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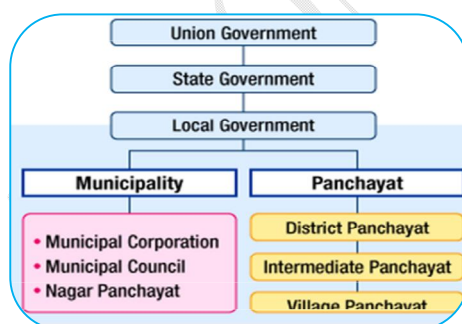


CONSTITUTION AND LOCAL GOVERNMENTS

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ABSTRACT

Under the Constitution of 1950, the establishment of local government is the responsibility of state government. Entry 5 in the state List provides for the establishment of local government by the state government. Thus, the onus for stimulating the municipal bodies animating them to grow as local self government institutions falls primarily on the state government. In accordance with constitutional provisions, many legislative enactments were made to reorganize the structure of urban local government institutions in various states, beginning with the Orissa Municipal Act of 1950. This was followed by the Jammu and Kashmir Municipal Act of 1951, the Kerala Municipal Act 1956, the Rajasthan Municipal Act of 1959, the Assam Municipal Act of 1964, Belgaum Municipalities Act, 1964, and Karnataka Municipal Corporations Act, 1976, Karnataka Municipal Corporations Act, 1994, etc.



KEYWORDS: local government, Rural Urban Relationship Committee, municipal employees.

INTRODUCTION :

Municipality acts have been recently enacted in the states of Gujarat, Andhra Pradesh, Maharashtra and others to unify and rationalize different laws in force in those states after the reorganization. The idea of common or single act for municipalities was welcomed by the Rural Urban Relationship Committee. The main trends and features of these legislative enactments can be summed up as under. Adult franchise has replaced limited franchise in local bodies in all the states. Communal representation has been done

away with and joint electorates have been substituted for separate electorates, The Uttar Pradesh Amendment Act of 1952 and Madhya Bharath act of 1954 provided for the direct election of the chairman of the Municipal Boards. However, the system failed and both the states returned to the practice of indirect election of the chairman/president of the Board. Attempts were made to strengthen the chief executive by vesting him with specific powers under the Acts or rules, and by providing for the appointment of Executive Officers where there was none. Attempt have been

made to regulate the appointment, promotion and disciplinary control of the municipal staff and to adopt the practice of making certain appointments on the recommendations of the public service commission, there is an increasing tendency to make provisions in municipal acts for creating state cadres of municipal employees, particularly for executive officers, engineers, accountants, health officers, and so on. Another notable feature of this period was the deliberations in much conference to consider various matters relating to local

bodies of the country. In 1948, a conference of local self-government ministers of provinces was held under the chairmanship of the union ministers of health.

In his address the prime minister said, "Democracy at the top will not be a success unless it is built on this foundation from below". The conference of ministers for local self-government accepted the scheme of provincialisation. On the recommendation of this conference Local Finance Enquiry Committee was appointed which published its report in 1951. Subsequently, many such local self government enquiry committees were appointed in several states to suggest means of improving local bodies. On the recommendations of the Second Local Self Government Ministers Conference in 1954, the central Council of Local Self Government was constituted. It consists of the Union Minister for Health as its chairman and the local self government ministers of all the states of India as members. This council meets every year to assess the working of municipal administration and make suggestions to improve the situation from time to time.

In most of the states, other associations connected with municipal local bodies have also emerged. At the all India level, we have the Federation of All India Local Authorities. In the words of Dr. Argal, "the conferences and discussions of these associations have been helpful in awakening the consciousness of the people and governments to the problems of local bodies".

The ministry of health has also been organizing annual conference of municipal corporations to appraise common problems of local authorities. In other words, efforts have been made to bring about certain amount of uniformity in the urban administration throughout the country. Besides, a number of central committees and commissions have been set up from time to time to suggest ways for streamlining the local government structure in the country. The Local Finance Enquiry Committee (1951), to recommend steps for the improvement and stabilization of local finances, the Taxation Commission (1953-54) for making recommendations on municipal taxation, The Rural Urban Relationship Committee (1966), for defining the structure and functions of urban local bodies and their relationship with Panchayat Raj institutions as well as for making recommendation for the more efficient and effective functioning of urban local bodies. The Committee on the Training of Municipal Employees (1963) to give different kinds of training to the municipal employees in order to make them more efficient in discharging their duties, The Committee on the Services Conditions of Municipal Employees (1968) to provide good conditions of work and privileges to the municipal employees, The Committee on Budgetary Reform in Municipal Administration, (1974) to improve the financial resources of municipal governments. The Study Group on Constitution, Powers and Laws of Urban Local Bodies and Municipal Corporation (1982), to bring about changes in the organization and powers of the municipal corporation, and many central committees for the Augmentation of Financial Resources of (Urban) Local Bodies, have also been appointed from time to time for effecting improvement in urban local government. In the states also various committees and commissions have been appointed for looking into the problems of municipal administration and recommending measures for its improvement. However, the states in India have not been enthusiastic about effecting substantial improvement in urban local government, despite occasional providing by the central government.

