CHAPTER - IV

STATE-MUNICIPAL RELATIONS

It is essential to know how the state government controls the administration of municipalities in the state. In this chapter an attempt is made to find out the legal provisions in the municipal act and supervision and control of municipal administration at various levels by government officials, like the Assistant Commissioner, Deputy Commissioner, Divisional Commissioner and Directorate of Municipal Administration, in an integrated way. The Central Council of Local Self-Government as well as the Rural-Urban Relationship Committee 1966, have reiterated the need for organising a well-equipped and separate Directorate at the state level, which would perform the house keeping functions and strengthen the financial, legal and administrative organisation of municipalities. The municipalities, however, undertake a wide range of functions which at the state level are the concern of the various departments, particularly those dealing with health, sanitation, social welfare and urban housing, etc. Municipal institutions as a state subject fall within the jurisdiction of the state government. Thus the powers to determine the structure,
functions and financial resources are vested in the respective state governments. This constitutional status of the state coupled with paternalistic traditions of governance has placed the state government in a vantage position from where it can formulate policies either to make or mar municipal institutions. This highlights the crucial importance of state-municipal relations in India and the interaction between the taxed public agencies. State-municipal relations stand for nothing more than interaction that take place between the municipality on the one hand and the various departments of the government that deal with the municipality on the other. Such government officers of the revenue department as Assistant Commissioner, Deputy Commissioner, Divisional Commissioner have the controlling and supervisory powers such as those relating to inspection and direction, default action, announcement of decisions, approval and sanction, removal of members, supervision and supersession, etc. Thus, the revenue office of the state plays a vital role in the life and work of the municipal authority. Hence, the municipalities and government agencies will have to work within the ambit of specific laws which determine the basic nature of state-municipal relations. The interactions between the state functional department and the municipal bodies take place within this overall environment of state-municipal relations.
Karnataka Municipalities Act 1964 provides for various controls to be exercised by the state government over the municipalities in Karnataka. The state control on the working of municipalities is essential because the local bodies perform their functions in the capacity of agents of the state governments. It is also to be noted here that the matters which are regarded as of interest to municipalities are of interest to the state government also. Thus, the mistakes committed, if any, in discharging those functions, might produce wide repercussions. In such cases, no government can afford to be indifferent to such local functions like sanitation, public health, etc. At times, it is also noticed that the technical skills and experience of the local bodies compared to that of state government are meagre. So, they have to be dependent on state government departments. The local bodies are financially supported from time to time through the grant-in-aid system by the state government. It has to be ensured that the funds granted by the government to municipalities are utilised in the best possible manner and for the purpose for which they are granted. Therefore, state supervision and control over local bodies becomes inevitable for the betterment of civic life and to see that the funds allotted are properly utilised. And certain functions cannot be left to the entire discretion of the municipality. It is here where the problem of
centralisation and decentralisation peeps in, and it is equally difficult to reach conclusions.

In this chapter an attempt is made to study the relations of Jamkhandi municipality with the Karnataka government from 1970-71 to 1986-87 in matters especially pertaining to:

1. Statutory Control and Administrative Control.
2. Financial Control and Audit Control.

1. Statutory Control

Under the Ex-"Durbar" rule the statutory control over Jamkhandi municipality was exercised by the local self-government department of the then Jamkhandi princely state. Since the merger of this princely state into Indian union on 10th August 1947, the then government of Bombay exercised the statutory control over the Jamkhandi municipality as per the Bombay Municipal Boroughs Act 1925. This act provided for the control of municipalities through the local self-department. The Bombay Municipal Boroughs Act 1925 also provided for the office of the chief officer for day to day control over the
municipality and to see that the municipal administration carried on according to the Act. The chief officer was also empowered to appoint persons to any post having a monthly salary not exceeding £.50/- per month. He had the right to fine, reduce, suspend or dismiss any municipal servant whose salary did not exceed £.30/- per month. The executive powers of the chief officer circumscribed the powers of the elected body. The functions of the municipal president were restricted to presiding over the municipal meetings, watching over the financial and executive administration of the municipality, exercising supervision and control over the acts and proceedings as also of all officers and the other servants of the municipality, concerning the accounts and records of the municipality. The Bombay Municipal Boroughs Act of 1925 had provided for the government's overall control over the municipal affairs by conferring the following powers on the state government.

