CHAPTER - III

EVOLUTION AND ADMINISTRATIVE STRUCTURE OF MUNICIPALITIES IN ANDHRA PRADESH
Generally speaking, a study on local self-government either urban or rural may not be full-fledged and complete without a detailed description of its administrative structure at all levels. Specifically in the case of local self-governments in India, there is a notable feature that in most of the states the urban bodies such as municipalities, municipal corporations, the cantonment boards and the notified area committees are usually set up by an act. But the provisions of these acts are barrowed from a single source which spells out their administrative structure.¹

STRUCTURE AT CENTRAL LEVEL

Local self-government is the responsibility of the states under the Constitution. It is created, sustained, regulated and even abolished by the States. The state administrative machinery for dealing with local self-government is thus of crucial significance for the progress of these democratic institutions at the grassroots level. While local self-government does not constitute the direct responsibility of the central government. Even otherwise, local self-government is too important an area of administration to be taken care of solely by the state government or left solely to it.

Even under a federal system the central government has an important role to play in providing professional leadership, in setting up proper standards of services and in generally helping the states in solving day to day problems. More specifically the Central government is called upon to perform the following functions with regard to local government. They are,
1. The Central government has a responsibility for ensuring that information on important developments and activities of local self-government is made available to others.

2. It has to carry out a comparative study of the different systems of local self-governments prevalent in the country and communicate the findings to the states, and

3. It has to ensure that the system of local self-government both rural and urban as accepted at government conferences and committees is implemented by the states.

Urban local government constitutes the charge of the Ministry of Urban Development. The historically speaking, local self-government in India had its beginning in an urge to improve local sanitation and hence has continued as the responsibility of the Ministry of Health. The Ministry of Health was looking after both urban and rural local self-governments until 1958 afterwards it was separated from it and came under the charge of the then Ministry of Community Development. In 1966, a part of local self-government namely Urban Development was made the responsibility of the Ministry of Works and Housing, which was renamed as Ministry of works, Housing and Urban Development. In 1967, the subject of Urban Development was transferred back to the Ministry of Health which carried a rather longish name, the Ministry of the Health, Family planning and Works, Housing and Urban Development. In February 1973, the subject of ‘Urban local self-government’ was transferred to the Ministry of Works and Housing. In 1985, a new Ministry, called the Ministry of Urban Development
was created to deal with, among others, the urban local self-government. This Ministry deals with the following subjects and organizations in the sphere of local self-government. They are,

a. Collection of information with regard to the urban governments in the states
b. Central Council of local self-government
c. Town and Country planning organizations
d. Urban community development
e. Improvement Trusts
f. Training of Municipal government personnel
g. Conducting all India Mayor’s Conference, and
h. Advising the Ministry of Home Affairs on matters relating to local governments in the Union Territories

It also deals with an important function of urban government namely housing.

The existence of separate departments for dealing with the two branches of local governments has hindered the development of a unified and integrated approach to it. Under the present arrangement, the phase and direction of development of rural local government bears no relation to that or urban local government. The three-tier system in which the lower tier is supervised and controlled by the upper one is characteristic of only rural government. Similarly
the community development program has been formulated only for rural India, and urban areas have remained deprived.

The central government exercises direct control and supervision over both rural and urban local self-governments. Particularly, the creation, organization and function supervision and control of local self-governments in general and municipalities in particular are performed by the respective state governments and also same in the case of Andhra Pradesh.

STRUCTURE AT STATE LEVEL

Urban local self-government is the responsibility of the Department of local self-government in the state. At the state level a number of departments deal with subjects, which are the direct concern of the urban government. In addition to the Department of Local Self-Government the functional departments in the Secretariat administer the various components of the urban development. Thus, water supply, drainage and sewerage, road construction, land acquisition and development, housing and slum clearance etc., are being dealt with by respective functional departments. As is to be expected under such a fragmentary arrangement, the urban affairs do not get viewed as one integral function.