In Pre independence era, the term Local self government was used for Local government because India did not enjoy any self government either at the central or at the provincial level. After the British Government decided to associate Indians in administering local affairs, it meant a slice of self-government for the people. Hence, the term, Local Self-government was meaningful at that time but now the word self has become redundant as the country enjoys self rule at all levels. The term Local Government and not the term 'Local Self Government' is used in entry 5 of list II of the Seventh Schedule of the Indian Constitution. Nevertheless, both the terms 'Local government' and Local Self government are used interchangeably.

Apparently, there are five types of urban local bodies in India; but only Municipal Corporations and Municipal Councils (City and Town Municipalities) may be considered as full-fledged representative urban local bodies. Cantonments Act governs the Cantonment Boards, 1924, which is a central legislation. They are still controlled directly by the central legislation.

They are still controlled directly by the central Ministry of Defence. Each such board consists of partly elected and partly nominated members. Its key officials are drawn from the armed force on an ex officio basis.

The Notified Area Committees, at present function in 9 states. They include Bihar, Gujarat, Haryana, Madhya Pradesh, Karnataka, Punjab, Jammu Kashmir, Uttar Pradesh and Himachal Pradesh. They are in areas which are fast developing as new urban areas, but which are not yet ripe for municipalization. The members of these committees are all nominated by the state governments, which vest them specific powers in accordance with the provisions of the prevailing municipal acts. The town Area Committees exists both in states and union territories. In seven states they are functioning they include, Assam, Kerala Madhya Pradesh, Uttar Pradesh, Jammu Kashmir, West Bengal, Himachal Pradesh.

The members of the Town Area Committee are usually nominated or partly nominated and partly elected. Generally, such committees are established in small towns and they are entrusted with limited local functions. The fate of the Town Area Committee is today in a state of flux due to establishment of Panchayat Raj Institutions in rural areas.

However, in the recent period, there is a noticeable trend in favor of making it a part of the rural government. The Municipal Councils are governed by the Municipal Acts of the states. They are commonly found in urban areas. They are an integrated structure. The chairman who is the head of the deliberative wing the council is the chief executive. The trend in almost all the states is towards making statutory provision for the appointment of executive officers who are made responsible for day to day administration.

Municipal Corporations, the top most urban local governments, are usually found in the principal cities with a population ranging between 2 lakhs to 5 lakhs. It is estimated that there are about 73 municipal corporations in the country.

Any understanding of the growth of Municipalities in Karnataka cannot be done without its historical background. It is desirable to familiarize ourselves with the significant details the early history of the growth and development and working of these municipalities in Karnataka. Karnataka has its name mentioned even in the Mahabharatha. The great king Ashoka sent a missionaries to Mahisha Mandala (Belgaum) in the 3rd century B.C. to proclaim the religion of the Buddha. Raja Raja Chola, A Chola Prince ruled over the state and a large area of Madras Presidency and Ceylon in the 9th century A.D. Gangas were ruling over this territory in between 1003 and 1022 A.D. The Cholas, Hoysalas, Vijayanagar and Wodeyar kings ruled over this state in a succession. Karnataka city is one of India's prime urban centers in India The State is famous for its aesthetics, rich cultural and architectural heritage, colorful festivals, magnificent mansions, myriad lights, wide and clean roads and enchanting parks. Lilted melodies of Karnataka music, rustle of the Belgaum silk, the delicate aroma of sandalwood and the ambience of a princely city with places, shopping malls and planned markets reveal the palpable impress left by its progenitors, the famous Wodeyars of Belgaum and their illustrious Dewans. This is internationally Known on the silicon alley today.

CONCLUSION

In accordance with constitutional provisions, many legislative enactments were made to reorganize the structure of urban local government institutions in various states, beginning with the Orrissa Municipal Act of 1950. this was followed by the Jammu and Kashmir Municipal Act of 1951, the kerala Municipal Act 1956, the Rajasthan Municipal Act of 1959, the Assam Municipal Act of 1964, Belgaum Municipalities Act, 1964, and Karnataka Municipal Corporations Act, 1976, Karnataka Municipal Corporations Act, 1994, etc.

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taxation, The Rural Urban Relationship Committee , for defining the structure and functions of urban local bodies and their relationship with Panchayat Raj institutions as well as for making recommendation for the more efficient and effective functioning of urban local bodies.

The Committee on the Training of Municipal Employees to give different kinds of training to the municipal employees in order to make them more efficient in discharging their duties, The Committee on the Services Conditions of Municipal Employees to provide good conditions of work and privileges to the municipal employees, The Committee on Budgetary Reform in Municipal Administration, to improve the financial resources of municipal governments.

The Study Group on Constitution, Powers and Laws of Urban Local Bodies and Municipal Corporation, to bring about changes in the organization and powers of the municipal corporation, and many central committees for the Augmentation of Financial Resources of Local Bodies, have also been appointed from time to time for effecting improvement in urban local government.

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