1. Government might order to hold an inquiry by an officer appointed by it on any matter concerning the administration of any municipal borough.

The officer holding an inquiry was given wide powers. They were as follows:

a. Discovery and inspection.
b. Enforcing the attendance of witnesses and requiring the deposit of their expenses.

c. Compelling the production of documents.

d. Examining witnesses on oath.

e. Granting adjournments.

f. Issuing commissions for examination of witnesses.

g. Summoning and examining any person whose evidence appears to him to be material.

2. The government may dissolve a municipality (as an alternative to superseding it) in case of incompetency, default or abuse of powers etc.

After dissolution of the municipality, it was to be re-established by election or by appointment of councillors.

3. Government was empowered to provide for performance of duties in case of default by the municipality and to suspend the execution of orders, etc. of the municipality.

4. Government was also empowered to inspect and supervise the proceedings, documents or reports of the municipality.
It is a noteworthy feature that there was no single occasion when the Jamkhandi municipality was either dissolved or suspended during the period under study, i.e., from 1970-71 to 1986-87 by the state government on grounds of incompetency, default or abuse of powers. The Government of Karnataka in 1964 enacted a comprehensive Municipal Act which is known as Karnataka Municipalities Act 1964. This Act was applied to all the municipalities in Karnataka. The Government of Karnataka is empowered to exercise the following powers:

1. Appointment of Director of Municipal Administration and Regional Directors and to determine the powers of revenue officers like Assistant Commissioners, Deputy Commissioners, Divisional Commissioners in relation to municipal administration.

The Government of Karnataka found it advisable to enact one new legislation known as Karnataka Municipal Act 1966. It is supposed to have given some wide powers to the Director of Municipal Administration and also to the Deputy Commissioner with regard to the administration of municipalities.

Accordingly under Section 74 of the Karnataka Municipalities Act 1964, the Government of Karnataka shall by notification in the
official gazette appoint a Director of Municipal Administration, who shall have the jurisdiction over all the municipalities within the state of Karnataka.

The Director of Municipal Administration and the Deputy Commissioner of each district shall exercise such powers and perform such duties as are conferred and imposed upon them by this Act or any rule made thereunder. The state government may by notification in the official gazette direct that any power except the power to make rules, or duty which by this Act or any rule made thereunder is conferred or imposed upon it, shall in such circumstances and under such conditions if any as may be specified, be exercised or performed also by the Director and also by the revenue authorities like the Assistant Commissioner and the Deputy Commissioner.

The Director of Municipal Administration, the Deputy Commissioner and the Assistant Commissioner shall within their respective jurisdiction are competent to exercise any of the powers and to perform any of the duties conferred or imposed upon or delegated to them according to law provided that the Director of Municipal Administration or the Deputy Commissioner as the case may be may subject to the general or special orders of the state government reserve to himself such powers and
duties as he may by order specify in this behalf. In
exercising their powers and performing their duties, the
Deputy Commissioners and the Assistant Commissioners shall
be subject to the control and supervision of the Director of
Municipal Administration.

Powers of Inspection and Supervision

According to the Karnataka Municipalities Act 1964, the
Director of Municipal Administration, the Deputy Commissioner
or the Assistant Commissioner or any officer of the government
authorised by the state government shall have the powers:

1. To enter on and to inspect or cause to be entered on
and inspect any immovable property acquired, owned and possessed
belonging to any council or any institution under its control
or management or any work in progress under it or under its
direction.