ADMINISTRATIVE STRUCTURE OF MUNICIPALITIES IN ANDHRA PRADESH

In the early stages the state consists of two regions namely, Andhra region and Telengana region. Andhra Region consists of Costal districts and Rayalaseema
districts. The Municipalities in Costal and Rayalaseema districts were influenced by the policies of the government of the Madras presidency, which was under the direct control of the British Government. The Municipalities of Telengana Region were established as per the policies of the native ruler, the Nizam. This had the impact on the structure, powers, role and the freedom enjoyed by municipal authorities in Andhra and Telegana regions of the state respectively.

a. COSTAL AND RAYALASEEMA REGIONS

There are five important stages in the evolution of municipal institutions in the Andhra region. The first stage saw the establishment of the Municipal institutions consequent to the proves of financial decentralization initiated by the British government during the 1860’s. Mounting financial burdens of the Imperial government necessitated the transfer of expenditure in regard to local security and sanction to local authorities. This resulted in the establishment of municipal institutions in 1860’s. In British India. The Municipalities were given power to impose tax and were vested with the responsibility for maintaining local sanitation and security.

The second stage intensified the process of democratization of the local bodies. The liberal policy of Lord Rippon in 1882 resulted in the process of democratization of the municipal institutions. For the first time election was introduced as the mode of selection of non-official members. The municipal council consisted of a non-official majority and the municipal Chairman was to be elected by the council and was made responsible to it.
The third stage from the year 1920 may be considered to be the era when the process of democratization reached the highest level. The British government announced in 1919. The goal of the imperial government was progressive introduction of representative government in India. In pursuance of this it was decided to introduce comprehensive changes in the municipal government. This period witnessed the enactment of legislation of the presidency government, which enacted the process of democratization to be translated into practice. Madras District Municipalities Act, 1920 incorporated several significant changes in the organizational set up of Municipal government. The franchise was extended to all the tax-payers and the council was to have a non-official majority. But the most significant development was that the state executive authority for the conduct of municipal administration was vested with the office of the chairman. The chairman who was an elected functionary began to exercise important executive power like making appointments, contracts, deciding appeals on takes and general supervision over day-to-day administration. However, this experiment was a short-lived one. The government felt that the elected chairman were championing the cause of the nationalist movement. Indeed, several municipal councils became centers of protest against British rule. Also, it was found that the elected chairman could not devote full attention to the day-to-day administration of the municipality. Possibly, this factor contributed to the delay in the disposal of business. Keeping in view the above factors, changes were introduced in the Municipalities act during the year 1933.
During the fourth stage from 1933, the dichotomy between deliberative and executive wings of municipal government became distinct and clear. The chairman emerged as the political executive of civic government and the deliberative wing connected with policy formulation and general supervision functioned under his control. The executive authority came to be vested in the hands of the Municipal Commissioner. Sufficient care was taken to insulate the executive machinery from the pulls and pressures of local politics. Another significant development was in regard to state control over local bodies. The state government armed itself with a power to correct the mistakes committed by the municipalities through such devices, as the suspension of a resolution of the municipality. This phase continued till the dawn of independence during the year 1947.

When India became a Sovereign Democratic Republic in the year 1950, most of the states amended the Municipal Acts. The main thrust of reform was to give more powers to the elected council.

b. ERSTWHILE HYDERABAD STATE

The origin of Municipal government in the Hyderabad state could be traced to financial considerations, while the municipalities were set up in British India to provide relief to imperial revenue in the Hyderabad state it was intended to help the Nizam government.

A distinctive feature of civic government during the formative years was that there was no distinction between rural and urban areas. The district and the
town finances were combined. The district and taluk boards were entrusted with the responsibility of administering municipal services also. A preliminary step was taken in the year 1921, to separate the district and town budgets. This move enabled the towns to acquire identity their own part form the district and taluk administration. The Reforms of Municipal Government had to wait till the year 1937, when a High Power Committee was appointed to suggest reforms in administrative set up including municipal government under the Chairmanship of Dewan Bahadur Arumuga Iyengar. The Committee’s report served as a blue print for further administration improvements. The committee recommendations are,

1. The committee adopted the population criteria for classifying towns. Towns having a population of 15,000 inhabitants and above were categorized into municipalities and those with population ranging between 5,000 to 15,000 were constituted into town committees

2. The President of the committee was to be the District’s Collector in the district head quarter’s towns and senior most revenue officers in respect of other towns.

3. The term of the committee was three years, and

4. The committee made a list of functions to be carried out by the municipalities
C. THE HYDERABAD MUNICIPAL AND TOWN COMMITTEE ACT OF 1941

The Hyderabad Municipal and Town Committee Act of 1941 provided the statutory basis for the municipalities and towns. The act accepted the population criteria for the constitution of municipality or town committee as well as the mode of elections.

