CHAPTER - V

STRUCTURE AND FUNCTIONS OF URBAN LOCAL BODIES WITH SPECIAL REFERENCE TO UTTAR PRADESH

Urban local bodies in a city have many features and it plays an important role in the development of urban areas. It has different bodies on the basis of the area; the core urban population which is mainly engaged in the secondary and tertiary sector of economy lives in corporation area but the urban areas which are near to rural areas have another urban local body. These bodies have many essential functions and they play an important role in the affairs of civic life. The structure and functions of these urban local bodies has been changed with changing times and after the seventy-fourth constitutional amendment of Indian Constitution its functions have made revolutionary change in the cities in India.

CLASSIFICATION OF MUNICIPALITIES

POSITION OF MUNICIPALITIES BEFORE SEVENTY-FOURTH AMENDMENT

There are different types of municipal bodies or Municipal Institutions seen in the different States of India. This is because different characters of urban areas exist in the different states. Before the enactment of seventy-fourth amendment act 1992, State governments were having power to constitute four different types of municipal bodies (Rumi Aijaz, 2007):

1. Municipal Corporations
2. Municipal Committees or Councils
3. Notified Area Committees
4. Town area committees
MUNICIPAL CORPORATIONS

It is established in metropolitan areas or big cities and is provided wider with functions and larger powers than councils enjoy more autonomy and have larger revenue resources. It has separation of deliberative from executive functions and vesting of all executive powers in an appointed authority that is independent of the elected body.

MUNICIPAL COMMITTEES OR COUNCILS

It is most popular form of local government in urban areas which is set up in cities and large towns in India. In its context extent of State control is relatively larger than corporations (Rumi Aijaz, 2007).

NOTIFIED AREA COMMITTEES

It is set up by State government in medium and small Towns. It is created for areas which do not fulfill conditions for constitution of councils but are otherwise important. It is also created for newly developing towns or areas where industries are being established. In this committee all members including chairman are nominated by State government and not elected.

TOWN AREA COMMITTEES

It is semi-municipal authority constituted for small Towns. The members of this committee are:

I. Either wholly nominated or
II. Wholly elected, or
III. Partly nominated and partly elected.

These features can be easily observed in the tabular form. The following table-5.1 provides details as well as differences in the different bodies.
### Table-5.1
Urban Local Governments (before the 74th Amendment 1992)

<table>
<thead>
<tr>
<th>Type of Municipal Bodies</th>
<th>Main Features of Urban Local Governments before the 74th Amendment 1992</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Municipal Corporation</strong></td>
<td>I. It is established in metropolitan areas or big cities.</td>
</tr>
<tr>
<td></td>
<td>II. It has wider functions and larger powers than other urban local bodies.</td>
</tr>
<tr>
<td></td>
<td>III. They enjoy more autonomy and have larger revenue resources.</td>
</tr>
<tr>
<td></td>
<td>IV. It has separation of deliberative from executive functions and vesting of all executive powers in an appointed authority that is independent of the elected body.</td>
</tr>
<tr>
<td><strong>Municipal Committee/ Council</strong></td>
<td>I. It is most popular form of local government in urban areas.</td>
</tr>
<tr>
<td></td>
<td>II. It is set up in cities and large towns.</td>
</tr>
<tr>
<td></td>
<td>III. The extent of State control is relatively larger on this body than corporations.</td>
</tr>
<tr>
<td><strong>Notified Area Committee</strong></td>
<td>I. It is set up by State government in medium and small Towns of India.</td>
</tr>
<tr>
<td></td>
<td>II. It is formed for areas which do not fulfill conditions for constitution of councils but are otherwise important.</td>
</tr>
<tr>
<td></td>
<td>III. It is also formed for newly developing towns or areas where industries are being established.</td>
</tr>
<tr>
<td></td>
<td>IV. All members of this body including chairman are nominated by the State government and they are not elected by the people or people’s representatives.</td>
</tr>
<tr>
<td><strong>Town Area Committee</strong></td>
<td>I. It is semi-municipal authority constituted for small Towns</td>
</tr>
<tr>
<td></td>
<td>II. Its members are either wholly nominated or wholly elected, or partly nominated and partly elected.</td>
</tr>
</tbody>
</table>

The above structure is seen before 1992 when the urban local bodies were not formed constitutional. They neither ensured the representation of every segment of the society nor the participation of every caste, class and gender.
CASTE, CLASS AND GENDER WISE REPRESENTATION AND PARTICIPATION