2. To call for or inspect any extract from any council's
or its committee's proceedings, any book or document in the
possession of or under the control of the council or any of its
committees. The Director of Municipal Administration or the
Deputy Commissioner or the Assistant Commissioner shall have
the powers —
a. To call for any return, statement, account or report which he may deem necessary for examination, suo motu or on an application.

b. To require the council to take into its consideration any objection which appears to him is unlawful or irrelevant and anything which is about to be done or being done on behalf of such council or any information which he may think necessary. He may ask to send him a written reply within a specified time, stating its reasons for not hesitating from doing or not doing such a thing. The Deputy Commissioner enjoys the powers to suspend the unlawful resolutions, or execution of orders of the council on certain grounds. If the resolution or execution of any order of a council or doing of any order is causing or is likely to cause injury or annoyance to the public or is against public interest or to lead to breach of peace or is unlawful, he may by order in writing under his signature suspend the execution or prohibit the doing thereof. The Deputy Commissioner enjoys extra-ordinary powers of execution of certain works in case of emergency. The Director enjoys the powers to prevent any extravagant expenditure. The state government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any council or any matters with respect to which, sanction, approval
or consent of the state government is required under this Act. The officer holding such inquiry shall for the purposes thereof, have the powers which are vested in the court in respect of the following matters:

1. Discovery and inspection.
2. Enforcing the attendance of witnesses and requiring the deposits of their expenses.
3. Compelling the production of documents.
4. Examination of witnesses on oath.
5. Granting adjournments.
6. Reception of evidence on affidavit.
7. Issuing commissions for the examination of witnesses; summoning and examining any person whose evidence appears to him to be material.

The Director has the power to enforce the performance of duties if the default has been made in the performance of any duty imposed on a council by or under this Act. The state government has the power to appoint the administrator in certain circumstances to carry out the municipal administration if in the opinion of the state government -

1. A council is not competent to perform duties imposed
upon it by or under this Act, or any other law for the time being in force or

2. Persistently makes default in the performance of such duties or in complying with the lawful directions and orders issued by the Deputy Commissioner, Assistant Commissioner or the Director of Municipal Administration or the state government or any other authority empowered under law to issue such directions or orders to a council or

3. Exceeds or abuses its powers or

4. A situation has arisen in which the administration of the council cannot be carried out in accordance with the provisions of this Act or

5. If the financial position and the credit of the council is seriously threatened, the state government may by an order published in the official gazette appoint a government officer as the administrator of the council for a period not exceeding three years.

The government has the power to dissolve the municipal council after making a review of the administrator's work (report) by the Director of Municipal Administration. The state
government after receiving the report of the Director of Municipal Administration shall review the position at the end of every six months or earlier. If deemed necessary, the government shall determine whether the reasons leading to the appointment of the administrator have since ceased to exist and accordingly pass suitable orders. If in the opinion of the state government even after the lapse of a period of 3 years of administration by the administrator, the grounds on which the administrator was appointed still exist, the state government may by an order published in the official gazette dissolve the council. On the issue of an order of dissolution, the general election shall be held and the council shall be re-established on such date as the state government may specify in the order of dissolution.

The state government also has the power to enforce its orders if a council makes a default in carrying out any order issued or enacted by the state government. The state government and the Director of Municipal Administration, or the Deputy Commissioner has the power of review.

The state government may either on its own motion or on the application of any party interested may review any order passed by itself or any sanction or approval given under this
The power to make all rules under this Act shall be exercisable by the state government by notification in the official gazette. The power of making of by-laws under this Act shall be exercisable by each municipal council subject to the previous sanction of the Deputy Commissioner or the state government.

Administrative Control

The Karnataka Municipalities Act 1964 has provided for the overall control over the municipalities in the state by the Urban Development and Public Health Department of the Government of Karnataka. The administrative control is exercised by the Director of Municipal Administration and the respective Deputy Commissioners of the district concerned in respect of Town Municipal Councils. The Act further empowers the Deputy Commissioner to supervise the actions of a municipal body and to call for reports and returns to know whether the municipality is working properly or not. In addition to this, the Deputy Commissioner of the concerned district acts as a link between
the Director of Municipal Administration and the municipal council. In addition to this type of control by the Deputy Commissioner, the various technical departments of the government like public works, health and medical services and the like exercise direct control over the related activities of the municipal council. Sanitation facilities and dumping grounds are to be inspected by the District Health Officer. In addition there is an annual inspection by the Director of Public Health. The Superintending Engineer and the Municipal Engineer of the Public Health Department are empowered to inspect the water drainage works, roads and buildings, etc. Thus, the power of inspection of the technical works of the municipality is vested in the above referred different departments of the state government. The Karnataka Municipal Act 1964 empowers the Director of Municipal Administration or the Deputy Commissioner of the district to call for any return, statement, or account or report which he may think fit to require any municipal council to furnish and accordingly the Jamkhandi municipal council has to submit the following returns, statements, and reports to the Director of Municipal Administration through the Deputy Commissioner.