The next major landmark was the passage of the Hyderabad sanitary Powers Act of 1941. This Act provided legal basis for the executive action of municipalities in matters of health, sanitation and town planning. This Act was in force till 1950 when fresh legislation was made by popular government.

EMERGENCE OF ANDHRA PRADESH MUNICIPALITIES

The Municipalities of the Andhra Pradesh region were functioning in accordance with the Andhra Pradesh (Andhra area) District Municipalities Act of 1959. With linguistic reorganization of states, the State of Andhra Pradesh came into existence during the year 1956, with the merger of the state of Andhra and Telugu speaking districts of Hyderabad State. During the course of time it was found that the municipalities of the entire state need to be covered by an integrated act, to ensure uniformity. Hence, the Andhra Pradesh Municipalities act of 1965 was enacted and all the municipalities in Andhra Pradesh are now administered under the provisions of this consolidated Act.
MINISTER

The Andhra Pradesh Municipal Act, 1965 is silent about the administrative structure at state level. The present study reveals that the Administrative structure of Municipal government at state level begins with its parent minister at its apex. In a democratic country like India where particularly system of government is adopted the concerned or the parent minister is the defacto controlled of that administration. In this way at the apex level of Municipal Administration in Andhra Pradesh there is a Ministry of Municipal Administration with a Minister heading the Ministry. This Minister is of the rank of Cabinet Minister also handling various other related subjects like Municipal corporations, Urban Development Authorities, Town Planning, Slum clearance, Urban Water supply and drainage.

The Minister is the executive head of the Ministry and he is also responsible to frame policies and takes decision on the advice given by various advisory councils. He also disburses grants within the framework of the budget. He is assisted by Municipal Secretary and Director in the formulation and execution of policies of municipal administration.

DIRECTORATE OF MUNICIPAL ADMINISTRATION

A Directorate of Municipal Administration is not an altogether novel idea. It is indeed already in existence in several states in India. The Directorate of Municipal Administration was set-up in Andhra Pradesh in 1961 even before the enactment of Andhra Pradesh Municipalities Act of 1965. Previously, there was
an Inspector General of Local self-government who dealt with both the arms of local self-government rural as well as urban. At the state level also there was only one department, the department of local administration, which was responsible for both the wings of local self-government. Consequent on the formation of the state of Andhra Pradesh in 1956 the Urban governments in the state functional under two different Acts: the Andhra Pradesh District Municipalities Act, 1956 in respect of Municipalities in the former Andhra state and the Andhra Pradesh District Municipalities Act of 1956 in respect of municipalities in the former Hyderabad state. Existence of two different Acts on the statute rendered the formulation of a uniform municipal policy difficult. Also acceptance of recommendations of the Balwantray Mehta committee Report on democratic decentralization called for comprehensive organizational and other changes for comprehensive organizational and other changes to respond to the needs and requirements of the Panchayati Raj institutions. Consequently, in 1961 the Department of local administration was bifurcated into the Department of Panchayat raj and the Department of Municipal Administration. The Directorate of Municipal administration was established at the same time for dealing with the urban government in the state. The Department of Municipal Administration is responsible for the formulation of policies. The Directorate of Municipal administration implements policies.
The Director of Municipal Administration is the Head of the Directorate, and is a full-time officer. This post is a rule held by an officer of the Indian Administrative Service. The Director is assisted by a Deputy Director who is a member of the state civil service, an Assistant Examiner of Local Fund Accounts, and an officer of the rank of District Agricultural Officer who advises him on technical matters on municipal affairs. Besides, there are two Regional Directors, who are primarily inspecting officers and who deal with administrative matters upto and inclusive of the 1st Grade Municipalities in the state. The Directorate has been entrusted with the following functions. They are,

1. It is responsible for direction, supervision and control of all the municipalities in the state

2. It carries out inspections of municipalities. The inspection note, which is written at the end of an inspection, includes the necessary instructions, by way of guidance to tone up civic administration. The Directorate thus, provides an opportunity to a municipality to mend specified affairs

3. It hears and decides tax appeals received in the municipalities

4. It sanction posts in municipalities including those under public health and teaching

5. It appoints and transfers the personnel belonging to the Andhra Pradesh municipal subordinate service, and looks after various other personnel matters

6. It apportions earnings from the professional tax among the municipalities
7. It sanctions extraordinary expenditure up to a certain limit, incurred by municipalities for educational and cultural purposes
8. It reviews audit reports along with replies from municipalities
9. It sanctions traveling and other expenses incurred by the elected as well as the permanent staff in the municipalities
10. It is empowered to suspend a resolution, order, license, permission or Act if its execution is likely to cause financial loss to the municipality, danger to human life or is likely to lead at a riot or breach of peace
11. It performs a variety of other appellate functions, and
12. The Director of Municipal Administration carries out annual inspections.

