CHAPTER-II
ORGANISATIONAL STRUCTURE
2.1 INTRODUCTION

Administration envisages accomplishment of a task through collective efforts. Such efforts need proper arrangement 'inter-se' in such a way that each participant has a specific responsibility to discharge and his responsibility is linked with the rest of the members of the organisation and ultimately with the objectives to be achieved. Organisations are social units (or human groups) deliberately constructed and reconstructed to seek specific goals.\(^1\) Organisations refer to planned units deliberately structured for the purpose of attaining specific goals.\(^2\) Thus, the arrangement or plan of collective efforts of different inputs is called organisation. There can be no administration, no achievement of goals and objectives unless there is organisation to run it. The members of an organisation must have clarity of their authority, responsibility, relationships in such a way that their co-operative energies are directed towards the same end. This is possible only if there exists an organisational structure.

The classical view holds that lack of design in organisation is illogical, cruel, wasteful and inefficient.\(^3\) It is illogical because good designs or planning must come first, it is cruel because the individuals who work suffer from a lack of design in organisation. It is wasteful because unless jobs are clearly put together along the line of functional specialization, it is impossible to train men to succeed to positions as the incumbents are promoted, resign or retire. And it is inefficient because unless based on Principles, management -will be based on personality, with the resultant rise of company politics.\(^4\) Organisation is the medium through which individuals work as a group as effectively as each would work alone. It consists of the relationship of individuals to individuals and of groups to groups, which are

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3 L. Urwick, The Element of Administration, Harper and Row Publisher Incorporated, 1944, p. 38.
so related as to bring about an orderly division of labour. Organisation is a universal phenomenon found wherever two or more people are associated in doing something.

Modern civilization depends largely on organisations as the most rational and efficient form of social grouping. It creates a powerful social tool by coordinating a large number of human actions. It combines its personnel with its resources, weaving together leaders, experts, workers, machines, and raw materials. At the same time it continually evaluates how well it is performing and tries to adjust itself accordingly in order to achieve its goals.

The organisation is an arrangement of individuals or groups into a coherent whole, with a complex of functional inter-relationships and a system of overall administration, the goals of which serve many functions. They provide orientation by depicting a future state of affairs which the organisation strives to realize. Thus, they set down guidelines for organisational activity. Goals also constitute a source of legitimacy which justifies the activities of an organisation and, indeed, its very existence.

2.2 COMPOSITION OF MUNICIPAL COUNCIL, S.A.S NAGAR (MOHALI)

Municipal Council consists of the members chosen by direct election from the territorial constituencies in the municipal area and all the members of legislative assembly of the state representing constituencies comprising wholly or partly the municipal area.

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5 Ibid, p.259.
7 Amitai Etzioni. Modern Organisations, op.cit., p.3.
8 Section 12 of The Punjab Municipal Act, 1911.
ORGANISATIONAL STRUCTURE OF MUNICIPAL COUNCIL S.A.S. NAGAR
2.2.1 Election:
The members are elected on the basis of adult franchise through secret ballot. These members are known as councillors. For the purpose of election the city is divided into as many wards as the number of members to be elected which is fixed keeping in view the population of the city.

Normally every ward covers a population of 3000. A candidate seeking election must be a resident of the city and his or her name should be included in the electoral roll of the city. He should have attained the age of 21 years. He should possess a sound mind and must not be insolvent. He should not be on the pay roll of the municipality.

The minimum and maximum number of councillors is fixed on the basis of population of municipality.\(^9\)

<table>
<thead>
<tr>
<th>Sr No.</th>
<th>Population of Municipality</th>
<th>No. of councillors</th>
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<tbody>
<tr>
<td>1.</td>
<td>For a municipality with a pop. not exceeding 20,000</td>
<td>15</td>
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<tr>
<td>2.</td>
<td>For a municipality with a pop. between 20,000-30,000</td>
<td>19</td>
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<tr>
<td>3.</td>
<td>For a municipality with a pop. between 30,000-40,000</td>
<td>23</td>
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<tr>
<td>4.</td>
<td>For a municipality with a pop. between 40,000-50,000</td>
<td>27</td>
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<tr>
<td>5.</td>
<td>For a municipality with a pop. between 50,000-1,00,000</td>
<td>31</td>
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<tr>
<td>6.</td>
<td>For a municipality with a pop. exceeding 1,00,000</td>
<td>35</td>
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With a population of 1,23,484\(^10\) Municipal Council S.A.S. Nagar, (Mohali) consisted of 27 elected councillors in the term (2000-2005) and the city was divided into 27 wards. However, the number of wards was increased to 31 in the year 2005 for the next election (2005-2010) under the Punjab Government’s notification,\(^11\)