1. Statement of Taxes

Quarterly statements showing the demands, collections,
remissions, and balances of taxes and revenue were prepared
and submitted to the Deputy Commissioner for onward transmission
to the Director of Municipal Administration.

2. Municipal Administration Reports

Annual municipal administrative reports, after the closing
of financial year of the Jamkhandi municipality had to be
prepared every year on the working of the municipality in
every branch of administration and were submitted to the Deputy
Commissioner for onward transmission to the Director of Municipal
Administration, Bangalore, and the Department of Urban Development
and Public Health of the state.

3. Annual Returns of Establishments

Statements regarding permanent establishment were prepared
annually and sent to the Accountant General of Karnataka with
a copy to the Director of Municipal Administration.

Sanitary Report

Annual reports regarding the sanitary facilities in the
city, compost yard and immunisation centres in the city were
submitted to the Director of Municipal Administration with a
copy to the Government.
These reports, statements and returns submitted by the Jamkhandi municipality from time to time in a given proforma, helped the government in exercising administrative control over the Jamkhandi municipality.

An attempt is made here to prove that statutory control over Jamkhandi municipality has increased with the growing democratisation and increasing functions of Jamkhandi municipality. The Karnataka Municipal Act 1964 indicates that the tendency of legislation has been in the direction of strengthening the powers of government and their officers in respect of general control and supervision over municipalities. The powers and control over municipalities exercised by government in respect of taxation, budgets, public works and local establishments were relaxed. The occasions when government exercised the powers were very few. Looking at the state control from the theoretical point of view the legislative control was being exercised but its exercise was very much negligible. The general framework of state-municipal relationship as envisaged in the Karnataka Municipalities Act 1966 has sufficiently taken a liberal strain and barring a few restrictive provisions, the Act as a whole, allows the municipalities to govern their affairs without much of state interference.
Regarding the administrative control over the municipalities, the Directorate of Municipal Administration is established with a view to have a healthy growth of municipal bodies and to serve as a suitable state machinery for municipal supervision and guidance. If efficiency is going to be the yardstick for proving the nature of good administration, the study points out the need for establishing separate independent bodies for municipal functions like that of health, medical services, water supply, etc. It is very often conveniently overlooked that a municipality is a multifunctional unit and the different municipal functions are closely interlinked. An autonomous administration for separate functions like health, water works, etc. by setting up of special purpose bodies may probably break the linkage between the interdependent functions and disturb administrative homogeneity in the functioning of the municipality. The administration of a particular function has been given more importance than the character of the whole institution. This shows that the state level functioning departments are very often interested in the development of specific functions placed under their charge. It is wrong to presume that the functional controls might go to the whole hog of transforming the municipality into an integral part of the state government. The main purpose of functional supervision or general supervision is not to emasculate municipal autonomy.
but to ensure functional efficiency. It is the acid test of state supervision to tactfully promote the latter (i.e. autonomy and independence in the functioning of municipality) without doing damage to the former.

