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Abstract

Civic governments in Maharashtra have evolved during the British period. Since the seventeenth century its independence from the higher government and the active role of citizens have been emphasised. The BMC Act of 1888 and subsequent legislations have played an important role in giving stability to the urban local governance. The provision of municipal corporation for larger urban areas has helped the government to resolve the civic issues to a large extent. The passage of 74th Amendment in the Parliament has further strengthened the status of the corporation as city government. However, the need to involve more and more people in the local governance has been recognised constitutionally. The autonomy especially in the field of finance is an area which needs special attention.

Keywords: Municipal Corporation, Municipal Councils, Nagar Panchayats, Mayor, Presidents, Councillors, Municipal finance, Planning committees, metropolitan planning committees, Wards Committees



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The history of urban local government in Maharashtra is essentially linked to its evolution in India during British period. The first attempt to form the municipal government in Maharashtra was made through the direction of King George III to the Governor General of Bengal to constitute Bombay Municipal Corporation and appoint the Justices of Peace in 1792. In the post 1687 period when the first municipal corporation was set up in Madras, the evolution of local government in India had to wait until 1793 when it acquired a statutory base. Bombay was one of the presidency towns along with Madras and Calcutta where a municipal administration was set up under the Charter Act of 1793. The Governor General was authorized to appoint Justices of Peace in these three towns. However, the first duly constituted municipal government came into existence on 1st July, 1865 under Municipal Act II of 1865. Although this municipal government had 400 Justices of Peace, with majority from European community, all were nominated on the ad hoc basis. The municipal Act III of 1888 was the outcome of the reform Municipal Bill, 1887 in which the provisions like the elected representation and the independence of local bodies from outside interference was incorporated. For the first time, the autonomy of corporation was enlarged including the deliberative and executive wings. The provision of elected representation was reaffirmed again through the Government of India Resolution of 16th May, 1918 which emphasised that the local

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bodies should be as representative as possible of the people whose affairs and issues the local bodies resolve and deal. The Government of India Act, 1919 and Government of India Act, 1935 did not say much about the further improvement of local bodies but some important decisions were taken during this period. For the first time, Municipal Districts were divided into wards in 1920 and Harijan (Scheduled Castes), Backward Tribes and Women were given reservation of seats by the Bombay Act IX of 1938. (Pinto, 2005, pp.44-46)

In the post-independence period local government in Maharashtra follows the general structure of Local Governance in India and is broadly categorised into two categories; a. urban local governance, b. rural local governance. However, in the period following independence as well as in the post 74th Constitution Amendment Act, 1992 era, all urban local bodies in the State of Maharashtra were constituted and governed in accordance with the provisions of the following Acts which have undergone several amendments from time to time to incorporate constitutional amendment requirements and various other essential governmental rules and regulations.

- i. The Bombay Municipal Corporation Act, 1888
- ii. The Bombay Provincial Municipal Corporation Act, 1949
- iii. The City of Nagpur Corporation Act, 1948
- iv. Maharashtra Municipal Councils, Nagar Panchayats & Industrial Townships Act, 1965

The Bombay Municipal Corporation Act, 1888 was so comprehensive that it became the precedence for the enactment of other acts not only in Maharashtra but outside the state also. However, under this Act only the Bombay Municipal Corporation was formed. Hence, the entire city of Mumbai including the extended suburbs known as Brihanmumbai or Greater Bombay as defined by the Bombay High Court, are governed by Mumbai Municipal Corporation Act, 1888 as amended from time to time by the State Legislature of Maharashtra. Except Mumbai and Nagpur, all other municipal corporations in the State of Maharashtra earlier were constituted and were governed according to the provisions of the Bombay Provincial Municipal Corporations Act of 1949 which again was amended from time to time to incorporate various constitutional amendments and governmental rules and regulations. Similarly, the City of Nagpur Corporation Act, 1948 was brought out for the constitution of Nagpur Municipal Corporation. This Act was earlier the exclusive act for the city of Nagpur because of historical reasons. The Municipal Corporation of Nagpur till the new law came in, was governed according to the provisions of this Act. However, this Act also underwent

changes and saw through several amendments to incorporate the constitutional provisions and state legislative enactments including the municipal and other rules and regulations. The Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act of 1965 has been amended several times in the post 74th amendment period and has in fact taken a new name to incorporate several provisions of the Constitution (74th Amendment) Act, 1992. All Municipal Councils and Nagar Panchayats in Maharashtra are constituted and governed according to the provisions of this Act. (Pinto, 1998, pp. 34-38)