Before the enactment of 74<sup>th</sup> Constitutional Amendment Act, 1992, only the representation and participation of dominant caste was seen in the local bodies whether they were in the rural or in the urban areas. M. N. Srinivas has pointed out that “A caste may be said to be “dominant” when it preponderates numerically over the other castes, and when it also wields preponderant economic and political power. A large and powerful caste group can be more easily dominant if its position in the local caste hierarchy is not too low” (Srinivas 1955: 181). The representation and participation of upper caste was higher in the urban and rural local bodies. The lower caste representation and participation was negligible and they were forced by the upper caste not to participate in the elections. The representation and participation of lower and medium caste was seen only in those areas where they were in the dominant position.

The class wise representation and participation in the local bodies was seen as the caste wise representation. The upper class was mainly represented in the local bodies and it was very true for the urban local bodies. Actually, the whole process of election was the process of motivation to the voters by hook or by crook and upper class people were using their money for it.

The condition of gender based participation and representation was in favour of men. Only few women participated in the elections due to rigid patriarchy. Some women who were widow and their husbands had died during his tenure, participated in the elections. Actually, women were told that the election process does not belong to them and they had accepted it.
The representation in the local bodies was fully dependent on the caste and class of the candidate; if the candidate was belonging to the upper caste or upper class his chances of winning were nearly sure. In most of the cases candidates of upper caste and class got unopposed win. On some seats, only one candidate was regularly found winner till the enactment of 73rd and 74th amendment act came into being. These types of cases were found more in the rural areas than urban. In nutshell, we can say the representation of schedule caste, schedule tribe and the women were inappropriate and there was no mechanism available to enhance it.

It is also important to mention that the elections of local bodies were not regular before 1992. This body was totally dependent upon the state governments as far as elections were concerned. Irregular elections and dependency upon the state governments had made this body unimportant. Most of the state governments thought that they were sufficient to tackle the problems of the cities.

The fast pace of the expansion of cities and the growth in economical dependency upon manufacturing and service sectors after the policy of liberalization, privatization and globalization has led to the requirement of more attention towards the developmental issues in India. The problems of day-to-day life in the cities have grown with the growth of population. The push and the pull factors have been jointly responsible for the migration of huge population towards the cities in India and consequently they have given birth to so many problems. In this situation the Indian parliament has taken a remarkable step towards the administration of rural and urban local bodies and provided a constitutional position to them. Consequently the 73rd and 74th constitutional amendment act was passed for the rural and urban local governments.
In 1992 the Indian parliament have passed an act namely Seventy-Fourth Constitutional Amendment Act which have significantly changed not only the structure of the urban local bodies but the function too. After this remarkable amendment, the urban local bodies have found the constitutional position and it has three tiers in it. These bodies are:

1. Municipal Corporations
2. Municipal Committees/Councils
3. Nagar Panchayats

In Uttar Pradesh, there are 13 Municipal Corporations, 194 Municipal Committees/Councils and 423 Nagar Panchayats.

Table-5.2
Urban Local Bodies in Uttar Pradesh

<table>
<thead>
<tr>
<th>Municipal Corporation</th>
<th>Municipal Committees/Councils</th>
<th>Nagar Panchayats</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>194</td>
<td>423</td>
</tr>
</tbody>
</table>

MUNICIPAL CORPORATIONS

Mahanagar Nigam or Nagar Nigam (*Municipal Corporation*) in India is state government formed bodies or departments that work for the development of Metropolitan cities. The seventy-fourth amendment Act has made a provision for the establishment of Municipal Corporation in the metropolitan cities that have population of one million (10 Lakhs) and above according to the provisions made in the Acts enacted by the State Legislatures. But in the Uttar Pradesh it is constituted in those areas where population is above five lakhs. The growing urban population and urbanization in various cities of India were in need of a local governing body. The body that can work for
providing necessary community services like health, sanitation, water arrangements, educational institutes, housing and property tax.

They are formed under the Corporations Act of 1835 of Raj System which mainly deals in providing essential services in every small town as well as village of a district/city. Their elections are to be held once in five year and the people elect among those candidates. The largest corporations are in the four metropolitan cities of India, namely Delhi, Mumbai, Kolkata and Chennai. These cities not only have a large population, but are also the administrative as well as commercial centers’ of the country.