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Table 2.2 shows the sex, age, qualification and profession of the councillors elected in the terms 2000-2005 and 2005-2010. There were about five male councillors who were re-elected from the ward number 2, 3, 11, 17 and 18. Three female councillors were also re-elected from ward number 16, 19 and 22 in the present term (2005-2010). The M.L.A elected from Kharar constituency working as Ex-Officio member of the Council in both the terms was also re-elected as M.L.A. in the elections of Punjab Legislative Assembly held in the year 2007.

2.2.2 Rights and duties:

The members whereas have certain privileges they also have got some obligations and duties to perform. They are required to take the oath of allegiance to the Constitution of India and faithfully discharge of their duties. These duties can be classified as follows:

1) Policy Making;
2) Sanctioning finance;
3) Review of works and policies already passed;
4) Making appointments; and
5) Sanctioning estimates

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12 Section 24 of the Punjab Municipal Act, 1911
They have the privilege of access to all records except that which is not in public interest. They can ask for special meetings, ask questions, make proposals, move resolutions and give their views on all items placed before the Council and further bring to the attention of the house and other officers any act of negligence or failure in the discharge of duties by any employee, leakage of revenue and can further suggest improvement in the working of the Council.

Along with this, they are responsible for the overall development of their wards. They ensure adequate supply of water, electricity, essential commodities like kerosene oil, rice, wheat, sugar at fair price shops and the maintenance of roads, parks and buildings such as community centres, toilets etc. of their wards.

2.2.3 Nomination:

Earlier there was a system of nominating the members having special knowledge or experience in municipal administration. This nomination was for three years and they could further be nominated after the expiry of the term. But with the 74th Amendment to the Constitution of India the system of nomination has been done away with. As this system was giving back door entry to politicians who are shy of elections or even rejected at the polls.

However, this looks anomalous and incompatible with democracy. As cooption is one of the best methods used for giving representation to minority community and special interests, who are not ordinarily keen to contest election. It is based on the British system of Alderman whom the councillors elect for their rich municipal experience, expertise in municipal administration and spirit of public service. It is preferable to nominations as it is not on Government but on the Council itself that the onus of nomination falls. Thus, the members should be nominated on the basis of proportional representation to enable every party to co-opt members in
proportion to its strength in the Council.  

2.2.4 Reservation of Seats:

To give equal representation to all the categories in the election of councillors, some provisions have been laid down in the Act, These are as follows:

a) Seats are reserved for the scheduled castes and scheduled tribes in proportion to their total population in area and the total number of seats to be filled through direct election. Such seats are allotted by rotation to different wards of the Council.

b) Not less than 1/3rd of the seats have been reserved for women belonging to scheduled castes, from amongst the total number of seats reserved for the scheduled castes of the city.

b) Not less than 1/3rd (including the number of seats reserved for women belonging to scheduled castes) of the total number of seats to be filled by the direct election have been reserved for general category women. However, for balanced representation the same are to be allotted by rotation to different wards of the Council.

c) One seat is reserved for backward classes and such seat is allotted by rotation to different wards of the Council.

As per the provisions of the Act in Municipal Council, S.A.S. Nagar, out of the total 27 wards- two wards are reserved for scheduled castes, four wards are reserved for women and one ward is reserved for backward classes. These seats are allotted by rotation to different wards of the Council.

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14 Section 8 of The Punjab Municipal Act, 1911
2.2.5 **Removal of a member:**

A councillor can be removed from his seat on one of the following grounds:

a) if he remains absent from the meetings of the Council for three successive months without the permission of the President;

b) if he intentionally abuses his position;

c) if he is responsible for misappropriation or loss of any money or property of the Council;

d) if he has been declared a bankrupt or an insolvent;

e) if he resigns by writing under his hand addressed to the Mayor, he shall cease to be a councillor and his office shall there upon fall vacant.

