passed a new ordinance under which a provision was made for co-option of two ladies and one
member belonging to backward classes. It was further provided that every M.L.A. representing wholly or party to a city constituency till act as Associate member. It implies that more than one M.L.A. can be the associate member of any municipal committee. This new ordinance of Punjab Government was extended to Patiala municipality in 1973 and two ladies and one member belonging to backward classes were nominated as “co-opted members” of municipal committee. Two M.L.A.’s became automatically the Associate member of the municipal committee. In Jan. 1973, the municipal committee consisted of 25 members out of whom 20 were elected, three were co-opted and two were Associate members. A chart relating to the position of legislative wing viz-a-viz Executive wing is given below:

![Diagram of Patiala Municipal Committee in 1972]

Again since May 18, 1973, the Committee was under Suppression along with other 21 municipal committees in the state.11

10 M.L.A.’s names – B.L. Goel, P.C. Gupta [Congress-party], Ladies member’s name – Smt. Amarjit Kaur, Sh. Kuntla Devi
11 The Punjab Municipal (Amendment) Ordinance dated, 18.5.1973
This ordinance was issued on the ground that since the members' term had expired, they had no right to continue as members after the expiry of their usual term of 5 yrs.

In 1973, the municipal committee was headed by Shri O.P. Garg (PCS) administrator dually appointed by the government and the executive officer was P.C. Malhotra. The executive officer used to work or function under the provision of the executing officer Act 1931. After Mr. O.P. Garg, Mr. Gurdev Singh Brar took over as administrator for two occasions. After him Mr. Devinder Singh Sarah was the administrator. In 1982 the election of municipal committee Patiala, 35 members were elected by the people directly and the elected member Shri R.D. Kapoor was the president of the committee. He completed his terms of 5 yrs. Shri S.L. Jalote was the next president of the municipal committee, Patiala.

After the expiry of the term of the elected body Shri S.K. Ahluwalia took as the administrator of the committee. Mr. R.S. Randhawa was also the administrator of Patiala municipal committee. An election was held in the year 1992. Mr. Niranjan Das was elected as president of the municipal [council]. In the year of 1993 the council was suspended. Mr. K.S. Kang was appointed as an administrator. But the suspension of municipal council was revoked by the honorable High Court in the writ petition filled by the President Shri Niranjan Das. Before the completion of the term the government notified that municipal council to be a municipal corporation.
ORIGIN OF MUNICIPAL CORPORATION OF PATIALA

Municipal Council was converted into Municipal Corporation by state notification on 20.7.1997. On the expiry of the term of Municipal Corporation Mr. K.S. Kang (IAS) took over as first commissioner of municipal corporation, Patiala, on 26.9.1997. The election to the first corporation held in the year 2002 and the 50 members, were directly elected by the people, who elected Shri Vishnu Sharma as mayor, Sh. Kabir Dass as Senior Deputy Mayor, Sh. Inderjit Singh Boparai as Deputy Mayor.

The office of the municipal corporation, Patiala is housed in a very imposing building situated near the Moti Bagh Palace. Its picaresque surroundings and its imposing architecture is a delight, which is to be seen to be believed. A three storied building with a basement was designed by D.C.P.L. Ltd, company, Chandigarh. Spread over an area of 75000 sq. ft. (total 60,000 sq. ft. covered area), the foundation of this building was laid on 02.08.2000. This building was completed on 30.4.2001 with a cost of approximately 3.50 crore. The office was shifted on 01.05.2001 from the earlier location of Dharampura Bazaar.

The corporation got its present elevated status on 24 Sept. 1997. The democratic was set up in June 2002 when elections to the corporation were held and 50 municipal councilors were elected. Municipal Corporation is based on elected councilors. These
councilors are elected through direct vote. The city having corporation was divided into different wards in accordance with the population. Earlier there were total 50 words in Patiala city. The lists of councilors elected in these wards and other lists are as under:

**LIST-I: NAME OF FIRST ELECTED REPRESENTATIVES OF MUNICIPAL CORPORATION OF PATIALA IN 2002**

<table>
<thead>
<tr>
<th>Ward No.</th>
<th>Counselor’s Name</th>
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<tbody>
<tr>
<td>1.</td>
<td>Smt. Surjit Kaur</td>
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<td>2.</td>
<td>Sh. Rupinder Tiwana</td>
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<td>3.</td>
<td>Sh. Balwinderpal Sharma</td>
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<td>4.</td>
<td>Smt. Sarita Gera</td>
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<td>5.</td>
<td>Sh. Shanker Lal Khurana</td>
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<td>6.</td>
<td>Sh. Gurjit Guri</td>
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<td>7.</td>
<td>Smt. Rajvinder Kaur Dhindsa</td>
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<td>8.</td>
<td>Sh. Naru Ram Kalra</td>
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<td>9.</td>
<td>Lt. Sh. Surinderpal Singh</td>
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<td>10.</td>
<td>Smt. Baljit Kaur Punia</td>
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<td>11.</td>
<td>Sh. Sukhdev Singh</td>
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<td>12.</td>
<td>Sh. Sukhwinder Singh</td>
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<td>13.</td>
<td>Smt. Sukhwinder Kaur</td>
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<td>14.</td>
<td>Sh. Inderjit Singh [Deputy Mayor]</td>
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<td>15.</td>
<td>Sh. Pavan Kumar</td>
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<td>16.</td>
<td>Sh. Rama Puri</td>
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<td>17.</td>
<td>Sh. Rashpal Singh Dhanju</td>
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<td>18.</td>
<td>Sh. Daljit Singh Chahal</td>
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<td>19.</td>
<td>Smt. Kamlesh Kumari</td>
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<td>20.</td>
<td>Sh. Surinder Modgil</td>
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<td>21.</td>
<td>Sh. Harish Aggarwal</td>
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<td>Name</td>
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<td>22.</td>
<td>Smt. Seema Sharma</td>
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<td>23.</td>
<td>Sh. Shiv Kumar Khanna</td>
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<td>24.</td>
<td>Sh. Vishnu Sharma [Mayor]</td>
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<td>25.</td>
<td>Smt. Jasbir Kaur</td>
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<td>26.</td>
<td>Sh. Krishan Chand Buddu</td>
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<tr>
<td>27.</td>
<td>Sh. Sanjeev Kumar</td>
</tr>
<tr>
<td>28.</td>
<td>Smt. Meena Sharma</td>
</tr>
<tr>
<td>29.</td>
<td>Sh. Harvinder Singh Nippy</td>
</tr>
<tr>
<td>30.</td>
<td>Sh. Narinder Lali</td>
</tr>
<tr>
<td>31.</td>
<td>Smt. Monika Grover</td>
</tr>
<tr>
<td>32.</td>
<td>Sh. Ram Kumar Vohra</td>
</tr>
<tr>
<td>33.</td>
<td>Sh. Budh Ram</td>
</tr>
<tr>
<td>34.</td>
<td>Smt. Santosh Kumari</td>
</tr>
<tr>
<td>35.</td>
<td>Sh. Narinder Chandok</td>
</tr>
<tr>
<td>36.</td>
<td>Sh. Anuj Kumar Trivedi</td>
</tr>
<tr>
<td>37.</td>
<td>Smt. Suman Sharma</td>
</tr>
<tr>
<td>38.</td>
<td>Sh. Narinder Singh Pappa</td>
</tr>
<tr>
<td>39.</td>
<td>Sh. Naranjan Dass</td>
</tr>
<tr>
<td>40.</td>
<td>Smt. Leela Rani</td>
</tr>
<tr>
<td>41.</td>
<td>Sh. Narinder Singh</td>
</tr>
<tr>
<td>42.</td>
<td>Sh. Sohan Lal Jalota</td>
</tr>
<tr>
<td>43.</td>
<td>Smt. Sharda Devi</td>
</tr>
<tr>
<td>44.</td>
<td>Sh. Dharm Chand</td>
</tr>
<tr>
<td>45.</td>
<td>Sh. Sachdev Ghutam</td>
</tr>
<tr>
<td>46.</td>
<td>Smt. Rajni Sharma</td>
</tr>
<tr>
<td>47.</td>
<td>Sh. Gopal Singla</td>
</tr>
<tr>
<td>48.</td>
<td>Sh. Kabir Dass [Senior Deputy Mayor]</td>
</tr>
<tr>
<td>49.</td>
<td>Smt. Amarbeer Kaur</td>
</tr>
<tr>
<td>50.</td>
<td>Sh. Naresh Duggal</td>
</tr>
<tr>
<td>Ward No.</td>
<td>Counselor’s Name</td>
</tr>
<tr>
<td>----------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>1.</td>
<td>Smt. Surjit Kaur</td>
</tr>
<tr>
<td>2.</td>
<td>Sh. Gurcharan Singh</td>
</tr>
<tr>
<td>3.</td>
<td>Sh. Jaswant Singh Tiwana</td>
</tr>
<tr>
<td>4.</td>
<td>Smt. Karamjeet Kaur</td>
</tr>
<tr>
<td>5.</td>
<td>Sh. Paramjeet Singh Pamma</td>
</tr>
<tr>
<td>6.</td>
<td>Sh. Prabhjot Singh Diksy</td>
</tr>
<tr>
<td>7.</td>
<td>Smt. Sarita Gera</td>
</tr>
<tr>
<td>8.</td>
<td>Sh. Surinder Singh</td>
</tr>
<tr>
<td>9.</td>
<td>Sh. Hardeep Singh Bhangu</td>
</tr>
<tr>
<td>10.</td>
<td>Smt. Charanjeet Kaur</td>
</tr>
<tr>
<td>11.</td>
<td>Sh. Sukhdev Singh</td>
</tr>
<tr>
<td>12.</td>
<td>Sh. Rajinder Virk</td>
</tr>
<tr>
<td>13.</td>
<td>Smt. Baljinder Kaur</td>
</tr>
<tr>
<td>14.</td>
<td>Sh. Sukhwinder pal Singh</td>
</tr>
<tr>
<td>15.</td>
<td>Sh. Jetinder Pal Singh</td>
</tr>
<tr>
<td>17.</td>
<td>Sh. Kulwant Singh</td>
</tr>
<tr>
<td>18.</td>
<td>Sh. Rachpal Singh</td>
</tr>
<tr>
<td>19.</td>
<td>Smt. Kamla Devi</td>
</tr>
<tr>
<td>20.</td>
<td>Sh. Amarjeet Singh</td>
</tr>
<tr>
<td>21.</td>
<td>Sh. Harinder Kohli</td>
</tr>
<tr>
<td>22.</td>
<td>Smt. Seema Gupta</td>
</tr>
<tr>
<td>23.</td>
<td>Smt. Nirmala Devi</td>
</tr>
<tr>
<td>24.</td>
<td>Sh. Joginder Singh Chhanga</td>
</tr>
<tr>
<td>25.</td>
<td>Smt. Navneet Kaur</td>
</tr>
<tr>
<td>26.</td>
<td>Sh. Ajitpal Singh Kohli (Mayor)</td>
</tr>
<tr>
<td>27.</td>
<td>Sh. Harish Nagpal</td>
</tr>
<tr>
<td>28.</td>
<td>Smt. Seema Sharma</td>
</tr>
<tr>
<td></td>
<td>Name</td>
</tr>
<tr>
<td>---</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>29.</td>
<td>Sh. Indermeet Singh</td>
</tr>
<tr>
<td>30.</td>
<td>Sh. Naranjan Das</td>
</tr>
<tr>
<td>31.</td>
<td>Smt. Ramanjeet Kaur Maan</td>
</tr>
<tr>
<td>32.</td>
<td>Sh. Narinder Singh Chadok</td>
</tr>
<tr>
<td>33.</td>
<td>Sh. Hardeep Singh Deepa</td>
</tr>
<tr>
<td>34.</td>
<td>Smt. Sonia Devi (Dy. Mayor)</td>
</tr>
<tr>
<td>35.</td>
<td>Sh. Kanwaljeet Singh Gona</td>
</tr>
<tr>
<td>36.</td>
<td>Sh. Kishan Chand Bhudhu</td>
</tr>
<tr>
<td>37.</td>
<td>Smt. Varsha Kapoor</td>
</tr>
<tr>
<td>38.</td>
<td>SH. Anil Bajaj (Sr. Dy. Mayor)</td>
</tr>
<tr>
<td>39.</td>
<td>Sh. Jaspal Singh</td>
</tr>
<tr>
<td>40.</td>
<td>Smt. Lovleen Kaur</td>
</tr>
<tr>
<td>41.</td>
<td>Sh. Sohan Lal Jalota</td>
</tr>
<tr>
<td>42.</td>
<td>Sh. Gurbachan Singh</td>
</tr>
<tr>
<td>43.</td>
<td>Smt. Amarbeer Kaur Bedi</td>
</tr>
<tr>
<td>44.</td>
<td>Sh. Kabir Dass</td>
</tr>
<tr>
<td>45.</td>
<td>Sh. Amrinder Singh Bajaj</td>
</tr>
<tr>
<td>46.</td>
<td>Smt. Jastinder Kaur</td>
</tr>
<tr>
<td>47.</td>
<td>Sh. Parminder Singh Shori</td>
</tr>
<tr>
<td>48.</td>
<td>Sh. Inderjeet Singh Kharo</td>
</tr>
<tr>
<td>49.</td>
<td>Smt. Bhagmanti Devi</td>
</tr>
<tr>
<td>50.</td>
<td>Sh. Balbir Singh Kharor</td>
</tr>
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</table>