THE ANDHRA PRADESH MUNICIPALITIES ACT

The statutory basis for the Municipal Government in Andhra Pradesh is the ‘Andhra Pradesh Municipalities Act of 1965’. This Act came into force on 2nd April, 1965. The Andhra Pradesh Municipalities Act of 1965 is a comprehensive legislation with 7 parts and 391 sections. The act contains provisions relating to the conditions for incorporation and creation of various authorities and their powers, the sources of income, the functions as well as the agencies of control. With a view to securing uniformity in the laws prevailing in both the regions (Andhra and Telangana) and with a view to providing more scope for the selected representatives in the Municipal Council to have a greater voice and control in administration and also to ensure that the control of government over such municipal councils is minimized to the extent possible.
CRITERIA FOR THE ESTABLISHMENT OF MUNICIPALTIES

According to sec. 3 of Andhra Pradesh Municipalities Act, 1965, the Government of Andhra Pradesh is empowered to declare a local area as a municipality with a population of not less than 25,000. Thus, the population is the criteria for declaring a local area as a municipality. However, the state government has classified the municipalities into five grades on the basis of population and annual income.

TABLE 3.1

CLASSIFICATION OF MUNICIPALTIES

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Grade</th>
<th>Income limit</th>
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<tbody>
<tr>
<td>1.</td>
<td>Selection Grade</td>
<td>An annual income of Rupees 80 lakhs and above.</td>
</tr>
<tr>
<td>2.</td>
<td>Special Grade</td>
<td>An annual income of Rupees 50 lakhs and above but less than 80 lakhs.</td>
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<tr>
<td>3.</td>
<td>First Grade</td>
<td>An annual income of more than rupees 30 Lakhs but less than 50 lakhs.</td>
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<tr>
<td>4.</td>
<td>Second Grade</td>
<td>An annual income of more than rupees 15 Lakhs but less than 30 lakhs.</td>
</tr>
<tr>
<td>5.</td>
<td>Third Grade</td>
<td>An annual income not more than rupees 15 Lakhs.</td>
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</table>

The above Table 3.1 would provide the basis of gradation of municipalities under each grade in the state of Andhra Pradesh. The income mentioned in the Table from 3rd Grade to selection grade.

The nature of the power of the state Government is very wide and discretionary in the case of constitution of municipalities in the state. The Constitution of a municipality inclusion or exclusion of any area is an administrative act motivated by the policy of the administration. Therefore, no reasons need be given by the Government.

STATE GOVERNMENT CONTROL ON MUNICIPALITIES

The Municipalities in Andhra Pradesh are the creatures of the State Government through Andhra Pradesh Municipalities Act, 1965. In order to keep these municipal bodies on proper lines and to see that they fulfill the objectives for which they are established, the State Government exercises some kind of administrative, institutional, financial and technical controls and relationships with them. In this regard the State Government has established various ways and means to accomplish this. These controls may be both internal and external and vertical and horizontal.

A. SUBMISSION OF ANNUAL ADMINISTRATION REPORTS

The A.P. municipal act of 1965, (section 34) states that the Municipal council has to submit its Annual Administration Report to the State Government and to furnish information relating to its Plan Schemes to Zillaparishad concerned
after the first day of April and not later than such date as may be fixed by the Government.\textsuperscript{10}

**B. CANCELLATION AND SUSPENSION OF RESOLUTIONS**

The A.P. municipal act of 1965, (section 59) states that the State Government may either \textit{suo moto} or on representation of any councillor, the Chairperson or the Commissioner by or in writing --

1. Cancel any resolution passed, order issued, or license or Permission granted or,

2. Prohibit the doing of any act which is about to be done or is being done, in pursuance or under colour of this Act, If their opinion, such resolution, order, license, permission or act has not been passed, issued, granted or authorized in accordance with law or it is in excess of the powers conferred by the Act or any other enactment or it is likely to cause financial loss to municipality, danger to human life, health, or safety or is likely to lead to a riot or breach of peace or is against public interest.\textsuperscript{11}