It has been said that these provisions reflect arbitrariness on the part of the government and are liable to be misused by any one for political ends. But the removal is only done by the Government after making an inquiry, on the recommendation of the Chairman of the Council and not otherwise. However the power of removal should be with the Council as has been provided in the Bombay Corporation Act.

Some charges of creating nuisance by breaking the chairs and tearing the ballot papers were leveled against one of the councillors in the meeting held on 11.03.2003 of the Municipal Council, S.A.S. Nagar, (Mohali). On these grounds his name was recommended by the President to the Secretary, Directorate of Local Bodies, Punjab for removal. But no action was taken against him as charges could not be proved in the inquiry conducted by the Directorate.

In another case, charges of creating nuisance were framed against another councillor during discussion on passing of agenda items relating to repairing of roads of ward no. 17 in the meeting held on 23.02.2006 of the

\(^{15}\) Section 16 of The Punjab Municipal Act, 1911
Council. His name was also recommended by the President to the Secretary Directorate of Local Bodies, Punjab for removal. In this case too, no action was taken against him as nothing could be proved against him after inquiry.

During discussions with the members it was found that the major cause of not taking action against the errant members is their political linkages with the higher echelons of the Department.

2.2.6 Meetings:
Municipal Council meets for the transaction of business at least once in a month which is usually presided over by the President. In the absence of the President, meetings are presided over by the Vice-President or in the absence of both, by a member chosen by the Council for this purpose. A meeting can also be called, either special or ordinary by the President or in his absence by the Vice-President on his own, or on requisition specifying the purpose of the meeting, made in writing by at least 1/5 of the total membership. The quorum necessary for a special meeting is 1/2 but not less than three, of the Council members actually serving at that time. For ordinary meeting 1/3rd of the members are required to be present. Proceedings of the meetings are recorded in the proceeding book and are signed by the President and a copy of the resolutions is sent to the Directorate of Local Bodies, Punjab.

During the term (2000-2005) the Municipal Council S.A.S Nagar, (Mohali) had 54 meetings in all i.e. It conducted 10 meetings in 2000-2001, 11 meetings in 2001-2002, 12 meetings in 2002-2003, 12 meetings in 2003-2004 and 9 meetings in 2004-2005. The meetings were regarding the passing of annual budget and developmental works- repairing of roads and streetlights, creation of parks, green belts and gardens such as Rose garden, Bougainvillea garden, Silvy park etc., passing of tenders for contracting out, sanitary work and repairing of roads of certain wards like ward no. 1, 2,4,9,11,16,18,21,23,24 and 27.
During the term (2005-2010) the council conducted 9 meetings in 2005-2006 and 12 meetings in 2006-2007. The meetings were regarding the passing of annual budget and developmental works—repairing of roads and streetlights, creation of parks and green belts and passing of tenders for contracting out sanitary work and repairing of roads of certain wards like ward no. 3, 5, 7, 8, 10 and 17.

2.2.7 President:
President is the first citizen of the city as well as the civic head of the council. He is indirectly elected from amongst the councillors within one month of its constitution.  

Constitutionally speaking, the President has only that role and influence in the affairs of the Council which may come to him as its member, Presiding Officer and civic head. Thus, indirect election of the President makes him more a figure head than an active functionary. Since he is elected by the councillors, not directly by the people, he cannot be said to have obtained a mandate from the people, and therefore, cannot speak and assert in the name of people. On the other side, if President is elected directly by the people he may entail two problems:

i) A directly elected President would have to be clothed with adequate powers. In fact, it is not possible to keep a popularly elected President a figure head. This may bring him into conflict with the council;

ii) The direct election contains seed of disharmony between the President and the Council. This system, at times doesn’t ensure an acceptable President to the councillors and may cause friction and discord between the two.

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16 Section 20 of The Punjab Municipal Act, 1911.
Even Punjab Local Government (Urban) Enquiry Committee in its report favoured the system of indirect election of President. To quote it,

(i) the President elected by the direct vote has no link with the Council and it is not imaginable how he can work without carrying a majority with him.