**LIST-III: NAMES AND TENURE OF THE PRESIDENTS OF MUNICIPAL COUNCIL OF PATIALA**

<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Tenure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Dr. Sat Kapur</td>
<td>1964-69</td>
</tr>
<tr>
<td>2</td>
<td>Mr. Sachdeva</td>
<td>1969-74</td>
</tr>
<tr>
<td>3</td>
<td>Mr. Bhagwat Sawrup Goyal</td>
<td>1974-79</td>
</tr>
<tr>
<td>4</td>
<td>R.D. Kapoor Rtd. (ICS)</td>
<td>1979-84</td>
</tr>
<tr>
<td>5</td>
<td>Niranjan Dass</td>
<td>1992-97</td>
</tr>
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</table>
### LIST-IV: COMMISSIONERS OF THE MUNICIPAL CORPORATION OF PATIALA

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name</th>
<th>Date of Joining</th>
<th>Date of Learning</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>Gurpal Singh Bhatti (PCS)</td>
<td>03-11-1997</td>
<td>05-05-1998</td>
</tr>
<tr>
<td>8.</td>
<td>Manvesh Singh Sidhu (PCS)</td>
<td>01-3-2003</td>
<td>12-05-2005</td>
</tr>
<tr>
<td>10.</td>
<td>Dr. Jaswant Singh (IAS)</td>
<td>11-10-2006</td>
<td>05-03-2007</td>
</tr>
<tr>
<td>15.</td>
<td>Dr. Karamjeet Sarah (PCS)</td>
<td>11-02-2009</td>
<td>09-06-2009</td>
</tr>
<tr>
<td>16.</td>
<td>M.S. Narang</td>
<td>29-06-2009</td>
<td>till date</td>
</tr>
</tbody>
</table>

### LIST-V : MAYOR, DEPUTY MAYOR OR SENIOR DEPUTY MAYOR OF MUNICIPAL CORPORATION OF PATIALA

#### Mayor

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name</th>
<th>Tenure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Sh. Vishnu Sharma</td>
<td>12-06-2002 to 08-08-2007</td>
</tr>
<tr>
<td>2.</td>
<td>Sh. Ajitpal Singh Kohli</td>
<td>11-09-2007 to till date</td>
</tr>
</tbody>
</table>

#### Deputy Mayor

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name</th>
<th>Tenure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Sh. Inderjit Singh</td>
<td>12-06-2002 to 08-08-2007</td>
</tr>
<tr>
<td>2.</td>
<td>Smt. Sonia Devi</td>
<td>11-09-2007 to till date</td>
</tr>
</tbody>
</table>

#### Senior Deputy Mayor

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name</th>
<th>Tenure</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>Sh. Anil Bajaj</td>
<td>11-09-2007 to till date</td>
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</tbody>
</table>
LIST- VI: THE MUNICIPAL CORPORATION OF PATIALA IN 2006

(A) LEGISLATIVE WING:

Mayor
Senior Deputy Mayor
Deputy Mayor
Counselors

(B) ADMINISTRATIVE WING:

Commissioner: Joint Commissioner
Assistant Commissioner
Secretary
Superintendent
Inspectors
Clerks
Peons
Drivers

(C) TECHNICAL WING:

Chief Engineer
Superintending Engineer
Corporation Engineer [XEN] Executive Engineer
Assistant Corporation Engineer [Sub-Divisional Officer]
Sectional Officer [Junior Engineers]

(D) ACCOUNT WING:

Deputy controller finance & Accounts:
Accountants
Account Clerk
(E) HEALTH WING: [EXECUTIVE WING]

Medical Officer of Health
Chief Sanitary Inspector
Sanitary Inspector
Sanitary Supervisor
Sanitary Jamadar
Sweeper/Safai Sewak

(F) WATER SUPPLY & SEWERAGE WING [TECHNICAL]

Corporation Engineer
Assistant Corporation Engineer
Sectional Officer/Junior Engineer
Tube-Well Operator
Plumber
Fitter
Electrician
Skill helper
Helper
Malli cum Chowkidar

(G) FIRE WING:

Divisional fire officer
Assistant Divisional fire officer
Station fire officer
Sub fire officer
Leading fireman
Fireman
Driver

(H) LEGAL WING:
Joint director Legal [Head Office CHD)
Legal Advisor
Law officer
Legal Assistant
Court Clerk
Peons

(I) INFORMATION WING:
Public Information Officer
Assistant Public Information Officer
Information Clerk

LIST-VII: NAME OF PUNJAB MUNICIPAL CORPORATIONS

<table>
<thead>
<tr>
<th>Name</th>
<th>Year of Establishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Municipal Corporation of Amritsar</td>
<td>1976</td>
</tr>
<tr>
<td>5. Municipal Corporation of Bathinda</td>
<td>2004-05</td>
</tr>
</tbody>
</table>

LIST-VIII: PUNJAB LOCAL BODIES-REGIONS

1. Patiala
2. Ludhiana
3. Jalandhar
4. Amritsar
5. Bathinda
6. Faridkot

**PATIALA REGION COMMITTEES**

<table>
<thead>
<tr>
<th>Class-I</th>
<th>Rajpura</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nabha</td>
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<tr>
<td></td>
<td>Mohali</td>
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<tr>
<td></td>
<td>Sangrur</td>
</tr>
<tr>
<td></td>
<td>Barnala</td>
</tr>
<tr>
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<td>Malerkotla</td>
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<table>
<thead>
<tr>
<th>Class-II</th>
<th>Samana</th>
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<tr>
<td></td>
<td>Kharar</td>
</tr>
<tr>
<td></td>
<td>Sunam</td>
</tr>
<tr>
<td></td>
<td>Dhuri</td>
</tr>
<tr>
<td></td>
<td>Ahmedgarh</td>
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<td></td>
<td>Patran</td>
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<table>
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<tr>
<th>Class-III</th>
<th>Banur</th>
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<tbody>
<tr>
<td></td>
<td>Dera Bassi</td>
</tr>
<tr>
<td></td>
<td>Kurali</td>
</tr>
<tr>
<td></td>
<td>Bassi Pathana</td>
</tr>
<tr>
<td></td>
<td>Lehragaga</td>
</tr>
<tr>
<td></td>
<td>Tappa</td>
</tr>
<tr>
<td></td>
<td>Bhadoar</td>
</tr>
</tbody>
</table>
Bhawanigah
Longowal
Dhanola
Gagga
Cheema
Dirbha
Munak
Ghanui
Hadeai
Ghanour
Zirakpur
Sanour

**SCHEDULE II**
[SEE SECTION 4(5)]

**LIST- IX: MUNICIPAL COMMITTEES DEEMED MUNICIPAL COUNCIL**

**CLASS-I**

<p>| | | | |</p>
<table>
<thead>
<tr>
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<td>(1)</td>
<td>Patiala</td>
<td>(2)</td>
<td>Nabha</td>
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<tr>
<td>(5)</td>
<td>Sangrur</td>
<td>(6)</td>
<td>Malerkotla</td>
</tr>
<tr>
<td>(9)</td>
<td>Khanna</td>
<td>(10)</td>
<td>Jagraon</td>
</tr>
<tr>
<td>(13)</td>
<td>Fazilka</td>
<td>(14)</td>
<td>Faridkot</td>
</tr>
<tr>
<td>(17)</td>
<td>Muktsar</td>
<td>(18)</td>
<td>Malout</td>
</tr>
<tr>
<td>(21)</td>
<td>Gudaspur</td>
<td>(22)</td>
<td>Batala</td>
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<tr>
<td>(25)</td>
<td>Kapurthala</td>
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<tbody>
<tr>
<td>(3)</td>
<td>Rajpura</td>
<td>(4)</td>
<td>Gobindgarh</td>
</tr>
<tr>
<td>(7)</td>
<td>Barnala</td>
<td>(8)</td>
<td>Hoshiarpur</td>
</tr>
<tr>
<td>(11)</td>
<td>Ferozepur</td>
<td>(12)</td>
<td>Abohar</td>
</tr>
<tr>
<td>(15)</td>
<td>Kotkapura</td>
<td>(16)</td>
<td>Moga</td>
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<tr>
<td>(19)</td>
<td>Bhatinda</td>
<td>(20)</td>
<td>Mansa</td>
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<td>(23)</td>
<td>Pathankot</td>
<td>(24)</td>
<td>Phagwara</td>
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</table>
### MUNICIPAL COMMITTEES DEEMED MUNICIPAL COUNCIL
#### CLASS-II

<table>
<thead>
<tr>
<th>(1) Samana</th>
<th>(2) Sirhind</th>
<th>(3) Sunam</th>
<th>(4) Ahmedgarh</th>
</tr>
</thead>
<tbody>
<tr>
<td>(5) Dhuri</td>
<td>(6) Nakodar</td>
<td>(7) Nawanshahar</td>
<td>(8) Banga</td>
</tr>
<tr>
<td>(9) Phillaur</td>
<td>(10) Nurmahal</td>
<td>(11) Dasuya</td>
<td>(12) Urmur Tanda</td>
</tr>
<tr>
<td>(13) Mukerian</td>
<td>(14) Garshankar</td>
<td>(15) Diraha</td>
<td>(16) Raikot</td>
</tr>
<tr>
<td>(17) Samrala</td>
<td>(18) Ropar</td>
<td>(19) Morinda</td>
<td>(20) Kharar</td>
</tr>
<tr>
<td>(21) Kurali</td>
<td>(22) Guru Harsahai</td>
<td>(23) Talwandi Bhai</td>
<td>(24) Jalalabad</td>
</tr>
<tr>
<td>(25) Zira</td>
<td>(26) Jaitu</td>
<td>(27) Gidharbaha</td>
<td>(28) Bhuchho Mandi</td>
</tr>
<tr>
<td>(29) Goniana</td>
<td>(30) Rama</td>
<td>(31) Maur</td>
<td>(32) Budhlada</td>
</tr>
<tr>
<td>(33) Jandialaguru</td>
<td>(34) Patti</td>
<td>(35) Tarntaran</td>
<td>(36) Dhariwal</td>
</tr>
<tr>
<td>(37) Dinanagar</td>
<td>(38) Sultanpur Lodhi</td>
<td>(39) Rampura Phool</td>
<td></td>
</tr>
</tbody>
</table>

### MUNICIPAL COMMITTEES DEEMED MUNICIPAL COUNCIL
#### CLASS-III

<table>
<thead>
<tr>
<th>(1) Sangrur</th>
<th>(2) Derabassi</th>
<th>(3) Banur</th>
<th>(4) Bassi Pathana</th>
</tr>
</thead>
<tbody>
<tr>
<td>(5) Amloh</td>
<td>(6) Longowal</td>
<td>(7) Bhiwanigarh</td>
<td>(8) Lehragaga</td>
</tr>
<tr>
<td>(9) Dhanaula</td>
<td>(10) Tappa</td>
<td>(11) Bhadapur</td>
<td>(12) Kartarpur</td>
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<tr>
<td>(13) Alawalpur</td>
<td>(14) Adampur</td>
<td>(15) Rahon</td>
<td>(16) Gardhiwala</td>
</tr>
<tr>
<td>(17) Haryana</td>
<td>(18) Shamchurasi</td>
<td>(19) Payal</td>
<td>(20) Anandpur Sahib</td>
</tr>
<tr>
<td>(21) Dharamkot</td>
<td>(22) Sangat</td>
<td>(23) Kotfata</td>
<td>(24) Bareta</td>
</tr>
<tr>
<td>(25) Majitha</td>
<td>(26) Ramdass</td>
<td>(27) Quadian</td>
<td>(28) Sujanpur</td>
</tr>
<tr>
<td>(29) Dera babananak</td>
<td>(30) Shri Hargobindpur</td>
<td>(31) Fatehgarh Churian</td>
<td></td>
</tr>
</tbody>
</table>