**C. REMOVAL OF OFFICE BEARERS**

The A.P municipal act of 1965, (section 60) says that, the State Government by notification remove any Chairperson or Vice-Chairperson who in their opinion willfully omits or refuses to carryout or disobeys the provisions of this Act or any rules, bye-laws, regulations or lawful orders issued there under or abuses his powers vested in him.\textsuperscript{12}
D. DISSOLUTION OF THE COUNCIL

The A.P municipal act of 1965, (section 62) explains that, if in the opinion of the Government, a Council is not competent at perform of persistently makes defaults in performing the duties imposed on it by or under the governing Act it may direct that the council be dissolved with effect from a specified date and reconstituted either immediately or with effect from a specified date but not later than two years of its dissolution and then this notification must be laid before the State Legislature.\textsuperscript{13}

E. APPOINTMENTS

The A.P municipal act of 1965, (section 63) described that, the State Government is empowered to appoint a Director of Municipal Administration and such number of Deputy Directors, Regional Directors and other officers as may be required for the purpose of inspecting or superintending the operations of all or any of the Councils established under this Act.\textsuperscript{14}

F. POWER TO TAKE ACTION IN CERTAIN CASES

The A.P. municipal act of 1965, (section 64) denotes that, the State Government is empowered to take action against the Council, Chairperson, Vice-Chairperson or Executive committee if they at any time made any default in performing their duty imposed by or under the Act.\textsuperscript{15}
G. DISTRICT COLLECTOR'S POWER TO ENFORCE EXECUTION OF RESOLUTIONS

The A.P. municipal act of 1965, (section 66) narrates that, if it appears to the District Collector that the Chairperson or (Commissioner) has made default in carrying out any resolution of the Council, the collector should send a report on such resolution together with the explanation if any received, to the government and at the same time forward a copy of the same to the council. The government will take action based on the information received from the District Collector. 16

H. POWER OF DISTRICT COLLECTOR AND GOVERNMENT FOR PURPOSES OF CONTROL

The A.P. municipal act of 1965, (section 67) reveals that the District Collector may inspected any immovable property or any work in progress under the control of any municipal authority in his district. The Government or the District Collector may call for any document in the possession or under the control, of any Council or the Chairperson or, Commissioner and require any Council, the chairperson or Commissioner to furnish any written, plan, estimate, statement, account or statistics. 17
I. LEVY OR PROPERTY TAX ON THE DIRECTION BY THE GOVERNMENT

The A.P. municipal act of 1965, (section 86) states that, the government after consultation with the council directs any council to levy the property tax at such rate and with effect from such date, as may be specified in the order.

J. FINANCIAL CONTROL

The A.P. municipal act of 1965, (section 126) speaks that, the Municipal Council shall, in each year frame a budget showing the probable receipts and the expenditure which it proposes to incur during the following year and shall submit a copy of the budget to the government before such date as may be fixed by them in that behalf. If the budget as submitted to the government fails to make any provisions that the government prescribed, the government may modify any part of the budget so as to ensure that such provisions are made.18

section 128 empowers the State Government to appoint Auditors of the accounts of receipts and expenditure of the municipal fund. These auditors shall be deemed to be public servants.19

K. POWER TO MAKE RULES

The A.P municipal act of 1965, (section 326) says that, the State Government is empowered to make necessary rules for carrying out all or any of the purposes of the Act. and Sec. 328 empowers that, the State Government to make alterations, additions or cancellations to any of the schedules of the Act.20
CONCLUSION

Administrative structure is the spread head of any government and so much in the case of municipal government. In view of the provincial status given to the rural as well as urban governments there is no organical linkage from National level to State Level. At the National level though there is a Ministry of Urban Development still its function is confined only to feed the states with funds for urban development and provide consultancy services but the possibility of supervision and control is missing. Coming to the State level Administrative structure, particularly in the case of Andhra Pradesh, the Andhra Pradesh Municipal Act, 1965 is salient in mentioning about state level structure except a few areas of supervision and control over local level bodies. However, the concerned District Collector, Director of Municipal Administration, the parent Minister and the State Legislature are very much involved in shaping the municipal structure in Andhra Pradesh. The local level administrative as well as organizational structure is dealt in detail in the preceding chapter.
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13. Ibid. P. 9
14. Ibid. P. 10
15. Ibid P. 10
16. Ibid. P. 11
17. Ibid. P. 12
18. Ibid. P. 13
19. Ibid. P. 13