State Municipal Relations

As per the Karnataka Municipalities Act 1964 the Divisional Commissioners of the respective divisions were the controlling authority in respect of town and city municipalities. According to the authority vested in him the Divisional Commissioner had the power to suspend the resolution of municipalities passed against the provisions of the law. He also had some powers to accord sanction for appointment and creation of posts as also to accord administrative approval for purchase of materials and execution of works. He was competent to inspect municipalities in the division periodically and also held the power of inquiring into the misappropriation of funds etc. Some of the resolutions passed by the Jamkhandi municipality during the years 1970-1987 which were suspended by the Deputy Commissioner were later on confirmed by the Director of Municipal Administration who has been delegated the powers vested in the Divisional Commissioners of the divisions concerned. Some cases where the resolutions passed by the Jamkhandi municipality were suspended, are given below:
1. As per Section 72 of the Karnataka Municipal Act 1964, the Jamkhandi municipality in its resolution, No.97 (8) dated 26.9.1987 accorded permission to lease the land adjacent to which Basava Bhavan by fixing a rent of ₹50/- per month was nullified by the Director of Municipal Administration under his letter No. SH.69 dated 28.2.1989 on grounds of public nuisance and encroachment of public road. For sanctioning such lease the municipality had to follow the procedure under Rule 39 of the Karnataka Municipalities Officers Guidance Rules; such allotment in the form of lease had to be given by public-auction but not according to the desire of the municipal council. Consequently, for not following the relevant procedure in accordance with the law, the Deputy Commissioner, Bijapur, without any hesitation suspended the operation of this resolution which was unlawful. But later on it was confirmed by the Director of Municipal Administration.

Administrative Control - Retention in Service
After the Age of 60

I. One ward clerk, whose date of birth was 12.4.1910 attained the age of sixty on 11.4.1970. In spite of this he was continued in service from 12.4.1970 to 11.4.1971 by the Jamkhandi municipality under its G.B.R.No.284 of 6.3.1970. Further his services were extended from 12.4.1971 to 11.4.1972
under G.B.R. No.5 dated 12.4.1971 and from 12.4.1972 to 11.4.1973. His services were terminated from 15.9.1972. As the extension of service after the age of 60 is contrary to the directions of government issued in circular No.1MA 124 KET 66 dated 30.3.1967, the action of the municipal council was held to be irregular and the pay and allowances paid to the ward clerk from 12.4.1970 to 15.9.1972 were proposed for recovery.

II. One office clerk whose date of birth as per his service register was 25.9.1906. It was seen that his services were extended for one year from 1.4.1963 by the municipal council under its G.B.R. No.9(B) of 15.4.1963. But he was continued in service after attaining the age of 60 i.e. upto 10.5.1971. Hence the pay and allowances paid were treated as irregular and not admitted in audit. He was paid a total amount of Rs.730-52, which the auditors proposed for recovery.

III. Re-employment of a masonry (i.e. a mason). This employee retired from service and was re-employed as per G.B.R. No.191 dated 17.3.1971 for the period from 1.4.1971 to 14.9.1972. His services were terminated on 15.9.1972. The salary and allowances paid to him for this period were to be recovered and credited to the municipal fund. Re-employment of retired
officials requires the proper sanction of the government as per Rule 10 of the Karnataka Municipalities (Recruitment of Officers and Servants) Rules 1971. In this case the approval of the government was not obtained, and hence the appointment was nullified.

**Financial Control**

The municipal councils under the Karnataka Municipalities Act 1964 are competent to incur expenditure only up to Rs. 25,000/- for purchase of materials or execution of work. For expenditure above Rs. 25,000/- and below Rs. 1,00,000/- the sanction of the Divisional Commissioner (now the Director of Municipal Administration) was necessary. As per the Karnataka Municipalities Power of Expenditure Rules 1966 the expenditure mentioned therein is only admissible for the municipal council to incur and for the expenditure over and above this limit, sanction of the respective authority i.e. the Deputy Commissioner or the Director of Municipal Administration has to be taken. The expenditures incurred which are not within the purview of the municipal council have been held under objection by the auditors.

* *Karnataka Municipalities Act, 1964, p. 66.*
Loans for Purchase of Truck

A loan of Rs.40,000/- was raised by the Jamkhandi municipality from the Syndicate Bank, Jamkhandi, towards purchase of a truck for removing garbage. Prior permission of the government was not taken for this. It was pointed out by the auditor in the audit note for the year 1970, that sanction of government as required under Section 86 of the Karnataka Municipalities Act had not been obtained. Therefore necessary sanction of the government had to be obtained early. The purchase of the vehicle for the effective collection and removal of town garbage was the dire need in the interest of public health. Therefore the municipality had to purchase the truck pending approval of the government for speedy disposal of the town refuse.