### POWERS OF THE MUNICIPAL CORPORATION OF PATIALA

The Municipal Acts in India Contain a long list of functions and powers. Although there are vide variations, it is nevertheless possible to isolate a sufficient number of common elements. However, it must be pointed out here that municipal government in our country enjoys...
ultravires jurisdiction and not general competence or residual power of sovereignty. The State Government may intrude into municipal functional domain through executive decisions, even where the municipal bodies are vested with legally delegated functions. The powers of the corporations may be grouped under the six heads:

(i) Legislative

(ii) Administrative

(iii) Financial

(iv) Investigatory

(v) Judicial and

(vi) General powers

I LEGISLATIVE POWERS: The legislative power is the most significant because the corporations are required to make policy decisions through the resolutions they pass from time to time, keeping in view the varied functions they are expected to perform. Infact the most authoritative and non-delegable legislative expression is:

Its Powers to Make Bye-Laws and Ordinances: They have the force of law and may be enforced by judicial action. Since ordinances and resolutions are the means through which municipal corporation exercise the powers, it is essential that they should be understood in true perspective. An ordinance, in its broadest sense, signifies any law, whether passed by national, state and local unit of government but in its narrow sense, as Webster’s Encyclopaedic Dictionary has defined it, an ordinance is a “law enacted by a municipal government
for local application”. An ordinance is an enactment of a local governing body which establishes a rule of conduct that is obligatory upon the entire community and operative only within the jurisdiction of the municipal corporation. It is legislation, its validity depends largely upon the observance of legislative procedure:–

(i) the corporation regulates the organizations and procedures of the local government like the conduct of elections, organization of departments and creation of offices,

(ii) local public life with a bearing on public health, housing, building codes, licenses and permits, markets, city planning, and

(iii) Local utility, commerce and trade.12

According to the Punjab Municipal Corporation Act, 1976, the corporation follows legislative powers under these sections:

Section:-9 Power to Alter or Amend Delimitation Powers

The corporation with the previous approval of the Government, may from time to time by order in official gazette, alter or amend any order made under Sec.-8 [Delimitation of wards]

Section:-10 Power to Conduct Elections

The superintence, direction and control of the preparation of electoral rolls, for and the conduct of all elections to the corporations shall vest in the state election commission.13

II ADMINISTRATIVE POWERS: In the administrative field, the corporation establishes departments and controls them in all forms of local government. In India, for instance, the corporations enjoy the powers of appointment of certain categories of officials:

(i) the corporation fix the salaries of their staff.
(ii) determine their service conditions.
(iii) take disciplinary action against them,
(iv) enter into contract, make purchase and sale of their property and
(v) by adopting budget, it regulates and controls the administration.

Punjab municipal corporation Act, 1976 cover the administration powers of the corporation as under:

Section 75: - Power of Corporation to Make Regulations

The corporation may make regulations to provide for any one or more of the following matters, namely,

(a) the tenure of office, salaries and allowances, provident funds, pensions, gratuities, leave of absence and other conditions of service of officers and other employees appointed under this Act, other than those referred to in sub section (i) of section 71.
(b) the qualifications of candidates for appointment to posts specified in subsection (7) of section 71. (Post in corporation and appointments there to).
(c) the procedure to be followed in imposing any penalty under subsection (1) of section 74, suspension pending departmental
inquiry before the imposition of such penalty and the authority by whom such suspension may be ordered, the officer or authority to whom an appeal shall lie under subsection (4) of that section.

(d) any other matter which is incidental to or necessary for the purpose of regulating the appointment and conditions of service of persons appointed to services and posts under the corporation and any other matter for which in the opinion of the corporations provisions should be made by regulations.  

III FINANCIAL POWERS: In financial matters, the corporations have been given the following powers under the governing Acts:

The Magnitude of all these powers varies from state to state and corporation to corporation within the state. Some corporations are significantly free but others enjoy these powers under strict watch and ward arrangement of the state governments. In a civic address

presented to the president of India by the municipal corporation of Madras on Sept. 12, 1969, the Mayor of Madras observed, “Some corporations have the good fortune of having opportunities for increasing their revenue. Such opportunities are denied to other corporations. In order to change this unsatisfactory position, we appeal for your support for enacting a uniform law for all corporations.” But unfortunately the appeal for enactment has remained a distant dream till today.

The comparative analysis of the taxes livable under the various acts indicates that the lists of taxes livable by the Madras and Bombay city corporations are the briefest but on the other side Patna and Madhya Pradesh corporations Acts have a most impressive compilation of taxes and may be levied as per discretion of the corporations. Even so, Bombay and Madras are known to have taxes for higher per capita resources due to fuller exploitation of the resources. However, a significant discrepancy found in the powers of taxation in the Eastern and Southern states is that the corporations are not given specific powers of levying Octroi and terminal taxes.

Our analysis shows that these powers prima facie seem to be wide enough, but in actual practice the corporation council plays into the hands of the executive. As we are aware, the municipal corporations depend heartily on the property tax as their main source of revenue. The performance of the municipal bodies in collecting
property taxes varies between 40 to 50 percent. The restricted performance of these functions is due to the increasing complexities and increasing government control. Such an encroachment upon municipal tax sources is due to the absence of constitutional delimitation of local tax field. Similarly, borrowing powers of the municipal corporations too are subject to both statutory and administrative restrictions. Their borrowing powers are basically governed by pre-independence central legislation (Local Authorities Loan Act, 1919). In nutshell it can be observed that low collection of property tax, erosion of tax base and absence of grants policy have jointly produced one result-heavy dependence of the municipal bodies on state administration.

According to Punjab Municipal Corporation Act, 1976 the financial powers of corporations are under these sections:

Section:-87 Power of Corporation to Alter Budget Estimates

On the recommendation of the commissioner, the corporation may from time to time during the year:

(i) increase the amount of any budget grant under any head,
(ii) make an additional budget grant for the purpose of meeting and special or unforeseen requirement arising during the said year,
(iii) transfer the amount or position of the amount of the budget-grant under any head to the account of the budget-grant under any other head, or
(iv) reduce the amount of the budget grant under any head,
Provided that due regard shall be had to all the requirements of this Act and in making any increase or any additional budget grant, the estimated cash balance at the close of the year shall not be reduced below the sum of one Lakh rupees or such higher sum as the corporation may determine in respect of each budget estimate.

(2) Every increase in budget-grant and every additional budget grant made in any year under sub section (1) shall be made with the prior approval of the government and after such approval shall be deemed to be included in the budget estimate finally adopted for year.

(3) The commissioner may from time to time during the year:

(a) reduce the amount of a budget-grant or

(b) sanction the transfer of any amount within a budget grant.

Provided that every reduction if it exceeds five hundred rupees shall be reported forthwith by the commissioner to the corporation and the commissioner shall give effect to any order that may be passed by the corporation in relation thereto.

(4) The commissioner may from time to time during the year, sanction the transfer of any amount not exceeding five thousand rupees within a minor head of such transfer does not involve a recurring liability.

Section:-88 Power of Corporation to Re-adjust Income and Expenditure During the Year:

(1) if at any time during the year it appears to the corporation that, notwithstanding any reduction to budget grant that has been
made under section 87, the income of the corporation fund
during the same year will not suffice to meet the expenditure
sanctioned in the budget estimate of that year and to leave at
the close of the year the cash balance specified in or determined
under the proviso to subsection (1) of section 87, then it shall be
incumbent on the corporation to sanction forthwith any
measures which it may consider necessary for adjusting that
year's income to the expenditure.

(2) For the purpose of sub-section (1) the corporation may either
diminish the sanctioned of the year so far as it may be possible
so to do with regard to all the requirements of this Act, or have
recourse to supplementary taxation under section 133 or to an
increase of the rates of cesses, fees, fares and other charges
leviable under this Act, or to adopt all or any of those methods.

Section:-90 Taxes to Be Imposed by Corporation Under this Act
and Arrangement of Certain Taxes Collected by Government:

(1) The corporation shall, for the purposes of this Act, levy the
following taxes:-

(a) taxes on lands and buildings,
(b) octroi,
(c) a tax on vehicles and animals,
(d) a tax on advertisements other than advertisements published in
newspapers.
(e) a tax on buildings payable along with the application for
sanction of the building plan and,
(f) a development tax on the increase in urban land values caused by the execution of any development or improvement work.

(2) Subject to the prior approval of the government the corporation may, for the purposes of this Act, in addition to the taxes specified in sub-section (1) levy:

(a) a tax on professions, trades, callings and employments and

(b) any other tax which the state legislature has power to impose under the constitution,

Provided that no tax shall be imposed under this sub-section unless an opportunity has been given in the prescribed manner to the residents of the city to file objections and the objections, if any, thus received have been considered.

(3) The taxes specified in sub section (1) and sub section (2) shall be levied at such rates as may from time to time be specified by the government by notification and shall be assessed and collected in accordance with provisions of this Act and the bye-laws made there under.

(4) The government may, by special or general order direct a corporation to impose any tax failing sub-section (1) or sub section (2) not already imposed within such period as may be specified and the corporation shall there upon act accordingly.

(5) If the corporation fails to carry out any order passed under sub section (4), the government may by a suitable order notified in
the official gazette impose the taxes and the order so passed shall operate as if the tax had been duly imposed by the corporation sub section (1) or sub section (2) as the case may be.

(6) After the close of each year the government may pay to the corporation the whole or such part as it may determine of the tax collected by it:

(a) under the Indian stamp Act, 1899 on account of stamp duty on transfer of property situated within the local area of the city,

(b) under the Punjab Motor vehicles taxation Act, 1924, from every person keeping a motor vehicle within the local area of the city,

(c) under the Punjab Electricity duty Act, 1958, on the energy supplied within the local area of the city,

(d) under the Punjab Entertainment duty Act, 1955, from every person admitted to an entertainment within the local area of the city,

(e) under the Punjab Entertainments Tax (cinematograph shows) Act, 1954, from the proprietor of the premises where a public cinematograph exhibition is held within the local area of the city.

Section: 156 Power of Exemption:

(1) The corporation may, by resolution passed in this behalf, exempt either wholly or in part from the payment of any tax levied under this Act, any class of persons or any class of property or goods.
(2) The corporation may also exempt, in whole or in part for any period not exceeding one year from the payment of any tax, any person who by reason of poverty may in its opinion, be unable to pay the same, and may renew such exemption as often may be necessary.

Section: - 158 Power of Corporation to Borrow: The corporation may, in pursuance of any resolution passed by it, borrow by way of debenture or otherwise on the security of any immovable property vested in it or proposed to be acquired by it or of all or any of the taxes, rates, cesses, fees and charges authorized by or under this Act any sums of money which may be required:

(a) for acquiring any land which it has power to acquire,
(b) for erecting any building which it has power to erect,
(c) for the execution of any permanent work, the provision of any plant, or the doing of any other thing which it has power to execute, provide or do, if the cost of carrying out the purpose in question ought to be spread over a term of years.
(d) to pay off any debt due to the government,
(e) to repay a loan previously raised under this Act or any other Act previously in force or
(f) for any other purpose for which the corporation is, by virtue of this Act or any other law for the time being in force, authorized to borrow provided that:
(i) no loan shall be raised without the previous sanction of the government or without previous publication of the application for sanction under the local Authorities Loans Act, 1914, and the rules made there under and

(ii) the amount of loan, the rate of interest and the terms including the date of flotation, the time and method of the repayment and the like shall be subject to the approval of the government.

(2) When any sum of money has been borrowed under sub-section (1) no portion of any sum of money borrowed for any of the purposes referred to in clause (c) of sub-section (1) shall be applied to the payment of salaries and allowances to any corporation officers or other corporation employees other than those exclusively employed in connection with the carrying out of that purpose.

Section: 163 Maintenance and Investment of Sinking Funds:

(1) The corporation shall maintain sinking funds for the repayment of money borrowed on debentures issued and shall pay every year into such sinking funds such sum as will be sufficient for the repayment within the period fixed for the loan of all moneys borrowed on the debentures issued.

(2) All moneys paid into the sinking funds shall, as soon as possible, be invested by the commissioner in public securities and every such investment shall be reported by the commissioner to the corporation within fifteen days.
(3) All dividends and other sums received in respect of any such investment shall as soon as possible after receipt, be paid into the sinking funds and invested in the manner laid down in sub-section (2).

(4) Any investment made under the section may, subject to the provisions of sub-section (2) be varied or transposed.

Section:-182  Power to Require Corporation to Carry Out Surveys and Formulate Proposals: The government may require the corporation to:

(a) carry out a survey of the existing consumption of and demand for water supplies in the city and of the water resources in or available for the city,

(b) prepare an estimate of the future water supply requirements of the city.