Thus, we can say these bodies are established in large urban areas and are provided with wider functions and larger powers than councils, enjoy more autonomy and have larger revenue resources. It has separation of deliberative from executive functions and vesting of all executive powers in an appointed authority that is independent of the elected body (Rumi Aijaz, 2007). The Governor of the concerned state generally takes the following points into account while notifying Municipal Corporation:

(1) Population of the area or the city;
(2) Density of population in the city;
(3) Percentage of employment in secondary and tertiary sector sectors of the economy;
(4) Economic importance of that area or city:
(5) Other factors which the Governor may think fit for it.

Population criteria for the formation of urban local bodies in Uttar Pradesh are shown in the Table-5.3.
Table-5.3

Population Criteria for the Formation of Urban Local Bodies in Uttar Pradesh

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>5 lakh and above</td>
<td>1 lakh to 5 lakhs</td>
<td>30,000 to 1 lakh</td>
<td></td>
</tr>
</tbody>
</table>

There is no uniform criterion of population for the formation of the local bodies in all the states of India. Generally, the municipal corporation is formed in larger cities having population above 3 lakhs (Rai and Singh).

In the Uttar Pradesh, there are 13 Municipal Corporations. The names of Municipal Corporations have been shown in the table-5.4.

Table-5.4

Municipal Corporations of Uttar Pradesh

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Municipal Corporation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Saharanpur</td>
</tr>
<tr>
<td>2</td>
<td>Meerut</td>
</tr>
<tr>
<td>3</td>
<td>Ghaziabad</td>
</tr>
<tr>
<td>4</td>
<td>Moradabad</td>
</tr>
<tr>
<td>5</td>
<td>Barely</td>
</tr>
<tr>
<td>6</td>
<td>Aligarh</td>
</tr>
<tr>
<td>7</td>
<td>Agra</td>
</tr>
<tr>
<td>8</td>
<td>Kanpur Nagar</td>
</tr>
<tr>
<td>9</td>
<td>Jhansi</td>
</tr>
<tr>
<td>10</td>
<td>Allahabad</td>
</tr>
<tr>
<td>11</td>
<td>Lucknow</td>
</tr>
<tr>
<td>12</td>
<td>Gorakhpur</td>
</tr>
<tr>
<td>13</td>
<td>Varanasi</td>
</tr>
</tbody>
</table>

State Election Commission U.P.

MUNICIPAL COMMITTEES/COUNCILS

It is the most popular form of local government in urban areas which is set up in small urban areas.

A smaller urban area than metropolitan cities is notified by the Governor of the concerned state as municipal council taking into consideration the factors that are mentioned for the formation of a
Municipal Corporation. But there is no hard and fast rule regarding the constitution of a Municipal Council in Uttar Pradesh except population which is mentioned in the table-5.3. According to the table-5.3 the Municipal Council can be formed where the population of the area lies between one to five lakhs. In the Uttar Pradesh, there are 194 Municipal Councils lies in the 70 districts. But the areas which have been selected for the study do not have any Municipal Council.

NAGAR PANCHAYATS

The area that is in the phase of transition from rural to urban has different type of local body known as the Nagar Panchayats. This has also been left to the Governor’s notification of the concerned state taking into consideration the same criteria as in the case of Municipal Corporation. It is new form of Notified area committees and Town area committees which are reconstituted after seventy-fourth constitutional amendment. It has same functions as Municipal Corporations. The members and chairperson of this body are directly elected by the people through adult franchise. Election of the members and chairperson is generally conducted with the election of Panchayats in the state. In the state of Uttar Pradesh Criteria for the formation of Nagar Panchayats depends upon the population of that area. Other criteria like population, population density, percentage of population engaged in non-agricultural activities and economic importance are important criteria for its formation. The population of Nagar Panchayat varies from state to state and it ranges in between 5000 to 5 lakhs. But in Uttar Pradesh criterion for its formation is mainly dependent on the population which lies between thirty thousand to one Lakh (30,000 to 100000) shown in the above table-5.3. There are 423 Nagar Panchayats spread-out in 74 districts of Uttar Pradesh and proposed districts for the study (Lucknow and Allahabad) are included in it. The Lucknow and Allahabad have 8 and 9 Nagar Panchayats respectively and their names have been shown in the table-5.5.
Table-5.5