In 2012, both 'The Bombay Provincial Municipal Corporation Act, 1949' and 'The Nagpur Municipal Corporation Act, 1948' were replaced by 'The Maharashtra Municipal Corporation Act, 1949'. In other words, The Maharashtra Municipal Corporation Act, 1949, has replaced the Nagpur Municipal Corporation Act, 1948 which governed the Nagpur Municipal Corporation as well as the Bombay Provincial Municipal Corporation, 1949 which governed all municipal corporations in Maharashtra except the Mumbai Municipal Corporation and the Nagpur Municipal Corporation. The decision was taken by the then Congress Government headed by Chief Minister Prithiviraj Chavan in 2011. The intention was to have a uniform model act that will govern all municipal corporations in the state of Maharashtra except Mumbai. Hence, the new act was enacted keeping in mind the rapid urbanization of the state and a need to bring about uniformity in the growth pattern. It is important to remember that the Nagpur Municipal Corporation Act, 1948 was enacted when Nagpur city was still a part of the erstwhile Central Province (CP) and the Bombay Provincial Municipal Corporation Act, 1949 was enacted keeping in mind the Bombay Presidency or Bombay State as it was known soon after independence and in the pre-1960 period. The Bombay Provincial Municipal Corporation Act, 1949 was enacted keeping in mind the erstwhile provinces and areas of Mumbai, which even included cities from Gujarat. However, these facts do not hold any significance today. Moreover, as the Nagpur Municipal Corporation Act's shelf life was coming to an end, it became imperative to ratify a completely new legislation with similar provisions without any major amendment. These changes in the legislations were also required keeping in mind an estimation by the State urban development department that nearly 70 per cent of the State is expected to be urbanized by 2030 from the current mark of 45 per cent with Mumbai leading the way in growth. The old Bombay Provincial Municipal Corporation Act had many provisions, such as those related to Octroi and building construction, which did not apply uniformly to the rest of the municipal corporations but for Mumbai and its suburbs. The

new Act is expected to simplify procedures and administrative requirements. (Phadke, 2007, pp. 22-26)

Hence, all urban local governments in the state of Maharashtra are currently constituted and governed according to the following three acts.

- i. **The Mumbai Municipal Corporation Act, 1888**
- ii. **The Maharashtra Municipal Corporation Act, 1949**
- iii. **The Maharashtra Municipal Councils, Nagar Panchayats & Industrial Townships Act, 1965**

The whole city of Mumbai and the extended suburbs as defined by the Bombay High Court continue to be governed by the provisions of Mumbai Municipal Corporation, 1888 as amended from time to time by the State Legislature of Maharashtra. Now, except Mumbai, all 26 municipal corporations are governed according to the provisions of the Maharashtra Municipal Corporation Act, 1949 which has seen certain amendments recently. All municipal councils and Nagar Panchayats are constituted and governed according to the provisions of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 which has also been amended several times in the post-74th amendment period and has seen some changes very recently. ((Pinto, 1998. Pp.22-24)

Thus, in the state of Maharashtra and also as per the stipulation of the 74th CAA, there are three types of urban local governments as mentioned below followed by a brief description of these local governments in accordance with the provisions of the laws passed specially to constitute and govern them.