(c) carry out a survey of the existing quantity of sewage disposed of and the manner in which it is disposed of:

(d) formulate proposals as to:

   (i) the existing or future water supply requirements of the city,

   (ii) the existing or future sewage disposal requirements in the city including proposals for the manner in which and the place or places at which sewage should be carried, treated and disposed of.
Section:-183 Power to Construct Additional Works:

If the corporation is of opinion that the works and other properties for the time being vested in it for the purpose of water supply, drainage and sewage disposal are inadequate for the purpose of sufficient supply of water or for the purpose of proper drainage and efficient disposal of sewage under this Act, it may take steps in accordance with the provisions of this Act for the construction of additional works, whether within or without the local limits of the corporation and for the acquisition of additional properties for such works.

Section:-184 Functions in Relation to Water Supply:

(1) It shall be the duty of the corporation to take steps from time to time:

(a) for ascertaining the sufficiency and wholesomeness of water supplies within the city,

(b) for providing a supply of wholesome water in pipes to every part of the city in which there are houses, for the domestic purposes of the occupants thereof, and for taking the pipes affording that supply to such point or points as will enable the houses to be connected there to at a reasonable cost, so however, that this clause shall not require the corporation to do anything which is not practicable at a reasonable cost or to provide such supply to any part of the city where such a supply is already available at such point or points aforesaid,
(c) for providing, as far as possible, a supply of wholesome water otherwise than in pipes to every part of the city in which there are houses, for the domestic purposes of the occupants there of and to which it is not practicable to provide a supply in pipes at reasonable cost, and in which danger to health arises from the insufficiency or unwholesomeness of the existing supply and public supply is required and can be provided at public a reasonable cost, and for securing that such supply is available within a reasonable distance of every house in that part.

(2) If any question arises under clause (b) of sub-section (1) as to whether anything is or is not practicable at a reasonable cost or as to the point or points, to which pipes must be taken in order to enable houses to be connected to them at a reasonable cost, or under clause (c) thereof as so to whether a public supply can be provided at a reasonable cost, the corporation shall determine that question and there upon the commissioner shall give effect to that determination.  

IV INVESTIGATORY POWERS: The corporation ensure responsible and responsive administration by introducing the various investigatory devices in their mode of functioning. The objective of investigations is to keep administrative arbitrariness, dishonesty, corruption and laxity in performance in check. The corporation have

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15 Punjab Municipal Corporation Act, 1976
been empowered under the Acts to appoint special committees to investigate allegation and complaints.

V JUDICIAL POWERS: The corporation have also been empowered to take quasi-judicial decisions. In most jurisdictions, the councils settle electoral disputes. The corporations may discipline and expel members for violation of rules and regulations. However the provisions on this count are not uniform. For instance, the Bombay provincial corporation Act provides for removal by the state government if the corporation recommends such a step by $\frac{3}{4}$th majority of the councillors on grounds of gross misconduct or incapability of performing duties. The majority needed in Madhya Pradesh Act is $\frac{2}{3}$rd but no such provision exists in the municipal corporation Acts of Bombay, Calcutta, Delhi, Kerala, Hyderabad, Bangalore and Madras. Some corporations are also authorized to remove mayors either by a vote of no confidence or by impeachment. The corporations can take disciplinary action against those who are guilty of causing public nuisance in various ways and against those guilty of selling adulterated foodstuffs and those guilty of using unlicensed vehicles. Similarly, they also possess the power of levying fines on all the defaulters and offenders against municipal laws. The corporations and their committees also serve as courts of appeal in disciplinary cases against the municipal personnel.

VI GENERAL POWERS: The various acts governing the city corporations prescribe for general powers of the corporations,
commissioner and committees. However, the nature and extent of such powers vary from corporation to corporation. Some of the significant provisions of the Acts are described as under:

(i) Almost all the acts authorize the corporation to determine the powers and duties of the various committees.

(ii) The corporation can constitute additional committees whether with the previous sanction of the state government or without for such purpose as the corporation thinks fit,

(iii) the corporation requires the commissioner to produce documents and furnish returns, estimates, statistics, reports, etc.

(iv) the corporation has been empowered to call for the extracts from any proceedings of any return, statement, report, etc.

(v) the corporation is authorized to appoint special committees, dissolve or alter the constitution of a special committee and also appoint adhoc committees for special subjects.

ACCORDING TO THE PUNJAB MUNICIPAL CORPORATION ACT 1976 following section cover general powers of the corporations as under:

Section:-53 Power of Corporation to Require Commissioner to Produce Documents and Furnish Returns, Reports etc.

(1) the corporation may at any time require the commissioner:

(a) to produce any record, correspondence, plan or other documents which is in his possession or under his control as
commissioner or which is recorded or filed in his office or in the office of any corporation officer or other corporation employee subordinate to him,

(b) to furnish any return, plan, estimate, statement, account or statistics concerning or connected with any matter pertaining to the administration of this Act or the municipal government of the city,

(c) to furnish a report by himself or to obtain from any corporation officer or other employee subordinate to him and furnish with his own remarks thereon, a report, upon any subject concerning or connected with the administration of this Act or the municipal government of the city.

(2) Every such requisition shall be complied with by the commissioner without any unreasonable delay, and it shall be incumbent on every corporation officer and other corporation employee to obey any order made by the commissioner in pursuance of any such requisition.

Provided that the commissioner shall not be bound to comply with any such requisition of with the previous approval of the Mayor he makes a statement that such compliance would be prejudice to public interest or to the interest of the corporation.

Section:-54 Exercise of Powers to be Subject to Sanction:

Save as otherwise provided in this Act, the exercise of any power or the performance of any duty conferred or imposed upon the
corporation or any municipal authority by or under this Act, which will involve expenditure, shall be subject to the following conditions, namely:

(a) that such expenditure, in so far as it is to be incurred in the year in which such power is exercised or duty performed, shall be provided for under a current budget grant and

(b) that if the exercise of such power or the performance of such duty involves or is likely to involve expenditure for any period or at any time after the close of the said year, such expenditure shall not be incurred without the sanction of the corporation, if it is incurred at any time after the next following years.

MUNICIPAL COMMISSIONER OF CORPORATIONS

Municipal commissioner is the chief executive officer of the corporation. He is the kingpin of the Municipal administration and as such is at the apex of the municipal administrative hierarchy and is entrusted with the responsibility of keeping the entire administrative machinery under his control giving it necessary guidance and direction. If the American city Manager and the British Town Clerk embody great contributions to the act of city government made by the countries concerned the Municipal commissioner is the Indian contribution.

The Punjab state government appoints the commissioner from amongst its class-I officers having a minimum of ten year service in
that class. The commissioner is appointed for a period of three years which can be further renewed by the state government for a term not exceeding three years.

POWERS AND FUNCTIONS OF THE COMMISSIONER

The powers and functions of the Municipal Commissioner are many and varied. He is one of the statutory municipal authorities to carry out the provisions of the corporation Act. His most important statutory function is to execute the resolution of the council and if its committees. He is authorized to attend the meetings of the council and of any of its committee. He can participate in discussions and express his views on various points but he has not the right to vote. He is expected to answer a question put to him by any councilor but he may not respond to a query seeking such information as in the opinion of the Mayor may be prejudicial to the public interest. He is custodian of all municipal records. He is to prepare the budget estimates and after these have been passed to submit them to the state government for approval. He is to keep the mayor informed of all the official correspondence which he might enter into with the state government.

He has been clothed with a vast variety of powers. He can make appointments to post carrying a certain grade. The appointments constitute level of patronage to the councilors who have to oblige their supporters, relatives and other influential sections of the public with
their recommendations for jobs and such recommendations, the commissioner has to take into account in many cases. All the contracts are made by the commissioner on behalf of the corporation and he himself can also enter into any contract involving an expenditure not exceeding rupees twenty five thousands or such higher amount as may be fixed by the corporation from time to time. He can delegate to any other municipal official any of his ordinary power, duties and functions.

The commissioner has extra-ordinary power also. He can take immediate action on the occurrence or threatened occurrence of any sudden accident or unforeseen event involving or likely to involve extensive damage to any property of the corporation or danger to human life, but he has to inform the corporation of the action taken, reasons for the same and cost involved.

The Multi-dimensional nature of the activities of the commissioner makes him the pivot of municipal administration. As a whole time municipal officer, incharge of municipal administration he is required to spend most of his time even outside office hours, in looking to daily correspondence, planning, designing and reporting for the purpose of improving the welfare of the citizens of the municipal area. His role is hard, the work is heavy and the pressure on him tremendous, yet he can survive and do good work to make the city life clean and livable.
COMMISSIONER AND THE COUNCIL

The relationship between the council and the commissioner may in a sense, be likened to that between a principal and his agent. Although the commissioner is appointed by the state government and besides, derives his powers from the corporation Act itself, the council exercises control over him by restricting or prescribing the manner in which he is to wield his powers and negatively, by passing a resolution using the state government to recall him from his post. The commissioner implements the decisions of the council. He attends the meetings of the council, even participates in its discussions and may with the previous consent of the presiding officer, make a factual statement. He does not have any voting right. His participation in the deliberations of the council seeks to serve two purposes: first he may guide the councillors in their discussions and secondly, he is enabled to remain in constant touch with public opinion as voiced by the people's representatives. It must be admitted at the same time that the commissioner has in this role to act as the spokesman of the administration and even to defend it often with the help of other councillors in the council. This indeed, is a difficult role, taking him unwittingly into the political area.

FUNCTIONS OF MUNICIPAL CORPORATIONS WITH SPECIAL REFERENCE TO MUNICIPAL CORPORATION OF PATIALA

Municipal corporations all over the country have been assigned by their respective state governments a long list of functions. As a matter of fact, functions to be performed by the municipal committees
and the municipal corporations are similar in nature. The real
difference lies in their power and resources. Their jurisdiction and
area of operation increases when the municipalities are raised to the
status of municipal corporations. The list of functions that have been
laid down in the Twelfth schedule are as follows:

- Urban planning including town planning.
- Regulation of land use and construction of buildings.
- Planning for economic and social developments.
- Roads and bridges.
- Water supply for domestic, industrial and commercial purposes.
- Public health, sanitation, conservancy and solid waste
  management.
- Fire services.
- Urban forestry, protection of the environment and promotion of
  ecological aspects.
- Safeguarding the interests of weaker sections of society,
  including the handicapped and the mentally retarded.
- Slum improvement and up gradation.
- Urban poverty alleviation.
- Cattle pounds, prevention of cruelty to animals.
- Provision of Urban amenities and facilities such as parks,
  gardens, playgrounds.
- Promotion of cultural, educational and aesthetic aspects.
Burials and burial grounds: cremations, cremation ghats/ground and electric crematoria.

Vital statistics including registration of birth and deaths.

Public amenities including street lighting, parking lots, bus stops and public conveniences.

Regulation of slaughter houses and tanneries.

In India, usually, the municipal Acts contain long list of municipal functions, but in practice the large majority of municipal corporations have very few positive service functions. Generally in most of the states, functions of the municipal corporations are statutorily distinguished into “obligating” and “discretionary”. But an interesting situation is that there is no uniformity among the municipal legislations of different states as to which functions would be “obligatory”, functions and which functions “discretionary”. Generally, the obligatory functions are those which shall be performed by the councils but in case of discretionary functions, discretion is left to the council. There is no clear demarcation between the obligatory and discretionary functions. For instance construction and maintenance of veterinary hospitals is a discretionary functions in Delhi municipal corporation while in the Bombay Corporation of Madhya Pradesh, it is obligatory.

Infact, this distinction between “obligatory” and “discretionary” functions is usually made because of:

(i) different ecological considerations.
(ii) unequal financial resources of different municipal corporation and

(iii) changing state of urban development in different parts of our country.

This distinction does exist under the corporation Acts but it does not mean that the municipal corporation have to perform all “obligatory” function with full satisfaction before undertaking any “discretionary” functions. The following functions are generally assigned to corporation in all the states:

I. OBLIGATORY FUNCTIONS OF CORPORATION:

(a) the construction, maintenance and cleaning of drains and drainage works and of public latrines, urinals and similar conveniences,

(b) the construction and maintenance of works and means for providing supply of water for public and private purposes.

(c) the scavenging, removal and disposal of filth, rubbish and other obnoxious or polluted matters,

(d) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances,

(e) the regulation of places for the disposal of the dead and the provision and maintenance of places for the said purpose.

(f) the registration of births and deaths.

(g) public vaccination and inoculation.

(h) measures for preventing and checking the spread of dangerous diseases.
(i) the construction and maintenance of municipal markets and slaughter houses and the regulation of all markets and slaughter houses.

(j) the regulation and abatement of offensive or dangerous trades or practices.

