PREFACE

It gives me immense pleasure in presenting the thesis on the topic, "URBAN LOCAL GOVERNMENT AND ITS STATUS UNDER THE CONSTITUTION OF INDIA: A STUDY OF MUNICIPAL CORPORATION OF PATIALA."

Local bodies are vital parts of the governmental frame-work of every state in India. They are regarded today not only as "schools of democracy" and training ground for local people, but have, at the same time, become an integral limb of national administrative machinery. They carry on very useful work as a supplement to the functions of the Union and State Governments. Ever since the independence of the country, it is being increasingly recognised that local authorities must substantially take charge of the expanding social services of the State. With the implementation of the five years plans, the importance of developing regional undertakings by these bodies vis-a-vis National Projects has become more imperative than ever. In democratic planning which our National plans envisage, local thinking and local efforts should be stimulated in order to put up a broad planning base, without which no federation in planning is possible. Only a regional approach followed by development of local resources and rationalisation of urban local government functions can provide such a base.
A new chapter in the history of local government has heralded with the enactment of constitution 74th Amendment Act, 1992, whereby a constitutional recognition has been given to the local bodies which are defined as institutions of self-government. The constitution imposes a duty upon the State legislature to endow upon the local bodies, such powers and authority so as to enable them to function as institutions of self-government. In order to provide a greater insight into the aspect of urban local government, a sincere and arduous effort has been made in the present thesis to put focus on the financial resources of the urban local government and to put forth and reinforce the constitutional idea of constituting municipalities as institutions of self-government. This thesis also highlights the new duties and obligation of the state towards the municipalities in view of 74th constitutional Amendment.

The proper relationship between the three layers of government, Union, State and Local is based upon not on division but integration of function. And in this integration of functions, there should develop a healthy fiscal partnership in place of rivalry and competition for powers and finance. My submission is that the finances of local authorities cannot be dealt with in an isolated manner and their issue solved purely on local plans.

The material for this thesis has been collected from a large variety of sources. The notable decisions of the Supreme Court and
the High Court have been discussed and every possible case has been taken to ensure a critical analysis of those decisions with objectivity. Apart from the assimilation of case laws, headings and sub-headings have been provided in all chapters to have a quick glance at the viewpoint. It is mainly through local visits and personal investigation that I have collected materials for this work. Some of these sources are by no means new but the findings and conclusions embodied in them are, more or less, applicable even to day, as the situation has not changed rapidly since their publication.

NEED AND IMPORTANCE OF RESEARCH STUDY

In the present period there has been increase in people’s mind about their rights. Public want full freedom regarding their rights. So the importance of study of urban local government lies in sustaining the democracy. If democracy has to function properly as many citizens as possible should be encouraged and provided with opportunities to take a continuing interest in its activities and problems. In a democracy, people have to work with great patience and perseverance. In the long run, we may find that the progress achieved under such democratic methods is more firm and more solid than under totalitarian set up. People should have faith in democracy and is like reposing faith in themselves. Since faith sustains peoples patience, people can acquire this faith more easily through experience of working in democratic institutions.
All the problems are not supposed to be solved by the Central or State governments. In fact, there are some problems which occur at the local level and need to be solved locally in accordance with local needs, atmosphere, environment and wishes of the people. To be acquainted with all these things, the government shall have to step down to the local level in order to solve local problems in an effective manner.

Urban local government institutions performs numerous functions to provide civil amenities to the inhabitants. The services performed by these bodies such as garbage collection, cleaning of streets, drainage, sewerage, electricity, water supply, fire services, health services etc. are very important for good civil life. A large number of functions are performed by urban local government which otherwise would have been performed by Central/State government. Thus, urban local government not only provide certain essential services to the people, but also reduces the burden of Central/State government as well. If the Central/State government is over burdened with work, it becomes incompetent, incapable and inefficient to perform its duties. Therefore urban local government is necessary for the development of initiative and interest of local masses in government and responsibility.

It is submitted that urban local government seems to be a necessity in present scenario. Hence the need of the study relating to
urban local Government becomes essential to make aware the general public about their rights and how to protect them.

So, the present study is a detailed discussion on urban local government, its meaning, nature and scope, local bodies under the constitution of India, Financers of urban local government, Power, functions and control of Municipal Corporation of Patiala and state finance commission and planning committees. This study suggests some reformatory measures which are in the interest of society and individuals.