- i. Municipal Corporations
- ii. Municipal Councils
- iii. Nagar Panchayats

Municipal Corporations

The state legislation ‘The Maharashtra Municipal Corporation Act, 1949’, provides for the establishment of ‘Municipal Corporations’ for all larger urban areas in the State of Maharashtra, except that of Mumbai with its extended suburbs which is governed according to the provisions of ‘The Mumbai Municipal Corporation Act, 1888’ for several historical considerations. The Municipal Corporations responsible for managing the larger urban areas consist of the following:

- i. a corporation
- ii. a standing committee

- iii. wards committees
- iv. a mayor and a deputy mayor
- v. a municipal commissioner
- vi. a transport committee
- vii. a transport manager

Each corporation consists of the Councillors who are elected directly at the ward election. The exact number of councillors gets determined according to the criterion of population specified by the state laws. There is a provision for nominated councillors having special knowledge or experience in municipal administration. The State Election Commission specifies for each city the number and boundaries of the wards into which the cities are divided for the purpose of the ward election of the councillors. According to an earlier amendment each ward elected more than one councillor from the same constituency. This rule however, has been amended in 2019. Now, henceforth only one councillor will represent one electoral ward. (BMC Act, 1888)

As per the requirements of 74th CAA, in each corporation seats have been reserved for the members belonging to Scheduled Castes, Scheduled Tribes, Backward Class of Citizens and women as per the guidelines determined by the State Election Commissioner. Reservation of seats for the specific groups as mentioned above has to be in proportion to their population and gets allotted by rotation to the electoral wards in a corporation. One half of the total number of seats are reserved for women and such seats are allotted by rotation to different electoral wards. Every corporation unless sooner dissolved on justifiable grounds, continues for a period of five years from the date appointed for its first meeting. The term of office of councillors is co-terminus with the duration of the corporation. Election to constitute the corporation is expected to be completed before the expiry of its duration or before the expiration of a period of six months from the date of its dissolution. However, there is no need for an election if the remainder period is less than six months. Any councillor is free to resign his office at any time by notice in writing to the commissioner. Once the notice is given, his office becomes vacant with effect from the date of the notice.

The Maharashtra Assembly 'Roll' for the time being enforced, is divided by the State Election Commissioner into different sections corresponding to different wards in the city. A printed copy of each section of the Roll is then divided and authenticated by the State Election Commissioner as the 'Ward Roll' for each ward. Every person whose name is included in any ward roll is deemed to be enrolled in the municipal electoral roll. Every person whose name is included in a ward roll is therefore, entitled to vote at the ward election. A person who is not

less than 21 years of age on the date fixed for making nominations for any election and is enrolled in the municipal electoral roll, is qualified to be a councillor and to be elected either from such ward or from any other ward. Any person who ceases to be a councillor, is eligible for re-election. The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of all elections to the corporations, is the responsibility of the State Election Commission. (Maharashtra Municipal Corporation Act, 1949)

The Corporation, at its first meeting after the general election, elects from among the councillors, one of its members to be the Mayor and another to be the Deputy Mayor for a period of two and a half years. The office of the Mayor in the Corporation is reserved by rotation for the members belonging to the Scheduled Castes, the Scheduled Tribes, women and the Backward Class of Citizens. An elected councillor who is the leader of the party having the greatest numerical strength becomes the leader of the House. Similarly, an elected councillor who is the leader of the party in opposition, having greatest numerical strength becomes the leader of the opposition.

The Corporation, at its first meeting after general elections, appoints 16 persons out of its own body to be the members of the Standing Committee. However, one half of the members of the Standing Committee retire every succeeding year. Any councillor who ceases to be member of the Standing Committee is eligible for re-appointment. The Standing Committee appoints one of its own members as the Chairman for one year who is eligible for re-appointment. The Standing Committee normally delegates powers to special committees or sub-committees for better functioning. (M. M. C. A., 1949)

In the event of the Corporation acquiring or establishing a Transport Undertaking, there is a Transport Committee consisting of 13 members who are responsible for conducting the affairs of the said undertaking. In addition to this, the Corporation appoints 12 members of the Transport Committee from among persons who have had experience and shown capacity in, administration or transport or in engineering, industrial, commercial, financial or labour matters and who may or may not be the councillors. The Chairman of the Standing Committee becomes a member of the Transport Committee ex-officio. One half of the members of the Transport Committee retire every second year but are eligible for re-appointment. Transport Committee appoints one of its members as the Chairman.