(k) the securing or removal of dangerous building and places.

(l) the construction, maintenance, alteration and improvements of public streets, bridges, culverts causeways and the like.

(m) the lighting, watering and cleansing of public streets and other public places.

(n) the removal of obstructions and projections in or upon streets, bridges and other public places.

(o) the naming and numbering of streets and premises.

(p) the maintenance of municipal offices.

(q) the laying out or the maintenance of public parks, gardens or recreation grounds.

(r) the maintenance of a fire brigade and the protection of life and property in the case of fire.

(s) the maintenance of monuments and memorials vested in a local authority in the city immediately before the commencement of this Act or which may be vested in the corporation after such commencement.

(t) the maintenance and development of the value of all properties vested in or entrusted to the management of the corporation and
(u) the fulfillment of any other objection imposed by or under this act or any other law for the time being in force.

II. DISCRETIONARY FUNCTIONS OF CORPORATION:

(a) the furtherance of education including cultural and physical education.

(b) the establishment and maintenance of and aid to libraries, museums, art galleries, botanical or zoological collections.

(c) the establishment and maintenance of and aid to stadium, gymnasium, akharas and places for sports and games.

(d) the planting and case of trees on road sides and elsewhere.

(e) the surveys of building and lands.

(f) the registration of marriages.

(g) the taking of a census of population.

(h) the civic reception to persons of distinction.

(i) the providing of music or other entertainments in public places or placer of public report and the establishment of theatres and cinemas.

(j) the organization and management of fairs and exhibitions.

(k) the acquisition of movable or immovable property for any of the purpose before mentioned, including payment of the cost of investigations, surveys or examinations in relation there to for the construction or adaptation of buildings necessary for such purposes.
(l) the construction and maintenance of:

(i) rest-houses

(ii) poor-houses

(iii) infirmaries

(iv) children's houses

(v) houses for the deaf and dumb and for disabled and handicapped children.

(vi) shelter for destitute and disabled persons.

(vii) asylums for persons of unsound mind.

(m) the construction and maintenance of cattle ponds.

(n) the building or purchase and maintenance of dwelling houses for corporation officers and other corporation employees.

(o) any measures for the welfare of the corporation officers and other corporation employees or any class of them including the sanctioning of loans to such officers and employees or any class of them for construction of houses and purchase of vehicles.

(p) the organization or management of chemical or bacteriological laboratories for the examination of analysis of water, food and drugs for the detection of diseases or research connected into public health or medical relief.

(q) the provision for relief to destitute and disabled persons.

(r) the establishment and maintenance of veterinary hospitals.
(s) the organization, construction, maintenance and management
of swimming pools, public wash house bathing places and other
institution designed for the improvement of public health.
(t) the organization and management of farms and dairies within or
without the city for the supply, distribution and processing of
milk and milk products for the benefit of the residents of the city.
(u) the organization and management of cottage industries
handicraft centers and sales emporia.
(v) the construction and maintenance of warehouses and godowns.
(w) the construction and maintenance of areas, sheds and stands
for vehicles and cattle biers.
(x) the provision for unfiltered water supply.
(y) the improvement of the city in accordance with improvement
schemes approved by the corporation.
(z) the provision of housing accommodation for the inhabitants of
any area or for any class of inhabitants.
  z (a) the establishment and maintenance of hospitals, dispensaries
  and maternity and child welfare centers and the carrying out of
  other measures necessary for public medical relief.
  z (b) supply and distribution of electricity to the public and
  z (c) any measure not here in before specifically mentioned, likely to
  promote public safety, health, convenience or general welfare.

If we analyse and generalise the function listed above the same
can be grouped into five broad categories as indicated in this chart:
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<th>Public health services</th>
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<th>Public Safety Measures</th>
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<td>5. Managing slaughter houses</td>
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<td>6. Inoculation and immunization against contagious diseases.</td>
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<td>7. Street lightening</td>
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FUNCTIONS WHICH ARE FOLLOWED BY MUNICIPAL CORPORATION OF PATIALA:

I. WATER SUPPLY AND SEWERAGE:

Municipal Corporation, Patiala is supplying water to 2.25 lakh people of Patiala through 67 Nos. tubewell and 14 over head storage Reservoir (OHSR). The daily pumping of water is through these tubewells is about 6 crore Ltr. per day. Per capita supply after wastage is more than 150 ltr/per capita per day. This water is being supplied to consumers through 325 kms of water supply lines of different sizes. Approximately 75% of municipal area has already been covered for water supply and balance 25% area is being covered for water supply through NCR project. There is also set up a complaint centre at ‘A’ Tank to redress different complaints regarding water supply and sewerage. Complaint centers remains open for 24 hours. These complaints are attended within 24 hours through Junior Engineer (water supply).

II. BIRTH/DEATH REGISTRATION

Registering birth and death event in the family is the fundamental duty of every citizen. Registration of birth event is not new to Punjab. It is almost a century old practice to register the birth happening in a family.

Why register the birth?

Proper and timely registrations of births help to obtain an authentic proof relating to the date of birth of the new born. As the
child grown up, the school authorities ask for the birth certificate so as to admit the child to the school. Again while entering a service and registering the name in the ration card, this certificate is prime essential. Foreign going person can hardly do without a proper birth record. Registration of birth often helps in the litigation matters complete registration of birth events is prime essential to work out demographic details, vital rates and ratios. In the absence of this data, the state will have to depend upon unreliable facts and figures to prepare socio-economic plans. Equal distributor of economic resources is only possible, of the economic policies are based upon a sound system of birth registration. The evaluation of family welfare program and the medical and health schemes is possible only if there is cent percent registration of births.

No doubt the registration of births was compulsory but it had no statutory binding. The people hardly recognized the importance of birth registration and as such consider it an unnecessary job to contact the registration authorities and waste their time in reporting the facts about births to get the event registered in municipal corporation. Many of them deliberately stay away from this botheration and thus hinder the state from reliable birth and demographic record of the state population.

Realising the importance of births and deaths registration and recognising the drawbacks in registration system in the country, the
parliament passed the registration of births and deaths act was enforced in 1969. Punjab adopted the act on 1st April 1970. The Punjab births and deaths rules have been enforced in the state from 22nd sept. 1972 the date on which the rules were notified in the state Gazette.

The Municipal Corporation Patiala performs the very important function as the office of Local Registrar of Births and Deaths. All births and deaths taking place within the municipal limits are registered in this office. This office has records dating back to 1905. Any citizen can get the birth or death certificate by filling up a form providing the required details. This branch has been computerized and very soon, the entire record will be made available on the computer for the convenience of the public.

Registration of Birth and Death: The citizen can get the births and deaths registered by not paying any fee within 21 days and Rs. 3 within one month of the event with the approval of local registrar.

Late Registration of Birth and Death: There is provision for the late registration which can be done by paying a fee of Rs. 5 from one month and one year, Rs. 10 after one year with the approval of SDM. The name of the child can be added free of cost within one year and with late fee of Rs. 5. Citizen can request for multiple copies of these certificates. First copy in for Rs. 7 and second in for Rs. 5.
III. HOUSE TAX:

The house tax is one of the most important sources of income of the municipal corporation. The section 90 of Punjab Corporation Act gives the right to MC to improve house tax. Punjab Government vide its order 7/32/94-4LG. 3/7829 dated 16.07.1997 exempted those residential accommodations inhabited by the owners themselves from this tax and at present this tax is levied only on commercial establishments and rented accommodation. This tax is levied under the provisions of section 93 of the Act and is assessed according to the rental value of the building.

The house tax inspector assesses the new construction in his designated area as also reassesses the old establishments in case there is some addition or alteration made. Any new assessment made is issued vide notice under section 101 of the Act. If the assesses has any objection, he can bring that to the office of municipal corporation. A committee is then constituted to hear and decide the objections. This committee consists of two elected representatives (Municipal councilors) and one officer appointed by the commissioner. This committee gives the opportunity of personal hearing to the assesses and decides the assessment to be levied.

The billing of house tax is done on annual basis, if the bill is paid within 15 days of the issue of bill, a discount of 10% is given to the assesses. After a lapse of 15 days period, the assesses has to
deposit the full amount. The bill is not paid even one month after it is issued then the amount is declared as arrear and for three months, the interest levied on this arrear is at the rate of 12% and then at the rate of 18%.

In case of repayment of house tax, a notice is issued under section 137 of the Punjab Municipal Act and if even then the payment is defaulted, then the property is decreed under section 138 for recovery and court proceedings are initiated. The amount owned by the defaulters as on 31.7.04.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total dues</td>
<td>396 lakh</td>
<td>15671 lakh</td>
</tr>
<tr>
<td>Stay from court</td>
<td>3.02/256 lakh</td>
<td>490 lakh</td>
</tr>
<tr>
<td>Recoverable Balance</td>
<td>273/140 lakh</td>
<td>-</td>
</tr>
<tr>
<td>Recoveries made from 01.4.04 to 31.07.04</td>
<td>17.44 lakh</td>
<td>-</td>
</tr>
<tr>
<td>Balance</td>
<td>122.56 lakh</td>
<td></td>
</tr>
</tbody>
</table>

In 28-03-2007 the Residential taxes were exempted by the state government.

The house tax branch of Municipal Corporation, Patiala has assessed 14004 units of this purpose. Out of these 2300 units are residential commercial and 11704 units are wholly commercial. If any assessee sells his unit or passes away then an application to this effect has to reach MC office within 6 months. If there is delay the composition fee is imposed and only then, the name of the owner/heir is changed the copy of the record available with the municipal
corporation regarding house tax can be had by paying a fee of Rs. 50/- and a no-dues certificate from other departments.

<table>
<thead>
<tr>
<th>Year</th>
<th>Budget</th>
<th>Collection</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003-04</td>
<td>4.50 crore</td>
<td>4.04 crore</td>
</tr>
<tr>
<td>2004-05</td>
<td>4.50 crore</td>
<td>1.72 crore (till 31.7.04)</td>
</tr>
<tr>
<td>2005-06</td>
<td>5.00 crore</td>
<td>4.89 crore</td>
</tr>
<tr>
<td>2006-07</td>
<td>5.00 crore</td>
<td>5.81 crore (1.16%)</td>
</tr>
<tr>
<td>2007-08</td>
<td>5.50 approx.</td>
<td>6.00 crore approx.</td>
</tr>
<tr>
<td>2008-09</td>
<td>5.50 approx</td>
<td>6.00 crore approx</td>
</tr>
</tbody>
</table>

IV HEALTH AND SANITATION

The Municipal Corporation, Patiala has health branch under supervision of health officer of the rank of Senior Medical officer under him, there is one chief sanitary inspector, 6 sanitary inspectors and 2 sanitary supervisors.

The area of Municipal Corporation, Patiala is divided into 8 sanitation zones. The chief sanitary inspector, inspects whole area of Patiala Municipal Corporation. Each sanitary inspector/sanitary supervisor is the in-charge of his/her area under him/her. There are sanitary jamadars ranging from 2-5 in numbers. Under each jamadar there are beldars/safai sewikas ranging from 12-35 in number. Under each sanitary inspector there are garbage containers ranging from 3-5 in number. With rickshaw rehris and hand operated rehris, house to house and street to street garbage collected and transported to
collection point from collection points through trucks and tractor trolleys, garbage picked and dumped at the dumping point at Sanour Road. Tippers and loaders are also used for transportation of garbage by mechanical methods. For cleaning of drains of Patiala corporation has man power of 35 beldars during rainy season on demand basis of daily wages labour. It takes three moths of May, June and July every year for cleaning. For cleaning of Jacob Fall from Hanuman Mandir to Sular Bridge during rainy season 50 baildars on demand basis on daily wages labour are appointed every year. For cleaning of dirty drain which passes through old Patiala, man power of 50 baildars during rainy season on daily wages is required and regular cleaning is done by 24 baildars. Blockage of drain is cleaned with the help of spades.

The Municipal Corporation, Patiala has two fogging machines, one is America made and one is India made. During summer season for the control of mosquitoes and other diseases producing vectors, fogging machine is operated. A Mix 200 liter of diesel with 15kg of melathin technical 98.9% then fog of very thick density is produced. It kills the mosquitoes and other disease producing vectors. It sucks the dust on roadsides. After one week every road is swept.

Health officer is also local Registrar Birth and Death. Under his signature Birth and Death Certificates are issued and proper record is maintained. Health officer also visits various hotels restaurants and meat shops and shops dealing with pure food and kitchens of these
hotels and dhabas regarding sanitations is inspected and in sanitary kitchens are challaned as per rules. There were about 150 baildars/safai sewaks in post. But due to superannuation the number has fallen to 671, because of increase in area of corporation. The Punjab Government has instructed to form Mohalla Sudhar Committees in areas where there is shortage of baildar/safai sewaks.

