

# INDIAN CONSTITUTION

**Part IXA – Municipalities – 2**

**74<sup>th</sup> Constitutional amendment Act**

By amit **Varidhi** kilhor



Sixth Edition

# INDIAN POLITY

For Civil Services and  
Other State Examinations

M LAXMIKANTH

- 6 new chapters
- Updates in all chapters

**Part IXA -  
Municipalities**

**Lecture 52 of the  
Indian polity Series**

52



**District Planning Committee** Every state shall constitute at the district level, a district planning committee to consolidate the plans prepared by panchayats and municipalities in the district, and to prepare a draft development plan for the district as a whole.

The state legislature may make provisions with respect to the following:

1. The composition of such committees;
2. The manner of election of members of such committees;
3. The functions of such committees in relation to district planning; and
4. The manner of the election of the chairpersons of such committees.

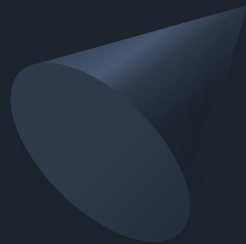
The act lays down that four-fifths of the members of a district planning committee should be elected by the elected members of the district panchayat and municipalities in the district from amongst themselves. The representation of these members in the committee should be in proportion to the ratio between the rural and urban populations in the district.

The chairperson of such committee shall forward the development plan to the state government.

In preparing the draft development plan, a district planning committee shall (a) Have regard to–

- (i) matters of common interest between the Panchayats and Municipalities including spatial planning, sharing of water other physical and natural resources, the integrated developm of infrastructure and environmental conservation;
- (ii) the extent and type of available resources whether financia otherwise; and

(b) Consult such institutions and organisations as the Governor may specify.



## Metropolitan Planning Committee

Every metropolitan area shall have a metropolitan planning committee to prepare a draft development plan<sup>5</sup>. The state legislature may make provisions with respect to the following:

1. The composition of such committees;
2. The manner of election of members of such committees;
3. The representation in such committees of the Central government, state government and other organisations;
4. The functions of such committees in relation to planning and coordination for the metropolitan area; and
5. The manner of election of chairpersons of such committees. The act lays down that two-thirds of the members of a metropolitan planning committee should be elected by the elected members of the municipalities and chairpersons of the panchayats in the metropolitan area from amongst themselves.

**List of 18 items covered under the Twelfth Schedule of the Indian Constitution are as follows;**

1. Regulation of land use and construction of land buildings.
2. Urban planning including the town planning.
3. Planning for economic and social development
4. Urban poverty alleviation
5. Water supply for domestic, industrial and commercial purposes
6. Fire services
7. Public health sanitation, conservancy and solid waste management
8. Slum improvement and up-gradation
9. Safeguarding the interests of the weaker sections of society, including the physically handicapped and mentally unsound

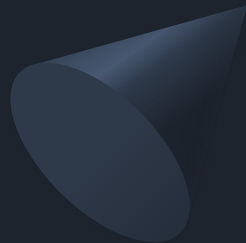
10. Urban forestry, protection of environment and promotion of ecological aspects
11. Construction of roads and bridges
12. Provision of urban amenities and facilities such as parks, gardens and playgrounds
13. Promotion of cultural, educational and aesthetic aspects
14. Burials and burials grounds, cremation and cremation grounds and electric crematoriums
15. Cattle ponds, prevention of cruelty to animals
16. Regulation of slaughter houses and tanneries
17. Public amenities including street lighting, parking spaces, bus stops and public conveniences
18. Vital statistics including registration of births and deaths



## TYPES OF URBAN GOVERNMENTS

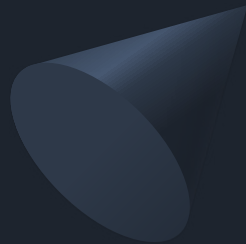
The following eight types of urban local bodies are created in India for the administration of urban areas:

- Municipal Corporation
- Municipality
- Notified Area Committee
- Town Area Committee
- Cantonment Board
- Township
- Port Trust
- Special Purpose Agency



## 1. Municipal Corporation

Municipal corporations are created for the administration of big cities like Delhi, Mumbai, Kolkata, Hyderabad, Bangalore and others. They are established in the states by the acts of the concerned state legislatures, and in the union territories by the acts of the Parliament of India. There may be one common act for all the municipal corporations in a state or a separate act for each municipal corporation.