No developmental grants for roads, gutters, and for surface drainage etc. have been granted to Jamkhandi municipality from 1982 to 1987, even though the government sanctioned such developmental grants to municipalities like Ballhongal, Gokak, etc. in Belgaum district. During 1986-87 the government of Karnataka deducted the K.E.B.* charges out of the octroi grant due to be paid to the Jamkhandi municipality even though these charges had already been paid by the municipality. This was brought to the notice of the government. Instead of refunding

* Karnataka Electricity Board.
the amount deducted, the government subsequently adjusted this amount towards the monthly K.E.B. charges for street lights.

**Excess Payment of Pay**

One house tax assessment clerk was entitled for a salary of Rs.250/- per month. But for the period from 14.6.1970 to 31.4.1971 he was paid Rs.290/- instead. Therefore the excess amount paid to him was to be recovered and credited to municipal funds.

**Audit Control**

Audit is an aspect of external control over administration and seeks to ensure accountability of the provision of an independent examination of all financial transactions. Financial control over the Jambhani municipality was exercised through the Karnataka* Local Fund Audit Act 1951 which provides for the establishment of an independent audit section in each municipality. At the end of each financial year the accounts are to be submitted to the municipal council to be forwarded to the Director of Municipal Administration. The Karnataka Municipalities Act 1964 (Section 104) has provided for "A" class and "B" class municipal councils to make arrangements for the audit of their accounts by a municipal auditor, at such intervals and in such

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* Then called Mysore.
a manner as may be prescribed from time to time. The auditor for the purpose of audit was given all the accounts and the relevant records of the council. The Karnataka Municipalities Act 1964 has provided further that after the end of each financial year, the chief officer shall arrange to get prepared and if so required by section 104 get audited by the municipal auditor, the accounts of the council for the year and shall place them before the municipal council and forward the same to the Director of Municipal Administration. No objectionable points regarding the misuse of funds have been pointed out by the auditors with regard to Jamkhandi municipality.

The Controller of State Accounts Department audits the accounts of the local bodies and municipalities in the state. There is a District Officer known as the Assistant Controller, Local Audit Circles, to whom the audit of accounts of municipalities and other local bodies, e.g. Mandal Panchayats and Taluk Boards etc. will be entrusted. Accordingly, the audits and accounts of Jamkhandi municipality has been audited periodically by the above mentioned officer. Expenditure incurred and not supported by rules or incurred beyond the sanctioned limit are held in objection and disallowed in audit. Such amounts were proposed to be recovered from the persons concerned, even though the expenditure had been incurred in the
interest of the public. But in many cases surcharges have also been proposed by the audit which has exercised its power within the competence of the Karnataka Municipalities Act, 1964 and Rules framed thereunder.

1. Audit has raised objection for sparing the municipal garbage truck for the use of Krishnateer Ryot Sangh for the construction of barrage near Chikka Padasalagi village across the river Krishna to augment the drinking water facilities to the citisensry of Jamkhandi.

2. The audit department has not raised any objections for the expenditure incurred either for purchase of materials or execution of any works which are within the competency of the municipal council. Example: purchase of street light materials from Mysore Lamps, since Mysore Lamps is also a government approved firm. If the Jamkhandi municipality purchases materials or items from non-government approved firms without following the purchase procedure, they were not admitted in the audit, unless satisfactory reasons were given. Example: If sometimes materials are required for essential services like fire brigades, stationery articles, etc. they will have to be purchased immediately from the local market. For such purchases reasons should be mentioned to the audit bureau.
Audit of Establishment

Irregular continuation of one sanitary inspector. This sanitary inspector was continued without regularising his promotion in spite of the audit objections. Vide para 53 of the Audit Report for the year 1970-71 and action was to be taken without further delay. He was paid at the rate of ₹120/- per month for the period from 19.7.1971 to 18.7.1972. For the same period he was paid twice - first at the rate of ₹125/- per month and second time at the rate of ₹130/- per month. The excess amount paid to him was held under objection pending regularization of his promotion.