Slaughter House: The Municipal Corporation, Patiala has a slaughter house where the animal whose meat is supplied to the city shops is slaughtered after checking. The Municipal Corporation charges Rs.5 per item for this purpose. If any meat shop sells meat not passed by the slaughter house, that meat is destroyed and the seller is challaned as well as fined.

V BUDGET

Out of the total budget, the provision for expenditure is 50% establishment expenses, 4% contingency and rest is developmental. The income target for every year is higher than the previous year. The actual income of Municipal Corporation during the year 2003-04 was Rs. 2430 lacs. The reason for less income is the excise duty for which a provision of Rs. 300 lacs was made in the budget. The income under this head was only Rs. 60.43 lacs till 31.03.04. Moreover, a large number of cases of house tax are pending in the court because of which no recovery could be made.

2008-09 - 40 Crore (approx.)
2009-10 - 48 Crore (approx.)
EXPENDITURE

1. Establishment: A provision for Rs. 1649.50 lacs was proposed for year 2004-2005.
   - 2005-2006 - 1604 lacs approximately
   - 2006-2007 - 1588 lacs
   - 2007-2008 - 1700 lacs approximately

2. Contingency: A provision for Rs. 130 lacs was proposed for the year 2004-05.
   - 2005-2006 - 180 lacs approximately
   - 2006-2007 - 219 lacs
   - 2007-2008 - 250 lacs approximately

3. Octroi: A budget provision of income Rs. 1250 lacs was made in the budget for the year 2003-04 and the actual income for the same period is Rs. 1208.06 lacs. The estimated income of Rs. 1300 lacs had been proposed in the budget for the year 2004-05. It was abolished w.e.f. Ist of September, 2006.

4. House Tax: The budget provision of income of Rs. 450 lacs was made for 2004-05. The income generated under this head was Rs. 404.52 lacs. In the budget of 2004-05, provision has been made for income of Rs. 450 lacs
   - 2005-2006 - 5.00 lakh
   - 2006-2007 - 5.00 lakh
   - 2007-2008 - 5.50 lakh approximately
   - 2008-09 - 5.50 lakh approximately
5. **Water Supply and Sewerage:** The budget provision of income under this sub-head was Rs. 550 lacs. Income of Rs. 530.36 lacs was generated. The water supply and sewerage in the city is being augmented under the NCR scheme. The budget provision for this year under this subhead is Rs. 650 lacs.

   - 2005-2006 - 8.00 crore proposed – 492.75 approx.
   - 2007-2008 - 5.00 crore proposed - 543.63 approx.

6. **Sale of Property:** A budget provision of Rs. 150 lacs during 2004-2005 is made under this head.

   - 2007-2008 - 400 lacs approx.
   - 2008-2009 - 450 lacs approx.

7. **Rent:** The provision of income under 2004-2005 was Rs. 20 lacs till 31.3.04, recovery of Rs. 12.19 lacs has been made. The provision for the year 2004-2005 was Rs. 20 lacs.

   - 2006–2007 - 30 lacs
   - 2008-2009- 40 lacs approx.

8. **Building Application Fees:** In the budget provision of 2003-2004, a provision of Rs. 100 lacs was made and the actual
income generated in Rs. 109.29 lacs. The provision for 2004-05 was Rs. 220 lacs.

2004-2005 - 220
2005-2006 - 300 approx.
2006-2007 - 500
2008-2009 - 625 approx.

DEVELOPMENTAL WORKS: The Municipal Corporation, Patiala has made a provision for total expenditure of Rs.1370.50 lacs on committed and non-committed developmental works. Principally, provision has been made to repay the loan to the tune of Rs. 600 lacs for the loan obtained under the NCR project. This project is being executed the aegis of Punjab Water Supply & Sewerage Board. In brief, the financial position of the Municipal Corporation is as under:

- Balance as on 01.04.04 Rs. 100.00 lacs
- Total income estimate for 2004-05 Rs. 3150.00 lacs
- Total Rs. 3250.00 lacs

Total expenditure estimate for 2004-05 Rs. 31.50 lacs

Total closing balance Rs. 100.00 lacs.

Total expenditure estimate for 2006-07 Rs. 13 crore

In city - 13 crore
Outer area - 10 crore

 Declare by Mayor Vishnu Sharma to state government on 25.8.06.

Total expenditure estimate for 2009-10 Rs. 6 crore (apporx.)
VI LICENCES

The Municipal Corporation, Patiala issues a number of Licenses as per the guideline of the Punjab Municipal Corporation Act, 1976.

(1) It is imperative for the commercial establishments to get a license annually issued by the Municipal Corporation, Patiala. Every trader and shopkeeper in order to run his business needs the permission of Municipal Corporation and the licenses to that effect is issued. The license are renewed in the month of April every year and any shopkeeper or trader who does not get the license renewed has to pay composition fees also which is equivalent to the license fee, The license fee for commercial establishment is Rs. 100 per year.

(2) The Municipal Corporation also issued licenses under the prevention of food and Adulteration Act, 1954 and Rules 1955. As per the provision of this Act, Marriage palaces, Hotels, Restaurants, Bakeries, Dhabas, Confectionary shops, sweet shops etc are required to get license from the Municipal Corporation which are renewed every year. The license fee for this purpose is Rs.100 per year.

(3) All the rehrs, rickshaws, Tongas, Bull/Ox carts are issued license for plying on the city roads. If any of the above mentioned is found without a valid license, the vehicle is impounded and is released only after charging the license fee as per as the composition fee which is equivalent to the license fee.
The license fees are:

1. Rickshaw Rehri  Rs. 25 “ per annum
2. Rickshaw  Rs. 20 “ per annum
3. Hand drive Rehri  Rs. 25 “ per annum
4. Horse cart  Rs. 15 “ per annum

VII  LAND BRANCH

The budget provision for the land branch of the municipal corporation is Rs. 20 lakh. Total area of land the rights of which rest with the municipal corporation Patiala is 123 acres and 3 kanals out of which 83 acres and 2 kanals is with the M. corp and 46 acres kanal area of land is under encroachment. The cases in this regard are pending in different courts. This land falls in different village like Ablowal, Ghalouri, Alipur, Jhill etc.

1. The Municipal Corporation Patiala owns 239 shops in different areas of city which are rented out.
2. About 140 establishment are leased out which generate an income of about Rs. 6.75 lakhs.
3. Tehbazzari: Due to ban by the Government on imposing Tehbazzari, no land in being given for the above motioned purpose.
5. (i) Near Anardana Chowak at the backside of AC market.
   (ii) Tobha Baba Dhiana are being run by the Municipal Corporation.
VIII. FIRE BRIGADE

In case of fire, the public can utilize the services of fire bridge staff at nominal charges.

Fire Tending Vehicles Sanitation:

<table>
<thead>
<tr>
<th>Vehicles</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Tipper</td>
<td>2</td>
</tr>
<tr>
<td>2. Truck</td>
<td>1</td>
</tr>
<tr>
<td>3. Tractor, Trolleys</td>
<td>13</td>
</tr>
<tr>
<td>4. Carrier</td>
<td>2</td>
</tr>
<tr>
<td>5. Loader</td>
<td>1</td>
</tr>
<tr>
<td>6. Bobcat</td>
<td>1</td>
</tr>
<tr>
<td>7. Fogging Machine</td>
<td>3</td>
</tr>
<tr>
<td>8. Road Sweeping Machine (Mechanicals)</td>
<td>1</td>
</tr>
<tr>
<td>9. Road Sweeping Machine (Head Aprats)</td>
<td>1</td>
</tr>
<tr>
<td>10. Water Tanker</td>
<td>2</td>
</tr>
<tr>
<td>11. Garbage Containers</td>
<td>40</td>
</tr>
<tr>
<td>12. Hand boroughs</td>
<td>150</td>
</tr>
<tr>
<td>13. Rickshaw Rehires</td>
<td>76</td>
</tr>
</tbody>
</table>

Fire Tending Staff:

<table>
<thead>
<tr>
<th>Post Name</th>
<th>Total Posts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. A.D.F.O.</td>
<td>1</td>
</tr>
<tr>
<td>2. Sub-fire officer</td>
<td>2</td>
</tr>
<tr>
<td>3. Leading fire man</td>
<td>7</td>
</tr>
<tr>
<td>4. Driver operator</td>
<td>12</td>
</tr>
<tr>
<td>5. Fireman</td>
<td>41</td>
</tr>
<tr>
<td>6. Fire clerk</td>
<td>1</td>
</tr>
</tbody>
</table>
IX. BUILDING BYE-LAWS

Title and Commencement

(1) These building bye-law many be called the Municipal Corporation (Erection and Re-erection of Building) Bye-laws, 1997.

(2) These shall come into force at once.

(3) These building bye-laws shall apply to the entire area of Municipal corporation or to such other areas, as the state Government may extend by notification in the official gazette.\(^{16}\)

STATE CONTROL OVER MUNICIPAL CORPORATIONS AND THE MUNICIPAL CORPORATION OF PATIALA

There are two antithetical views about the supervision and control of state government over municipal bodies. The advocates of populism, who are staunch supporters of unbridled municipal democracy, are opposed to any sort of interference by state government. They believe that the control and supervision of the municipal institutions is unwarranted, unnecessary and fraught with mischief, and that self-governments would cease to be so if it is made object to external control and suspension\(^ {17}\). They further contend that decentralization implies complete autonomy without any outside restrictions and limitations, that centralization of powers would tend to transform local government into local administration, and that the

\(^{16}\) (1-9) By the record of Municipal Corporation of Patiala. 2006-07

\(^{17}\) Shriram Maheshwari, Local Government in India (Agra: Laxmi Narain Aggarwal, 1984) p.35
strength of a central government that tries to keep local government weak is an illusive strength. Proponents of paternalism on the other hand hold the view that municipal bodies have to be regularly controlled, supervised, guided and occasionally punished for their acts of omission and commission.

Meaning: At the very outset it is desirable to explain the meaning of certain term. The term central control means the control of the central or state government on a local authority. The central government shall exercise central control over a local authority if it has been created by it by on Act of parliament, for example, the government of India exercise central control over the municipal corporation of Delhi, and the New Delhi Municipal committee. On the other hand, the state government shall exercise central control over local bodies which have been created by acts of the state legislature, for example, the government of the Punjab state exercises central control over corporations, municipalities and Zila Parishads in the state. So central control simply means control exercises over a local body by the central or state government, as the case may be, which has created it by its Act. Thus central control is like parent child relationship. Naturally, it is always unitary in character. The terms “central control” "government control" “State control” and “central local relationship” have the same meaning.

The Need for State Control: The system of local government is found all over the world but nowhere local authorities enjoy autonomous status. R.M. Jackson writes”, local authorities cannot be really independent, for that would make them states and take them outside the field of local government.” Therefore, a very close relationship exists between the authority exercising control and the local units.

There are several reasons for central control. In the first place, local units are deficient in knowledge as compared to the state government because of the small area which they administer. No local authority can match the state government in the range of its experience and information. Second, bad examples of neighboring local units may make a local authority lazy which may rain the peace, prosperity and health of the inhabitants. Central control is necessary to maintain a reasonable degree of efficiency in local administration. Third, even within the local community powerful interests may operate against its good. As such, the outside authority to save the community against its good. As such, it becomes necessary for the outside authority is above the battle waged between various interests in the area, and as such is in a position to act as an umpire. Fourth, it is human nature to be reluctant to self taxation. There are schemes of social betterment which would not be adopted by local bodies until there is pressure from above. Fifth, some areas are poor, and therefore they cannot afford to have amenities enjoyed by other areas.
The central authority which is concerned with well being of the nation as a whole gives more grant-in-aid to poor areas with a view to equalizing services in all parts of the country. Sixth, central control is necessary for maintaining a certain amount of uniformity in municipal administration because it is conducive to efficiency. Herman Finer observes, “Central intervention occurs, as in the case of individual citizens to counter act anarchy.