## 2. Municipality

The municipalities are established for the administration of towns and smaller cities. Like the corporations, they are also set up in the states by the acts of the concerned state legislatures and in the union territory by the acts of the Parliament of India.

### 3. Notified Area Committee

A notified area committee is created for the administration of two types of areas—a fast developing town due to industrialisation, and a town which does not yet fulfil all the conditions necessary for the constitution of a municipality, but which otherwise is considered important by the state government. Since it is established by a notification in the government gazette, it is called as notified area committee. Though it functions within the framework of the State Municipal Act, only those provisions of the act apply to it which are notified in the government gazette by which it is created.

But unlike the municipality, it is an entirely nominated body, that is, all the members of a notified area committee including the chairman are nominated by the state government. Thus, it is neither an elected body nor a statutory body.

#### 4. Town Area Committee

A town area committee is set up for the administration of a small town. It is a semimunicipal authority and is entrusted with a limited number of civic functions like drainage, roads, street lighting, and conservancy. It is created by a separate act of a state legislature. Its composition, functions and other matters are governed by the act. It may be wholly elected or wholly nominated by the state government or partly elected and partly nominated



## 5. Cantonment Board


A cantonment board is established for municipal administration for civilian population in the cantonment area<sup>7</sup>. It is set up under the provisions of the Cantonments Act of 2006—a legislation enacted by the Central government. It works under the administrative control of the defence ministry of the Central government. Thus, unlike the above four types of urban local bodies, which are created and administered by the state government, a cantonment board is created as well as administered by the Central government.

## 6. Township

This type of urban government is established by the large public enterprises to provide civic amenities to its staff and workers who live in the housing colonies built near the plant. The enterprise appoints a town administrator to look after the administration of the township. He is assisted by some engineers and other technical and non-technical staff. Thus, the township form of urban government has no elected members. In fact, it is an extension of the bureaucratic structure of the enterprises.


## 7. Port Trust

The port trusts are established in the port areas like Mumbai, Kolkata, Chennai and so on for two purposes: (a) to manage and protect the ports; and (b) to provide civic amenities. A port trust is created by an Act of Parliament. It consists of both elected and nominated members. Its chairman is an official. Its civic functions are more or less similar to those of a municipality



## 8. Special Purpose Agency

In addition to these seven area-based urban bodies (or multipurpose agencies), the states have set up certain agencies to undertake designated activities or specific functions that 'legitimately' belong to the domain of municipal corporations or municipalities or other local urban governments. In other words, these are function-based and not area based

1. Town improvement trusts.
  2. Urban development authorities.
  3. Water supply and sewerage boards.
  4. Housing boards.
  5. Pollution control boards.
  6. Electricity supply boards.
  7. City transport boards
- 






## MUNICIPAL REVENUE

There are five sources of income of the urban local bodies. These are as follows

1. **Tax Revenue:** The revenue from the local taxes include property tax, entertainment tax, taxes on advertisements, professional tax, water tax, tax on animals, lighting tax, pilgrim tax, market tax, toll on new bridges, octroi and so on.


2. **Non-Tax Revenue:** This source include rent on municipal properties, fees and fines, royalty, profits and dividends, interest, user charges and miscellaneous receipts. The user charges (i.e., payment for public utilities) include water charges, sanitation charges, sewerage charges and so on.



**3. Grants:** These include the various grants given to municipal bodies by the Central and State Governments for several development programmes, infrastructure schemes, urban reform initiatives and so on.

**4. Devolution:** This consists of the transfer of funds to the urban local bodies from the state government. This devolution is made on the basis of the recommendations of the state finance commission.

**5. Loans:** The urban local bodies raise loans from the state government as well as financial institutions to meet their capital expenditure. They can borrow from the financial institutions or other bodies only with the approval of the state government.



t.me/amitkilhor



**instagram.com/amitkilhor**

• **twitter.com/amitkilhor**

*facebook.com/amitkilhorpage*

[twitter.com/amitkilhor](https://twitter.com/amitkilhor)

[t.me/amitkilhor](https://t.me/amitkilhor)

[instagram.com/amitkilhor](https://instagram.com/amitkilhor)

[facebook.com/amitkilhorpage](https://facebook.com/amitkilhorpage)