In accordance with Karnataka Municipalities Act, 1964, Section 306, the Jamkhandi municipality in their General Body Resolution No.97 (1 to 6) dated 28.9.1987 resolved to accord permission to petty shop owners to construct 'khoka' shops on either side of the road leading to the Arts and Science College, on lease-oom-rent basis for one year. This resolution was kept in abeyance by the Deputy Commissioner, Bijapur under his order No.SHR 109:87-88 dated 1.2.1988. The Government later on informed the municipality that their action was illegal.
Appointment of Compounder - Irregular. One compounder was appointed from 1.6.1972 in the scale of Rs.65-1-70-2-90. The qualification required for the post of compounder was a pass in S.S.L.C. and a certificate of the compounder training. The person had passed only the X standard (old) not equivalent to S.S.L.C. Hence he was not qualified to hold the post of a compounder. The date of birth was not recorded in the service book. The medical fitness certificate was also not produced. Hence the pay paid to this person was not admitted in audit. Rs.1550/- being the pay paid from 1.6.1972 to 31.3.1973 was to be recovered and credited to municipal fund.

Judicial Control

Judicial control over the municipality is exercised by the courts which have general powers to pronounce upon any disputed point of local law or to decide the validity of any local act, decisions or transactions unless their jurisdiction is barred from a given manner.

The courts exercise the control over the municipality through the following ways:

1. The courts interpret the municipal act and statutes.
2. The courts forbid municipal authorities to commit ultra vires acts.
3. The courts are empowered to hear appeals regarding municipal functions and administration.

4. If sometimes, a citizen feels that the taxes and the duties collected by a municipality are illegal and unjustifiable, the courts can hear petitions challenging the levy of such taxes.

After a number of attempts to persuade the municipal authorities fail, then the only way left to the citizens is to go to the court of law and get the municipal rules and bye-laws correctly interpreted. No major cases are pending at the court against the Jamkhandi municipality during the period under review.

After going through the relevant records it is observed that Jamkhandi municipality is carrying out assessment work in fairly judicious and correct manner. The taxes levied by the municipality are found to be correct even by the courts of law. The following cases will suffice to prove this point.

**Case No.1:** Jamkhandi municipality had leased out its shopping premises in C.T.S.No.1361 to M/S M.M. Advani and 7 others. The lease period ended in March 1987. Thereafter in keeping with the power vested in the municipality a notice to vacate the
premises was served on the occupants. The occupants did not comply, whereupon the municipality approached the court of law in case No.O/S No.9/87 in the Court of J.M.F.C. Jamkhandi. The municipality did not rest there, but took continuous steps to follow up the case. As a result, the case was decided in favour of the Jamkhandi municipality on 17.2.1987.

Case No.2: In this case the Jamkhandi municipality had carried out assessment of property owned by Shri K.H. Alagundi in Kosthi Galli, Jamkhandi. The owner of the property being aggrieved by the assessment filed a suit in the Court of J.M.F.C. Jamkhandi in case No.M.A.11 of 87 in 4.11.1987. The Jamkhandi municipality fought the legal battle vigorously. As a result, the case was decided in favour of the municipality.

Case No.3: In this case, Shri B.A. Pandari approached the court of J.M.F.C. Jamkhandi in respect of his property on the grounds of alleged higher assessment by the Jamkhandi municipality in case No.M.A.1/87 on 25.9.1987. The case is still pending in the court.

Case No.4: In this case Shri S.M. Mutavalli filed a suit against Jamkhandi municipality for being aggrieved by the order to vacate his shop which was situated on the side of the bus stand road.

* Judicial Magistrate First Class.
which was an encroachment. For purposes of road widening his shop was removed. In case No. C/S 102/87 on 30.11.1987 his case is still pending in the Court of J.M.P.C. Jamkhandi.