(ii) direct election would not be conducive to smooth and harmonious working of the municipal government, it is likely to create deadlock between the President and members.\footnote{Government of Punjab, Report of Committee on Local Government (Urban) Enquiry. Punjab, 1957, pp.26-27.}

The direct election of the President was tried in 1948 in the States of Madhya Pradesh and Uttar Pradesh but did not lead to good relationship between the President and Members and was therefore, replaced by the old system of indirect election.

The President is responsible to carry out the transaction of the business of Council. He presides over the meetings of the Council and regulates the conduct of business at such meetings. He executes the decisions taken in the meetings and issues letters to its executive wing and other officers who supervise the work of municipality. He has access to all the records and can ask for any information. All matters are placed before the council after his approval.

He keeps himself in touch with the day-to-day administration and is required to place the working of the house before each meeting. Being the first citizen of the city he represents at official functions.

The term of the President is coterminus with the term of the Council. He can be removed by the State Government even before the expiry of the term on grounds of abuse of powers or failure to perform his duties. This practice is not in conformity with the democratic setup. The President can also be removed by means of no-confidence motion passed by two third majority in pursuance of a special resolution. Avasthy treats this method as
the democratic right as it helps the Council members to get rid of a President who has lost the confidence of the members. 19

The President of Municipal Council, S.A.S. Nagar(Mohali) during his term from 1995 to 2000 had to face no-confidence motion on the basis of the failure in calling the meeting of Council after two months, which is to be called every month by the President. But the resolution could not succeed due to lack of 2/3 majority in the meeting held on 12.03.1996.

During discussions with the councillors regarding the removal of the President it was found that the members were stopped from attending the meeting by luring them with money or gifts. This type of practice is against the principle of democracy and defeating the very purpose of the no-confidence motion for debarring the errant members from the Council.

Some times these motions are moved on frivolous grounds or on the party basis as to pressurise or to harass the President to get certain benefits or on the basis of personal rivalry or inter-group fighting or for sharing power. The frequency of no-confidence motion has been alarming in Rajasthan, whereas in Municipal Council S.A.S. Nagar (Mohali) no-confidence motion has never been used on these grounds yet.

2.2.8 Vice President:
Every year the municipality elects one or two of its members for the post of Vice-President. When two Vice-Presidents are elected at the same time, it is the privilege of the municipality to declare one of them as senior. 20 He assists the President in carrying out the business of the Council and in his absence he presides over the meetings of the Council. The Vice President is removable in the same manner as the President except that his removal is not subject to Government approval. 21

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20 Section 20 of The Punjab Municipal Act, 1911.
21 Section 22 of The Punjab Municipal Act, 1911.
In M.C. S.A.S. Nagar (Mohali), the President and the councillors have been drawing honorarium of Rs.5000/- and Rs 2500/- respectively. The amount of honorariums was enhanced with effect from 11.02.2006, earlier they were getting Rs. 3000/- and Rs. 1100/. Along with the honorarium, the amount for attending the meetings of the council was also enhanced from Rs. 100/- to Rs.200/-.

2.2.9 Municipal Bureaucracy:
The Chief Executive Officer of the municipality is known as Executive Officer. All the administrative powers to perform the civic functions vests in the Executive Officer. He is the king pin of municipal administration. The whole municipal administration revolves around his personality. He is at the apex of the Municipal hierarchy and is the key officer controlling the administrative machinery of the government.

Earlier he was appointed by the Elected Council by 5/8th majority within a period of three months of its notification subject to the approval of the Government for a renewable period of five years. The Taxation Enquiry Committee (1953) had recommended that the municipalities should have Executive Officers in whom the executive powers and administrative responsibilities shall vest by statutory provisions and they should be appointed by government or by an independent statutory board. These recommendations were endorsed by the conference of Local Self Government (Urban) Enquiry Committee (1957), and the Rural Urban Relationship Committee (1966). Accordingly, the Punjab Government had established the Punjab Service of Executive Officer in 1976.