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Lucknow</th>
<th>Allahabad</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Itaunja</td>
<td>Lal Gopal Ganj</td>
</tr>
<tr>
<td>2</td>
<td>Kakori</td>
<td>Jhunsi</td>
</tr>
<tr>
<td>3</td>
<td>Mahona</td>
<td>Phoolpur</td>
</tr>
<tr>
<td>4</td>
<td>Gosaiganj</td>
<td>Shankergarh</td>
</tr>
<tr>
<td>5</td>
<td>Amethi</td>
<td>Korao</td>
</tr>
<tr>
<td>6</td>
<td>Malihabad</td>
<td>Handia</td>
</tr>
<tr>
<td>7</td>
<td>Nagram</td>
<td>Bharatganj</td>
</tr>
<tr>
<td>8</td>
<td>Bakshi Ka Talab</td>
<td>Mau Aima</td>
</tr>
<tr>
<td>9</td>
<td></td>
<td>Lal Gopal Ganj</td>
</tr>
</tbody>
</table>

The following table-5.6 provides main points as well as the differences of the different urban local bodies in India after the seventy-fourth constitutional amendment.

Table-5.6
Urban Local Governments (after the 74th Amendment 1992)

<table>
<thead>
<tr>
<th>Type of Municipality</th>
<th>After 1992</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Corporation</td>
<td>I. It is established in metropolitan cities.</td>
</tr>
<tr>
<td></td>
<td>II. Wider functions and larger powers than councils, enjoy more autonomy and have larger revenue resources</td>
</tr>
<tr>
<td></td>
<td>III. Separation of deliberative from executive functions and vesting of all executive powers in an appointed authority who is independent of the elected body</td>
</tr>
<tr>
<td>Municipal Committee/Council</td>
<td>I. It is established in small urban areas.</td>
</tr>
<tr>
<td></td>
<td>II. It is constituted where 15000 to 5 Lakhs of population lives.</td>
</tr>
<tr>
<td>Nagar Panchayat</td>
<td>I. It is established in the area that is in the phase of transition from rural to urban.</td>
</tr>
<tr>
<td></td>
<td>II. It is constituted where 5000 to 5 Lakhs of population lives.</td>
</tr>
<tr>
<td>Notified Area Committee</td>
<td>This body is abolished after the 74th constitutional amendment.</td>
</tr>
<tr>
<td>Town Area Committee</td>
<td>This body is abolished after the 74th constitutional amendment.</td>
</tr>
</tbody>
</table>
Almost all of the state governments have classified local governments falling within their jurisdiction as per the revised scheme (In the three north-eastern states of India, namely Meghalaya, Mizoram and Nagaland, the 74th Amendment Act provisions have not been applied, and the old classification of municipalities still exist.). Notified area committees and Town area committees have been reconstituted as Nagar Panchayats. The motto of the central government was to establish a uniform classification of municipal bodies throughout the country, which is based on the principles of participatory democracy. Though all urban local bodies have same objectives and somewhat same characteristics, the method of their constitution in the extent of delegated functions, powers and resources available to them lends a different and unique status to each category of local government.

The above structure is seen after 1992 when the urban local bodies were formed by the act of the Indian constitution. These bodies have ensured the representation of every segment of the society and the participation of each caste, class and gender.

**CASTE, CLASS AND GENDER WISE REPRESENTATION AND PARTICIPATION**

After the enactment of 74th constitutional amendment act 1992, the representation and participation of every caste and category is seen in the local bodies either in the rural or in the urban areas. The representation and participation of upper caste is diminished whereas lower caste and category is more represented and participated in the rural and urban local bodies. The role of caste is limited to the mobilization and the policy of reservation to the marginalized sections of the society has increased the participation of scheduled caste, scheduled tribe, other backward castes and women. In the urban local bodies the dominant caste is still more represented in terms of number but the upper castes male domination is broken by the act. The policy of
33% reservation for the women in each category has changed the power structure in the urban local bodies.

The class wise representation and participation in the local bodies is seen in the favour of upper class. The upper class is mainly represented in the local bodies and it is very true for the urban local bodies. Actually the whole process of election was the process of motivation to the voters by hook or by crook and upper class people were using their money for it. The hearty use of money in the elections of urban local bodies is seen after this amendment because the root of caste mobilization is weakened and candidates have no choice for the mobilization of voters.

The condition of gender based participation and representation is still in favour of men. Only 33% women participate in the elections and it is only for the husband’s desire. Some women who were widow and their husbands had died during his tenure, participated in the elections. But the representation of women is numerically seen in the ward area and in the house. They don’t function as a corporator and their family members mainly the husbands are enjoying the power in the ward area. But the numerical participation of the women corporators has clearly messaged to the women that the political affairs of the local bodies are associated with women as men. A few numbers of women are working in a better manner than the men and they influence the female masses.