OBJECTIVE AND SCOPE OF STUDY

Our main object, however, is to work on the concept of urban local government with special reference to the Power, functions and control of Municipal Corporation of Patiala. The specific objectives of the study are as follows:-

1. To trace the evolution of urban local government in India.
2. To examine the structure and function of urban local government and assess its performance relating to civic and development responsibilities.
3. How urban local government is controlled?
4. To analyse the financial position of urban local government in the light of its revenue from all sources and the expenditure pattern in the light of its civic and development needs.
5. To review the contribution of urban local government towards development programmes.

6. To identify the main power, functions and financial resources of municipal corporation of Patiala.

7. To analyse the role of State Finance Commission and Planning Committees.

The scope of the study is to examine the phenomenon of urbanization and its problem, urban planning, structure of urban governments and their classification, municipal legislation, personnel management, financial administration, State Local relations, special purpose agencies, organisation and functions of the Union Ministry of Urban Affairs and Employment and its subordinate and attached officers, as also that of the state departments of urban local government, reports of various commissions and committees appointed from time to time by the Central and State governments to study the various aspects of the working of urban local governments and recommendations made by them, municipal bureaucracy, role of political parties, research and evaluation and comparative urban local governments.

RESEARCH METHODOLOGY:

The present study is based on a combination of descriptive, analytical and empirical methods of research. Both formal and
informal sources are also being arranged to elicit more details concerning municipalities and corporations. The available and assessable official records have also been consulted. The Analysis therefore has been made on the basis of the primary and secondary sources. Various acts concerning the municipalities and corporations are critically analysed. These includes the Punjab Municipalities Act, 1911; The Punjab Municipalities Act, 1994; The Punjab Municipal Amendment Act, 1994; 74th Amendment Act, 1992; Statistical Abstracts of District Patiala, Punjab Government’s instructions, Reports and Circulars. In addition to these, unpublished official records, resolutions and proceedings of the meeting of Municipal Corporation of Patiala have also been consulted. I have also been greatly benefited by personal discussion with many important officers connected with the MUNICIPAL CORPORATION OF PATIALA who have been kind enough to help me ungrudgingly with many reports, data’s, minutes, periodicals and statistical materials. In this regard Questionnaire has been prepared and views of general public living in cities have been taken, officials of corporation of Patiala were also interviewed. Finally on the basis of questionnaire and interviews a critical analysis regarding to the status of urban local government is made and suggestions have been given.

My research work is regarding urban local government with special reference to Municipal Corporation of Patiala. The study has
been conducted on a combination of descriptive and analytical methods of research collected by visiting various libraries institutes and office of Municipal Corporation of Patiala.

SCHEME OF THE STUDY

This study has been divided into seven chapters.

CHAPTER-I

The Historical part relating to the history of urban local government in India has been added. In the historical background it covers, committees and commissions appointed by State or Central governments, the central council of local self-government, seminars and conferences, ministry of urban development, national commission on urbanisation and the constitution [74th Amendment] Act, 1992 have also been discussed.

CHAPTER-II

It covers the "Meaning, Nature and Scope of local government" which includes dimensions of the concepts of local government. local Authorities under Article 12, forms of urban local government, characteristics of local Government and distinction between local govt. and local self govt. In the nature & scope of Local Government the different areas can be easily discerned which constitute the subject matter of the importance of local Government have also been discussed in this chapter.
CHAPTER-III

"The Local Bodies under the constitution of India" with special emphasis on (74th Amendment) Act, 1992 has been discussed. This chapter has further discussed the historical aspect of constitution 73rd Amendment Bill, 1991, the constitution 74th Amendment Act, 1992 and The Punjab Municipal Fund Act, 2006.

CHAPTER-IV

It deals with "The finance of urban local government", Theory of Municipal Finance, power of taxation of local government, sources of income of urban local bodies, review of financial position, reasons for poor financial position of urban local bodies, suggestions for improvement have been discussed.

CHAPTER-V

It gives a detailed account of "Powers, function and control of Municipal Corporation of Patiala" Definition of Municipal Corporation, difference between municipal corporation and municipalities, main features of municipal corporation, Legal Basis of Municipal Corporation, History of Patiala city and The Municipal Corporation of Patiala, powers, function and control of The Municipal Corporation of Patiala have been discussed under this chapter.

CHAPTER-VI

Functions of Finance Commission, Major problems examined by the commission, Broad objectives for making recommendation and Report of First to Twelfth Union Finance Commission Planning Committees, District planning committees, metropolitan committees and the role of state legislature in district or metropolitan committees have also been discussed under this chapter.

CHAPTER-VII

Last chapter sums up the main findings of the Study, Analysis of Questionnaire and make some Suggestions.