In the wake of provincialisation of municipal services in 1975, henceforth, all appointments were made by the State Government. To become Executive Officer, an incumbent should have degree in Law with an experience for a minimum period of seven years in municipal

22 Section 3 of The Punjab Municipal (Executive Officers Act), 1931.
administration, on a post not lower than the rank of Superintendent in municipal committee or a post graduate with at least 2nd division with an experience of a minimum period of seven years in municipal administration on a post not lower than the rank of Superintendent in Municipal Committee.

Since 1996, eight incumbents have occupied this position in MC S.A.S. Nagar (Mohali). Out of the eight, five have been appointed directly by Punjab Government, while three of them were promoted from lower class Municipal Committees.

The Executive Officer can be removed by the State Government at any time on grounds of inefficiency, nonperformance of duties, negligence of duty etc. and his services are governed by the Punjab Municipal Executive Officers Act, 1931. Thus, the entire executive power for the purpose of carrying out the provisions of the Act is vested in the Executive Officer of the council. He is empowered. 24

a) to implement the bye-laws and the decisions of the Council;

b) to exercise control and supervision over the municipal staff;

c) to transfer municipal employees from one branch to another;

d) to put before the Council all correspondence done and received from the state;

e) to prepare budget and present it before the Council;

f) to enter into contract on behalf of Council;

g) to collect all taxes, fees and fines;

Hence, it can be said that the Executive Officer of the Council plays a very important role in the overall development of the town and this is possible if he is politically non-partisan, and is allowed to perform his duties unhindered by the municipal councillors. Factions within the Council try to solicit or extort favours from him failing which they keep him under

24 Section 4 of The Punjab Municipal (Executive Officers Act), 1931.
the constant threat of removal from office. It impairs the independent functioning of the chief executive whose separation from deliberative organ was sought through the Executives Officers Act, 1931. In the words of Dr.Argal:-

“So long as the Executive Officer is dependent on the Council, is subordinate to it and can be removed by the Council, he is prone to indulge in the politics of the Council and he must set part of the Council against another. He must oblige the councillors by appointing their relations... or by reducing taxes due from them and it is frequently with the power of patronage that he forms a party of his own in the Council.”

Moreover, the Executive officer’s power of making control over the personnel in matters of recommending punishment and appointing inquiry officer is subject to the final approval of the Council. This considerably curtails the disciplinary authority of the Executive Officer and makes him ineffective regarding his supervisory control over the municipal personnel.

Though the Executive Officer is the main executive head of the municipal administration, the President has also been allocated some extraordinary administrative powers. But the powers of the latter are so circumscribed that, a dynamic and vigorous personality in presidential office, is apt to grow impatient with the restraints and may even be tempted to encroach upon the authority of the former. If the latter also happens to be a person of strong personality, he would not tolerate much administrative encroachment. Thus tension, even conflicts may arise at the higher echelons of municipal administration, thereby adversely affecting the formulation of municipal policies and their implementation.

Further under the present system in some of the municipalities, the Executive Officers have generally been playing safe and have practically renounced their statutory power in favour of the Presidents, thus defeating

the very purpose of the Executive Officer Act. In fact, both the attitudes, one that of playing safe on the part of the Executive Officer and the other that of undue interference on the part of the President have to be avoided as they prove detrimental to the interest of administrative efficiency.

Thus, a smooth and coordinative relationship is required between the Executive Officer and the President for the easy sailing of the municipal administration. But conflicts arise between the two on many occasions. Such conflicts were found between the Executive Officer, MC S.A.S Nagar, (Mohali) and the President during (1996-1997) in matter of appointment of class IV employees in the Council. The clash touched to such a height that the Executive Officer was transferred to some other department within one year. Another Executive Officer had also some conflicts with the President during 1998-1999 in matters of allocating official work to some particular employees. Both wanted to give important tasks like supervising the tax collection, reception of VIPS in the city and looking after the day to day activities of the Council to their own men.