The representation in the local bodies is now fully transparent and every segment of the society is now represented. The reservation policy for the marginalized sections of the society namely scheduled caste, scheduled tribe, other backward castes and women has changed the power structure in the local bodies. In nut shell, we can say that the representation of scheduled caste, scheduled tribe, other backward castes and women are now appropriate.
It is important to mention that the elections of local bodies are now regular after 1995. Now the State Election Commission (Rural and Urban Local Bodies) is constituted and its duty is to look after all the arrangements regarding election of local bodies.

The fast pace of the expansion of cities and the growth in economical dependency upon manufacturing and service sectors after the policy of liberalization, privatization and globalization has led to the requirement of more attention towards the developmental issues in India. The problems of day-to-day life in the cities have grown with the growth of population. The push and the pull factors have been jointly responsible for the migration of huge population towards the cities in India and consequently they have given birth to so many problems. In this situation, the urban local bodies represented by all the caste and categories of the society will handle each and every problem as an active body.

**FUNCTIONS OF THE URBAN LOCAL BODIES**

The constitution of India clearly defines the functions of municipal bodies and it is mentioned under the Sub Article-243 W of the Article-243. Sub Article-243 W is basically associated with the Powers, authority and responsibilities of Municipalities, etc. This Sub Article of Article-243 explains that “Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow—

a) The Municipalities with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Municipalities, subject to such conditions as may be specified therein, with respect to—
i. the preparation of plans for economic development and social justice;

ii. the performance of functions and the implementation of schemes as may be entrusted to them including those in relation to the matters listed in the Twelfth Schedule;

b) The Committees with such powers and authority as may be necessary to enable them to carry out the responsibilities conferred upon them including those in relation to the matters listed in the Twelfth Schedule.

Under this Sub Article the twelfth schedule has been included. This schedule has 18 subjects. These subjects are:

1. Urban planning including town planning.
2. Regulation of land-use and construction of buildings.
3. Planning for economic and social development.
4. Roads and bridges.
5. Water supply for domestic, industrial and commercial purposes.
6. Public health, sanitation conservancy and solid waste management.
7. Fire services.
8. Urban forestry, protection of the environment and promotion of ecological aspects.
9. Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.
10. Slum improvement and upgradation.
11. Urban poverty alleviation.
12. Provision of urban amenities and facilities such as parks, gardens, playgrounds.
13. Promotion of cultural, educational and aesthetic aspects.
14. Burials and burial grounds; cremations, cremation grounds and electric crematoriums.

15. Cattle pounds; prevention of cruelty to animals.

16. Vital statistics including registration of births and deaths.

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

18. Regulation of slaughter houses and tanneries.

These functions are related to local municipal services and urban local bodies are managing with the other development authorities. This creates local accountability of the ULB to the electorate in those areas where citizens expect their local government to act. It also provides the ULB with tools to influence the development and management of its city, which are fundamental purposes of constituting a third level of democratic government.

The Model Municipal Law circulated by Ministry of Urban Development provides sufficient guidance to states towards implementation of these provisions of 74th Constitution Amendment Act. The Model Municipal Law acts as a resource from which states can alter their own municipal acts. The Model Municipal Law classifies municipal functions into three categories, namely: -

(1) CORE MUNICIPAL FUNCTIONS

These functions including mainly below mentioned subjects:

I. Water supply;

II. Drainage and sewerage,

III. Solid waste management;

IV. Economic and social development plans;

V. Transportation systems including construction and maintenance of roads,

VI. Bridges, ferries and other inland water transport systems;
VII. Community health and protection of environment;
VIII. Markets and
IX. Slaughterhouses.

(2) ADDITIONAL MUNICIPAL FUNCTIONS

These functions are assigned by Government, so long as there is appropriate underwriting of the costs. Such functions may include:

I. Primary education,

II. Curative health,

III. Transport,

IV. Supply of energy,

V. Arrangements for fire prevention and fire safety, and

VI. Urban poverty alleviation.

(3) OTHER MUNICIPAL FUNCTIONS

These functions cover the areas related with:

I. Town planning,

II. Urban development,

III. Development of commercial infrastructure;

IV. Protection of environment;

V. Health,

VI. Sanitation;

VII. Education and culture;

VIII. Public welfare; and

IX. Community relations.
REFERENCE

Constitution of India

http://nationalpubliclibrary.info/articles/Municipal_governance_in_India