Every city is required to constitute 'wards committees' which is comprised of such contiguous electoral wards as may be decided by the corporation. Each wards committee consists of:

- i. the councillors representing the electoral wards within the territorial area of the wards committee
- ii. the officer in charge of the territorial area of the wards committee
- iii. such number of other members not exceeding three, nominated by the councillors from amongst the members of recognised NGOs and CBOs engaged in social welfare activities working within the area of the wards committee:
 - a. provided that such persons are registered as electors in the wards within the jurisdiction of the wards committee
 - b. norms for recognition of NGOs, the requisite qualification for nomination as members and the manner in which they are to be nominated shall be such as the state government may decide.
 - c. the duration of the wards committee is co-terminus with the duration of the Corporation
 - d. the elected councillors shall elect from amongst themselves the chairperson who holds office until the first meeting in the next following official year.

The population norms for constituting wards committees are shown in the following table.

Norms for Constituting ‘Wards Committees’

Population	Minimum Number of Wards Committees	Additional Wards Committee for Additional Population	Maximum Number of Wards Committees
Above 3 lakhs and up to 4.5 lakhs	3	-	4
Above 4.5 lakhs and up to 12 lakhs	4	1,50,000	9
Above 12 lakhs and up to 24 lakhs	9	300, 000	13
Above 24 lakhs	13	600, 000	25

Source: Maharashtra Municipal Corporation Act, 1949

Functions of wards committee include:

- the speedy redressal of common grievances of citizens, connected with local and essential municipal services like water-supply, drainage, sanitation and storm water disposal
- to consider and recommend proposals regarding estimates of expenditure pertaining to the wards
- to grant administrative approval and financial sanction to the plans for municipal works costing up to five lakhs
- to make recommendations in regard to water supply, solid waste management, sewage disposal, drainage, storm water management, sanitation works and development schemes

- The Corporation may resolve to delegate to wards committee such other function as it may deem fit and expedient
- Wards committee is expected to meet at least once a month at its ward office

In order to further democratise the urban local governance and decentralise institutional practices, The Maharashtra Municipal Corporation Act, 1949, has provided for the constitution of 'Area Sabha' in all municipal corporations. The 'Area Sabha' is a statutory body of all persons registered in the electoral rolls pertaining to all polling booths in a specified electoral ward. The councillor of the concerned electoral ward who is the chairperson of Area Sabha convenes its meetings which should not be less than two per year. The Secretary of the Area Sabha who is appointed by the Corporation from amongst its officers will be responsible for organising the meetings of the Area Sabha. Each such meeting is given wide publicity in the territorial area of Area Sabha to ensure maximum participation of the registered voters in the area. Every meeting of the Area Sabha is presided by the Chairperson of the Area Sabha. The Secretary of the Area Sabha makes the arrangements and records the minutes of the meeting and forwards the same to the ward office and the corporation. He is expected to obtain information regarding the action taken by the Corporation or the office concerned on the suggestions made by the Area Sabha and present the same in the meeting.

An Area Sabha performs and discharges a number of functions and duties pertaining to different schemes and developmental programmes. An Area Sabha may exercise certain rights and enjoys some specified powers specially to get information from the concerned officials of the Corporation in relation to the services and the works they propose to do in the area. They expect to be informed by the Wards Committee about decisions concerning the jurisdiction of the Area Sabha. They also have the right to impart awareness on matters of public interest such as cleanliness, preservation of environment and prevention of pollution. They can seek attendance of ward level officers dealing with water supply, road and street lighting, conservancy sewage disposal, public sanitation, storm water and solid waste management and other civic amenities, in the meetings of the Area Sabha. They have right to co-operate with the Wards Committee in the provision of sanitation arrangements and other civic amenities in the area. (Parth, 2006, pp. 44-460)

Each municipal corporation also appoints some 'Special Committees' including the Women and Child Welfare Committee which conforms to any instructions that the Corporation may give them. Every special committee appoints two of its members to be its Chairman and

the Deputy Chairman. In addition to these committees, the Corporation may also appoint certain Ad-hoc Committees to deal with some urgent issues pertaining to the Corporation.