**Municipal Engineer:**
The overall head of the Engineering Wing is the Municipal Engineer. The qualification to become Municipal Engineer is that the incumbent should be an Engineer with an experience of five years in municipal service and for promotion an experience of eight years is required. He is charged with the responsibility of looking after the developmental and repair work of all the buildings, roads, parks and gardens falling under the municipal area. He is also responsible for the augmentation, storage and the distribution of water supply to all the residents of municipal area. All works are executed in accordance with Municipal Account Code, 1930, and other rules and regulations and guide lines received from the government from time to time.
Assistant Municipal Engineer (A.M.E.):

Assistant Municipal Engineer (A.M.E.) works directly under the Municipal Engineer. There are total five Assistant Municipal Engineers who assist him in preparing estimates, calling tenders, allotting work and looking after the developmental and repair work in the municipal town. Each A.M.E is further assisted by the technical staff including Junior Engineers, Draftsmen, Supervisors and Helpers and the administrative staff- Superintendent, Assistants, Clerks and Peon. The following two circles work under the direction and control of each A.M.E -

**Buildings and Roads Circle:**

It is further divided into following 3 divisions.

a) **Roads Division:**

This division is responsible for maintenance of roads, roundabouts, community centres and parking lots. It is also responsible for lifting of filth from road-berms and back-lanes.

b) **Horticulture Division:**

This division is responsible for the development and maintenance of gardens, parks, green belts, open spaces under municipal area.

c) **Electrical Division:**

The division deals with the maintenance of streetlights, traffic signals and the fitting of electrical gadgets like fans tube lights bulbs etc. in community centres, and their repair.

**Public Health Circle:**

P.H.C. (Public Health Circle) is further divided into following 2 divisions.

a) **Water Supply:**

It deals with the augmentation, storage, distribution and maintenance of water supply system within the municipal area.

b) **Sewerage and Storm Water Drainage:**

It looks after the sewerage and storm water drainage system of the whole area coming under municipal limits. Besides this, it is also responsible for the maintenance of community centres.
Sanitary Inspector:
Sanitary Inspector is responsible to look after the sanitation branch. He has to ensure proper scavenging of city, timely removal of garbage from different collection points and transfer it to the dumping ground. He is assisted by a Sanitation Superintendent, and Clerk along with the two head sweepers and other sweepers, in his functions.

Sanitation Superintendent:
Besides assisting the Sanitary Inspector in his functions, the Sanitation Superintendent looks after the following two branches-

a) Births and Deaths Branch:
Along with Sanitation Superintendent, the other staff members include a Clerk and Helpers. The branch is responsible for the registration of births and deaths and issuance of certificates of the same on demand of the concerned party.

b) Cattle Pond Branch:
Cattle pond branch is a new initiative taken by the Council to catch hold stray cattle and transfer them to cattle pond. The branch operates under the headship of Sanitation Superintendent who is assisted by a Clerk and Helpers.

Chief Fire Officer:
Chief Fire Officer is the head of the Fire wing, the other staff members who assist him in his functions are- Fire officers, Firemen, Drivers etc. He is responsible for the prevention and extinction of fire in any area under the Council besides, hearing the complaints in this regard. All the fire brigades are under his control and he is responsible for the maintenance of the same.

Tax Superintendent:
Tax Superintendent is the incharge of the tax branch who in assistance with Inspectors, Assistants, and Clerks looks after the collection of certain taxes including- entertainment tax, show tax, advertisement tax (other than advertisements published in newspapers), water cess; besides collection of rent from shops within municipal area, licence fee from persons exercising
dangerous/offensive trades and eating stalls, road cut, funeral charges, cremation charges etc.

Along with this, he is responsible to keep a strict vigil on the encroachments on the Council’s land and is also empowered to remove such encroachments and debris from the corridors of shop-cum-offices and shop-cum-flats.

Tax Superintendent is also the incharge of the Establishment branch who in assistance with assistants and clerks deals with all the matters relating to the appointment, promotion and transfer of all the employees of Group A, B, C and D services.

**Accountant:**

Accountant is the head of accounts branch assisted by Junior Accountant, Assistants and Clerks. He prepares the budget estimates for the next financial year and the estimates of salary and other allowances of the employees of the Group A, B, C and D services of the Council.

**Audit Officer:**

Audit Officer is head of the audit branch. He is assisted by Junior Audit Officer and a Clerk. He is responsible for auditing the accounts maintained by the Council regarding the total receipts of revenue, expenditure and the contingency heads.