Arguments in favour of state control: It is argued that since constitutionally municipal government falls within the provide of state government, the latter has the power to determine their structure, functions and financial resources. In other words, being infra sovereign bodies created by the state government, they are amenable to its control and their autonomy is limited. In their opinion the autonomy of municipal bodies implies the degree of self government within the ambit of their function but it does not mean their unlimited authority and freedom. They, therefore hold that some measure of control of state government over the municipal institutions is not only desirable but also necessary. They contend that ever since the inception of statutory institutions of local government, the state government has reserved the right to regulate their structural autonomy and has not treated decentralization as something

19 Mohit Bhattacharya, “State Municipal Relation” (New Delhi: Indian Institute of Public Administration, 1972) p. 6
20 Hume and Martin, the structure of Local Government throughout word (The Hague, Maritimes Nizaff, 1961) p. 2
sacrosanct but as a device to aid the achievement of the ends of government.\textsuperscript{21}

State control over municipal bodies is favoured for other reasons also. It enables the government to put into operation a policy which individual local institutions may find irksome or unduly restrictive of their initiative. The state government can also lay down certain minimum standards of administration below which the services of the local authorities should not be allowed to fall.\textsuperscript{22} The state control is also needed for proper direction, unification and co-ordination of the civic services and for securing consistency and continuity both in the formulation and the implementation of the national policies.\textsuperscript{23} The taxation enquiry commission had accordingly observed, "The state government constituting the representative governing authority in a state has the responsibility to see that local bodies are efficiently organized, that they perform their functions properly, and that they take adequate part in the development of the county."\textsuperscript{24}

According to Prof. M.P. Sharma, "the Central or State Governments are ultimately responsible for the financial solvency of the local bodies. They cannot have a local body threatened with

\textsuperscript{21} United Nations, "Decentralization for National and Local Government", 1962, pp. 5-22
\textsuperscript{22} Gelding, "Local Government" (London: The English Universities Ltd. 1964) p. 43
\textsuperscript{23} R.L.Khanna, "Municipal Government and Administration in India" (Chandigarh: Mahindra Capital Publishers, 1976) p. 166
\textsuperscript{24} Report of Taxation Enquiry Commission, 1953-54, Vol. III, p. 34
bankruptcy to its own fate because that would mean the cessation of certain vital services like water supply and sewerage in its area. If the central or state governments are to be responsible for the financial soundness of local bodies, they must have the power to exercise financial control in a measure sufficient enough to prevent mismanagement. The government given grant-in-aid to the local bodies and to enable it to ensure that the grants are properly and usefully utilized local bodies must be subject to the control of higher authorities.”

Moreover, the local bodies after all form a part of the greater whole i.e. the state and there must therefore be some higher authority to intervene when any local body ignores the fundamental canons of sound administration or sacrifices in any other way the interests of the people. It has been rightly observed by late Prof. P.A. James that in the absence of any control, the local bodies are prone to work in an erratic way, defeating the very purpose for which they were set up. And complete autonomy to local bodies would spell anarchy.

Planning provides another rationale for state control over municipal bodies. According to the latest thinking or planning, the rural and urban local bodies are to be involved both in the formulation and implementation of plans for their respective areas. As such, the

state government is to provide the required guidance to the local bodies in the formulation of plans and exercise suspension and control on them in their execution.

From the foregoing discussion, it is clear that the state control over municipal bodies is justified on the ground that it is conducive to the maintenance of a reasonable degree from vested interests, that it aids in augmentation of financial resources of the local bodies which are generally reluctant to impose direct taxes, that it makes for minimizing regional imbalance and ensures stability and infirmity in administration, that it safeguards national interests in their embryonic stages and that it facilitates sounder socio-economic planning.27

Is the control to be uniform: It is generally recognized that there cannot be a uniform degree of control over all types of local government units because they vary in powers and functions and have different needs and problems. The general principle is that higher the type of unit the lesser is the control exercised, for example in India the control over municipal corporations is less than on municipal bounds. Special situations call for special treatment, for example, the control of the union government on New Delhi Municipal Committee is much more than on Delhi Municipal Corporation. Further the needs and problems of the capital cities are different from that of the cities, and

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27 Also refer to Hoshiar Singh “State Supervision over Municipal Administration. A case study of Rajasthan (New Delhi: Associated Publishers) 1979, p. 3
as such, call for special treatment. This is true with regard to Delhi also which is the capital of India.

TYPES OF CONTROL

The control exercised over local authorities is of four types namely, legislative, Administrative, Financial and Judicial control.

I. LEGISLATIVE CONTROL: Legislative control is exercised by the state government by virtue of its inherent right granted to it by the constitution and according to which it has the exclusive power to make laws in respect of local government institutions and decide their functions and powers. That is why Prof. R.K. Gooch observes “legislature is in a position theoretically and potentially to treat local government in any conceivable way” and C.A. cross remarks “All formal control which the government exercises stems from a specific statutory provision.” Accordingly municipal bodies in a state are the creation of the respective state legislature and derive their powers from the statutes pertaining to them. The legislature can also empower the government to make rules and regulations for all municipal matters such as elections, personnel, accounts, taxation etc. The state legislature can also make amendment in the municipal

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28 Art. 246 (3) States, The legislature of any state has exclusive power to make laws for such a state or any part thereof with respect to any of the matters enumerated in list-II in the seventh schedule in the constitution referred to as the state list
Act from time to time and legislate separate acts also to deal with some matters of importance instead of making minor changes in the existing Act.

Meaning: From among the various means of legislative control such as discussions and debates and different kinds of motions like call attention, adjournment, privilege etc. questions the question how constitute the most powerful means of soliciting information about different aspects of municipal administration from the minister concerned. The questions raised in the assembly generally relate to issues like municipal elections including preparation of electoral rolls, election petitions, gazette notification of elected members, removal of members, unit filed in the High Court, suppression and abortion of municipal committees, personnel, finance and day to day administration of municipal bodies. The legislative control over municipal bodies as discussed above is of great significance but it cannot be exercised in an effective manner owing to paucity of time at the disposal of the legislators, technical nature of municipal administration and political commiserations, biases and prejudices of the ruling party.

II ADMINISTRATIVE CONTROL: Administrator control over municipal bodies is the most effective type of control extending to every aspect of municipal administration. Baker Benjamin has termed it as the technical direction of municipal affairs by the state
administrative authorities. It comprises of determination of criteria for the creation of different kinds of municipal bodies, defining, increasing or decreasing their territorial limits, fixing the number of the elected members and the seats to be reserved for the scheduled caste and scheduled tribes, conduct of free and fair elections, delimitations of wards, co-option of member of certain categories of people not represented through elections, appointment of associate members or its reduction due to super session, disposal of election petition, removal of members and office bearers such as president and Vice President etc. The state government exercises administrative control over municipal bodies as under:

1. Power to approve bye-laws: The state government is vested with the power to approve bye-laws and rules framed by the municipal bodies, to issue memoranda, circulars and directions containing advice, suggestions, instructions and directives, to sanction specific schemes, to prescribe service standards, to lay down procedures and norms, to conduct enquiries and inspections, to obtain periodical reports and to require the municipal bodies to obtain prior approval of the government for undertaking certain kinds of function or for imposing any tax etc. The state government is also vested with the power to annual resolution passed by the municipal bodies if these are felt to be in excess of the powers conferred on them by law or are

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contrary to the interests of the public or are likely to cause waste of municipal funds or lead to the breach of peace or encourage lawlessness.

2. Control over personnel: The State government has assumed complete authority over the municipal personnel since the provincialisation of municipal services from the post of an assistant and above. It is now the government which creates the posts, lays down definite qualifications for different posts and channels of promotion, makes appointment on the recommendation of a selection committee constituted by it, orders transfers from one municipality to another and determine their conditions of service, though the salary, allowances, gratuity, pension and other payments are made by the concerned municipal body. The government is also vested with the power to take disciplinary action against the personnel of municipal services. The municipal bodies enjoy the right to employ only clerks and class IV employees subject to the approval of the state government. Similarly in the case of Municipal Corporation, the commissioner in whom vests the entire executive power is appointed by the state government. And since all cadres of Municipal Corporation drawing a prescribed minimum salary per month have been provincialised, the state government has been empowered to exercise complete control over the personnel of municipal corporations in matter of their recruitment, transfer, promotion, conditions of service, conduct and discipline etc.
3. **Power of Inspection:** Another method of exercising control is inspection. They are known as “eyes” and “ears” of the higher authority because the fundamental requisite of a wise central control is knowledge of local conditions. The state government is also vested with the power to conduct inspections of the activities performed by the municipal bodies. The inspections are conducted by the representatives of the state government at the district level and in the state where the Directorates of local bodies have been set up, the local inspectors are appointed for this purpose. The purpose of inspection is to ensure that the municipal bodies are functioning within the framework of municipal Act. The state government issues suitable directions to the concerned local body in order to make it more efficient and to streamline its functioning and the inspection is tended to ensure that these directions are being observed meticulously.

4. **Reports and enquiries:** The municipal bodies are obliged to send periodical reports to the state government regarding their functioning. The reports can be quarterly, half yearly or annual. These reports include information concerning financial, administrative and statistical matters. This is a tool in the hands of the government to get it acquainted with the latest state of affairs of municipal bodies. The government can initiate any enquiry on the basis of these reports and can also extract any kind information from the municipal body.

5. **Default powers:** A municipal body is obliged to perform its functions within a specified period. If a municipal body fails to
perform a particular function within a specified period, the state
government can issue directions to finish the work in the stipulated
time. If the municipal body still fails to perform that function, the
state government can get that work done on its own but the
expenditure for that work is to be incurred by the concerned
municipal body.

6. Appellate powers: There is a provision in various state
municipal acts for making appeals to the state government against
any municipal decision. Some of these decisions are concerned with
issue of licenses, refusal for construction at a particular site,
demolition of a building and disciplinary actions.

7. Grant-in-aid: It is probably the most effective instrument of
central control. The higher authority gives the various local
government units a fixed amount of money annually or may be
variable according to circumstances and time. There may be grant of
money for a specific purpose, for example, for the establishment of an
electricity plant by municipality. When money is given strings are
attached. This makes room for inspection. The grant may be
suspended or reduced if the local authority fails to carry out the
functions intended by the central authority. On the completion of the
work, there is the audit of accounts.

8. Powers of dissolution and suppression: The central authority
may supersede a municipality or any other local authority, if it finds
that the authority is not competent to perform or persistently makes default in the performance of the duties imposed on it by the Act. In India it is not uncommon to supersede local bodies. Even Municipal Corporation have been superseded in the state of Uttar Pradesh of all the administration powers of control that state government exercises over municipal bodies, the power to dissolve or supersede a municipal body is the most drastic – a sledge hammer type of power.\textsuperscript{32} Dissolution connotes terminating a council and giving a chance to the electorate to elect a new council within a specified time limit, super session, on the other hand, means suspension of the council and placing entire control of the municipal body in an Administrator appointed by the state government. Dissolution is thus less severe than suppression. Dissolution stems from lack of confidence in the competence of the councilors and penalize them which suppression amounts to punishing the electorate because it deprives them of their representatives in municipal body. The state governments have been vested with the power of suspension and suppression of municipal bodies. It is provided in municipal Acts of various states:

\begin{quote}
"That if in the opinion of the state government, a committee is not competent to performs or persistently makes default in the performance of the duties imposed on it under the Act or exceeds or abuse its powers,
\end{quote}

the state government by an order published in the official gazette, together with the statement of reasons thereof can declare the committee under suspension for a period not exceeding one year. But after the expiry of the period of suspension, if the committee again acts in a similar manner, the state government by a like order can supersede the committee. Before making an order of suspension or suppression, the state government is required to give an opportunity to the committee to show cause why such one order should not be made, but such an opportunity is not necessary where it is not reasonably practical to do so.”

The provision for the supersession of municipal corporation are generally similar to those for the supersession of municipal committees with the difference that the period of the suppression of the former is not to exceed two years as against the stipulation of no time limit in the case of the latter. The consequences resulting from the supersession of a corporation would also be the same as in the case of a municipal committee viz, that all councilors shall on such date as may be specified in the order, vacate their offices without prejudice to their eligibility for election, that during the period of super session of the corporation, all powers and duties conferred and imposed on the corporation shall be exercised as the government may appoint in that behalf, that all property vested in the corporation shall, until it is reconstituted vest in the government and that before
the expiry of the period of supersession, election shall be held for the purpose of reconstituting the corporation.

III. FINANCIAL CONTROL: As discussed earlier urban local bodies are always at the mercy of the state government in regard to their finances. This financial dependency of local bodies on state government provides an opportunity to the latter to exercise control over the former. The state government also lays down various rules and regulations for audit and maintenance of accounts. Therefore, it becomes obvious for the funding agency (state government) to ensure that the funds are not misutilised and the guidance regarding audit and accounts are properly followed. All this necessitate the state control over municipal finance. Financial control manifests itself in (i) regulation of municipal income derived from taxes, fees, loans and grants, (ii) regulation of expenditure (iii) budget (iv) accounting and (v) auditing.