The Department of Law and Parliamentary Affairs of the Government of Karnataka enacted Act No. 22 of 1964 whereby the Karnataka Municipalities Act 1964 came into effect and the same was extended to the whole of the state of Karnataka and thereby municipalities throughout Karnataka came under the governance of this Act. The immediate effect of this Act was centralisation of powers and functions of municipalities in the hands of government and the loss of autonomous powers that were enjoyed by the municipalities. Before 1964, the municipality of a town or a city was an all-powerful body vested with functions of recruitment of all its staff including the chief-officer. The municipalities being the appointing authorities were naturally empowered to take disciplinary actions against erring employees or to offer incentives to the competent employees. This situation was instrumental for high efficiency among the staff members, whereas after the coming into force of the Karnataka Municipalities Act 1964 the scene as regards personnel matters has totally changed for the worse since the recruitment and other service conditions of municipal employees have been centralised in the hands of the government. The municipalities on their
part have become silent spectators and cannot take disciplinary actions against the erring and corrupt employees and cannot also grant incentives to the competent employees. As a result, the overall efficiency level of the municipalities has come down miserably.

Before 1964 the municipalities had sufficient sources of revenue such as octroi and toll, vehicle tax (barring Jankhandi municipality), entertainment tax to its full extent, professional tax etc. As such, municipalities had adequate funds not only for maintenance but also for developmental works. But now, after 1964, municipalities have been deprived of all these taxes and as a result their source of revenue has considerably been reduced. Because of this, they are not even able to meet the expenses pertaining to salaries, advances to the employees and other office expenses. Under such financial circumstances developmental activities become a distant dream for many of the municipalities in the state. Before 1964 the functions of water supply, lighting of streets, health services including immunisation programmes and primary education were vested in the municipalities. Since the municipalities had to undertake the above functions within their jurisdiction they were able to discharge these functions far more effectively and efficiently.
After 1964 the functions of supply of drinking water, and drainage system were transferred to Karnataka Urban Water Supply and Sewage Board on technical grounds that the source of water (River Krishna six miles away from Jamkhandi) and sewage tank (which is 3 to 4 miles away from Jamkhandi) were not within the jurisdictional limits of Jamkhandi municipality. The Karnataka Urban Water and Sewage Board being controlled by the state government through its departmental head at Bangalore for each and every matter pertaining to maintenance and development, the files have to move up to Bangalore through various steps in between and take the same route back after the decision is taken by the higher authorities. The inordinate delay involved in this process defeats the very purpose for which the functions of water supply were transferred to Karnataka Urban Water Supply and Sewage Board.

After education and library services in Jamkhandi were taken by the relevant departments of the government, the quality of service has unfortunately deteriorated considerably. In these days the staff members employed in education and library services are under constant fear of transfers. As a result, it is not possible for them to develop a sentimental attachment and sense of dedication to the institutions they serve. Consequently it is the student community and the general
public who suffer due to inadequacy of the above mentioned services.

As a matter of fact, when these services were transferred to the relevant departments of the Government of Karnataka there should have been an all-round progress and efficiency on account of availability of large sums of governmental funds and proper exercise of governmental authority. As regards the primary health services within the municipal limits, the Jamkhandi municipality had set up an Ayurvedic dispensary under a qualified and experienced Vaidya assisted by compounders and other subordinate staff. Further for the purpose of immunisation of newly born infants a permanent staff had been employed, whose members used to visit houses of citizens and immunise the children whenever necessary. In this manner the present day immunisation programme having wide publicity on T.V.'s and Radio's etc. was being offered in those days at the door steps of every citizen. In and around Jamkhandi town three large fairs are still being conducted every year viz. Ambrai cattle fair in summer, Ramtirth fair in the month of Shravan and Kadapatti fair immediately after the conclusion of Ramtirth fair.
Before 1964 when health services were offered by the municipalities there was a general practice to immunise all persons entering the area of these fairs. In this manner the municipality used to adopt precautionary steps against the spread of epidemics.

Government has sponsored various schemes for progress and welfare of citizens by establishing youth services, sports services, Nehru Yuvak Kendras, Adult education classes, Anganwadis etc. Even though the government sanctions large amount of funds for running these schemes, it is regrettable to note that these schemes are not working as per the desired expectations and it is regrettable to say that either the funds allotted are not being appropriated for the purpose or there is an all-round inefficiency among the staff employed for these schemes. It was noticed during the course of this study that Nehru Yuvak Kendras have not yet produced an individual or a team able enough to participate at the national level either in indoor or outdoor games.