1. Regulation of municipal income: A municipal body can levy taxes, modify and abolish them only with the approval of the state government. The state government can also require a municipal body to levy a tax, rate or fee or exempt a particulars class of tax prayers from their payment. During emergency, the state government has the power to impose tax at rates to be determined by it even when a municipal body does not want it and does not need it.33 The Punjab

municipal corporation Act, 1976 gives a list of taxes which it is obligatory for the corporation to levy and at such rates as may from time to time be specified by the government by notification.34 And if the corporation fails to impose tax so ordered by the state government, the government is authorized to impose tax and the order so passed shall operate as if the tax has been duly imposed by the corporation.

The state government awards grant-in-aid to the municipal bodies to enable them to meet their ever growing needs and therefore exercises control over them to ensure that the grants are properly utilized and not misappropriated or diverted to functions other than those for which they were sanctioned. The state government also advances loans to them or allows them to raise these from other financial institutions and stands surety for them. It also determines the rate of interest on loans.35 The state government ensures that the loans are utilized for the purpose for which they are received, the unspent amount is refunded and these are paid back along with interest as per agreed time schedule.

2. Regulation of Expenditure: The state government regulates municipal expenditure by fixing limits on expenditure to be incurred on various items laying down regulation and procedures for incurring expenditures for example of inviting tenders/quotations to avail the benefit of market competitive rates on the purchases to be made,

34 Punjab Municipal Corporation Act, 1976, Section 190 (1) and (2)
35 Local Authorities Loan Rules, Punjab, 1927, Rule 11
requiring the local bodies to obtain administrative and technical sanction from the competent authorities if the work involved exceeds a particular limit of expenditure.

3. Municipal Budget: Municipal bodies are required to prepare their budgets in the forms prescribed by the state government and get the same approved by it. Sanction of the state government is also required for reappropriation from one head to another head of the budget. The state government while approving the budgets has to see that the concerned municipal body has a minimum closing balance and necessary provision for the repayment of loans.

4. Accounting: Accounting constitutes the main ingredients of a sound financial administration. Mere imposition of taxes does not improve the financial position of the municipal bodies if taxes are not fully realized, the account books are not properly maintained and supervision over collection and expenditure is not exercised. In Punjab, the municipal bodies are required to follow the Punjab Municipal Accounts Code, 1930, which lays down detailed procedures for all sorts of financial transactions. The form and manner in which the accounts are to be maintained are generally prescribed by the Accountant General and any departure from these can be made only with the sanction of the state government.

5. Auditing: Municipal accounts are subject to annual audit conducted by the examiner, local fund accounts to ensure that
financial transactions are properly carried out, that amounts to be collected are duly realized and credited and that no amounts are paid without proper authority and provisions of funds in the budget. The audit reports point out irregularities pertaining to non-regularization of expenditure in excess of budgetary provision, non-adjustment of loans raised non-recovery of taxes, irregular and wasteful expenditure, embezzlement and misappropriation of municipal funds, non-observance of work rules and the like.

IV Judicial Control: Judicial control is intended to safeguard the rights of individuals against their encroachment by municipal authorities and those of municipal bodies against infringement by the state government. Judicial control is not only limited to the right of an aggrieved individual to sue a local authority for damages, there are, in addition, remedies available to secure the performance by local authorities of their statutory duties or to restrain them from acting outside their jurisdiction. The remedies available are in the form of various kinds of writs such as injunction, certiorari, prohibition, mandamus and quo-warrantor:

(i) Injunction is a writ issued by a court requiring a person or a party to refrain from doing thing.

(ii) Certiorari enables a superior court to send for the record of the proceedings and orders of a lower court to enquire into its legality and to quash the order if beyond its jurisdiction.
(iii) Prohibition is issued by a superior court to an inferior court and also to an authority exercising judicial or quasi-judicial functions for the purpose of preventing it from usurping jurisdiction with which it is not vested.

(iv) The writ of mandamus is in the nature of a command issued by a court to any person or public body to do something which is a part his/her official duty.

(v) The writ of quo-warranto can be applied for by any member of the public to challenge the rights of a person to hold a public office and to get him ousted if he was unlawfully usurped or intruded into such office.

The judiciary thus plays an important role in providing justice to the aggrieved parties against the arbitrary and unlawful actions of the municipal bodies and the state government. But judicial control is not very effective for the reasons, first, that the judiciary never takes the initiative, it intervenes only on being approached by the aggrieved citizen or by some one interested in the case, consequently many cases are never brought to the notice of the courts, second, litigation is a very expensive affair which a private citizen of moderate means can ill afford, third, judicial process is so lengthy, dilatory and time consuming and therefore so discouraging and frustrating for the persons concerned to take the recourse to court of law, Fourth, Municipal Acts and the municipal corporation Act of some state bar the jurisdiction of the courts in certain cases.
In order to make the judicial control more effective, it is submitted that necessary reforms need to be brought about in the prevalent judicial system which is confined to the reprisal of wrongs already committed and does not provide for preventive justice which should authorize the courts to define or declare disputed rights and duties before any suit involving them is on tested in the courts. Secondly, courts have no power to enforce their decisions and they have to depend upon the executive branch of the government to carry them out. Hence there is need for ensuring complete co-operation of the executive in the execution of the decisions of the courts. Thirdly, special municipal courts exclusively dealing with municipal laws need to be established for speedy disposal of suits. Some municipal bodies have experimented with the institution of municipal magistracy for quick disposal of cases successfully. It is desirable that other big municipal committees and corporation should revive/introduce this system to render speedy justice to the public.

To conclude, there is a gradual tendency towards centralization, there are several factors responsible for this trend. First, the improved means of communication and transport have made it possible to control people and organizations from a distance. Second, in order to simplify the administrative work, there is a drive for uniformity. This means more interference from above. Third, there is a desire for more power on the part of individuals and organizations at all levels.
Lastly, central control is essential for ensuring efficiency and economy in local administration.36

THE PUNJAB MUNICIPAL CORPORATION ACT, 1976 AND THE MUNICIPAL CORPORATION OF PATIALA

State Government exercises control over Municipal Corporation of Patiala as under:

Sec.-403 Power of Government to require production of documents:

The government may at any time require the commissioner:

(a) to produce any record, correspondence, plan or other document in his possession or under his control,

(b) to furnish any return, plan, estimate, statement, account or statistics relating to the proceedings, duties or works of the corporation or any of the municipal authorities,

(c) to furnish or obtain and furnish any report.

Sec.-404 Inspection:

The government may depute any of its officers to inspect or examine any corporation department or office or any service or work undertaken by the corporation or any of the municipal authorities or any property belonging to the corporation and to report thereon and the corporation and every municipal authority and all corporation officers and other corporation employees shall be bound to afford the officer so deputed access at all reasonable times to the premises and

properties of the corporation and to all records, accounts and other
documents the inspection of which he may consider necessary to
enable him to discharge his duties.

Sec.-405 Directions by Government:

If, whether on receipt of any information or report obtained
under section 403 or section 404 or otherwise, the government is of
opinion:

(a) that any duty imposed on the corporation or any municipal
authority by or under this Act has not been performed or has
been performed in an imperfect, insufficient or unsuitable
manner or

(b) that adequate financial provision has not been made for the
performance of any such duty.

It may direct the corporation or the commissioner, within such
period as it thinks fit, to make arrangements to its satisfaction for the
proper performance of duty, or as the case may be, to make financial
provision to its satisfaction for the performance of the duty and the
corporation or the commissioner concerned shall comply with such
direction:

Provided that, unless in the opinion of the government the
immediate execution of such order is necessary it shall, before making
any direction under this section, give the corporation or the
commissioner an opportunity of showing cause why such direction
should not be made.
Sec.-406 Power to provide for enforcement of directions under section 405:

If within the period fixed by a direction made under sub-section (1) of section 405, any action the taking of which has been directed under that sub-section has not been duly taken, the government may make arrangements for the taking of such action and may direct that all expenses connected therewith shall be defrayed out of the corporation fund.

Sec.-407 Dissolution of corporation:

(1) If in the opinion of the government a corporation is not competent to perform its duties or persistent makes default in the performance of duties imposed on it by or under this Act or any other law for the time being in force or exceeds or abuses any of its powers, the government may, by an order published, along with the reasons therefore, in the official gazette, dissolve such corporation.

(2) When a municipal corporation is dissolved under sub-section (1):

(i) all councilors of the corporation shall vacate their offices forthwith.

(ii) all powers and duties of the corporation during its dissolution shall be exercised and performed by such person or authority as the government may, by notification, appoint in this behalf and

(iii) all property in possession of the corporation shall be held by the government.
(3) Upon dissolution of a corporation under subsection (1), the government shall reconstitute a corporation as specified under sub section (2) of section 3, and election to reconstitute such corporation shall be completed before the expiration of a period of six months from the date of dissolution:

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

(4) The corporation reconstituted upon the dissolution of the existing corporation before the expiration of its duration shall continue only for the remainder of the period for which the dissolved corporation would have continued order section 7 had it not been so dissolved.

Sec.-407-A Appointment of a person to carry out the work of corporation in certain cases:

(1) All powers and duties of the corporation may, till it remains dissolved and is reconstituted or in the case of a corporation constituted after the commencement of the Punjab Municipal Corporation (Amendment) Act, 1994, under sub-section (4) of section 7, shall be exercised and performed by such person or authority as the government may appoint in this behalf.

(2) All properties vested in the corporation shall till the corporation remains dissolved and is reconstituted, shall vest in and devolve upon the government.
Sec.-422 Government power to suspend any resolution or order of corporation:

If the government is of the opinion that the execution of any resolution or order of the corporation or of any other municipal authority or employee subordinate thereto or the doing of any act which is about to be done or is being done by or on behalf of the corporation is in contravention of or in excess of the powers conferred by this Act or of any other law for the time being in force or is likely to lead to breach of the peace or to cause injury or annoyance to the public or to any class or body of persons, the government may, by order in writing, suspend the execution of such resolution or order or prohibit the doing of any such act.

Sec.-423 Government power to annul or modify illegal proceedings:

The government may by writers order, annual or omit from the records any proceedings of the corporation which it considers not to be in conformity with this Act, or any rules or bye-laws made there under and may do all things necessary to secure such conformity.

Provided that, unless in the opinion of the government the immediate making of such order is necessary, it shall before making an order under this section, give the corporation an opportunity of showing cause why such an order should not be made.

Sec.-424 Government power to withdraw area of any city from operation of Act:

(1) The government may, by notification, withdraw from the operation of this Act the area of any city constituted there under:
Provided that no such notification shall be issued unless the same has been published for inviting objections and the objections, if any, have been duly considered.

(2) When a notification is issued under this section in relation to any city, this Act, all notifications, rules regulations, bye-laws, orders, directions and powers issued, made or conferred under this Act, shall cease to apply to the said area, the balance of the corporation fund and all other property at the time of the issue of the notification vested in the corporation shall vest in the government and the liabilities of the corporation shall stand transferred to the government.

CONCLUSION

It is submitted that the Mechanism of control has been inherited from the British Government which for obvious reasons favoured a restrictive local government in India and therefore had imposed a system of checks resulting in an exceptionally high degree of regulation, control and interference in the affairs of urban local government thereby rendering the urban local government impoverished and emasculated. But in free India the role of the state government towards the grassroots democracy is to be essentially different from what was designed by the alien government. Now the urban local government is to be recognized as a part of the responsible governmental system of the country and allowed to play its role as
such in the development of the lives of the people and promotion of their welfare. In the words of Ursula Hicks:

“The kind of relationship between central (which means state) and local governments that has to be aimed at, is neither control of local government by central government nor such concurrent powers as would be appropriate for the units of a federation. Rather the optional relationship would be a partnership of the active and co-operative members, but with the central government definitely the senior partner.”\(^{37}\)

Similarly, the Taxation Enquiry Commission had observed: “The state government constituting the representative governing authority in a state has a vital role to play in ensuring the proper functioning of local bodies. It is its responsibility to see that local bodies are efficiently organized, that they perform their functions properly and that they take adequate part in the development of the country. The role of the state government is therefore not merely of a negative aspect viz, the prevention of the misuse of powers by local bodies through audit and periodical examination but a positive one, viz, active encouragement and development of local bodies. Government control and help should, however, not be so meticulous or minute as to destroy the autonomy or self-reliance of local bodies. The goal of state efforts as well as the purpose of state control should

\(^{37}\) Ursula K. Hicks, “Development from below” (Oxford), 1961, p. 437
be the development of local self-governing institution into efficient instruments of administration, capable alike of formulating policies and of execution them.38

The Punjab local government (Urban) Enquiry Committee (1957) has also emphasized that “the conception of government role must change from that of a controller to that of an advisor, guide and help.39 Infact, control should be so designed as to generate respect in the people for their local government and to sustain and enhance the pride of city fathers.40 In other words, if municipal institutions have to be retained and promoted at the grassroots level, state control has to change from restriction to facilitation.41