The Municipal Commissioner who is appointed by the State government is responsible for implementing the decisions and the resolutions of the Corporation. Similarly, in the event of the Corporation acquiring or establishing a Transport Undertaking, the Corporation appoints a person to be the Transport Manager of the Transport Undertaking. The Corporation, similarly, has several technical officers like City Engineer, Medical Officer of Health and Municipal Secretary. The State Government also appoints Municipal Chief Auditor to ensure the transparency in the accounts and auditing process of the corporation.

The Corporation has obligatory and discretionary sets of duties some of which have been added by the 74th CAA. For example, (a) planning for social and economic development and (b) urban forestry, protection of the environment and promotion of ecological aspects, are important additions. However, significant and challenging additions in the list of functions like, (a) slum improvement and upgradation; (b) urban poverty alleviation; (c) cattle pounds and prevention of cruelty to animals; (d) regulation of tanneries, have been put under discretionary list. The other important aspect is the Environment Status Report which expected to be placed before the corporation before 31st July every year. Similarly, the Commissioner prepares and publishes Citizens' Charter which is actually a list of facilities or services rendered by the office or department of the Corporation, together with time limit for providing such facilities or services to the general public. (Oyugi, 2000, pp. 66-68)

List of Municipal Corporations in Maharashtra

Sr No/Rank	Municipal Corporation	City	District	Established in	Grade	Population (2011)	Party in Power
1.	Brihan-mumbai M.C. (BMC)	Mumbai	Mumbai City District & Mumbai Suburban District	1888	A+	119,14,398	Shiv Sena
2.	Pune M.C.	Pune	Pune	1950	A	31,15,431	BJP
3.	Nagpur M.C.	Nagpur	Nagpur	1951	A	24,05,421	BJP
4.	Thane M.C.	Thane	Thane	1982	B	18,18,872	Shiv Sena
5.	Pimpri-Chinchwad M.C.	Pimpri-Chinchwad	Pune	1982	B	17,29,359	BJP
6.	Nashik M.C.	Nashik	Nashik	1982	B	14,86,973	BJP

7.	Kalyan-Dombivli M.C	Kalyan-Dombi-vli	Thane	1982	C	12,46,381	Shiv Sena
8.	Vasai-Virar M.C.	Vasai-Virar	Palghar	2009	C	12,21,233	Bahujan Vikas Aghadi
9.	Aurangabad M.C.	Aurangabad	Aurangabad	1982	C	11,71,330	Shiv Sena
10.	Navi-Mumbai M.C.	Navi-Mumbai	Thane	1992	C	11,19,477	NCP & INC
11.	Solapur M.C.	Solapur	Solapur	1964	D	9,51,118	BJP
12.	Mira-Bhayandar M.C.	Mira-Bhayandar	Thane	2002	D	8,14,655	BJP
13.	Bhiwandi-Nizampur M.C.	Bhiwandi-Nizampur	Thane	2002	D	7,11,329	BJP
14.	Amravati M.C.	Amravati	Amravati	1983	D	6,46,801	BJP
15.	Nanded-Waghala M.C.	Nanded-Waghala	Nanded	1997	D	5,50,564	INC
16.	Kolhapur M.C	Kolhapur	Kolhapur	1972	D	5,49,283	INC & NCP
17.	Akola M.C.	Akola	Akola	2001	D	5,37,489	BJP
18.	Panvel M.C.	Panvel	Raigad	2016	D	5,09,901	BJP
19.	Ulhasnagar M.C.	Ulhasnagar	Thane	1998	D	5,06,937	Shiv Sena
20.	Sangli-Miraj-Kupwad M.C.	Sangli-Miraj-Kupwad	Sangli	1998	D	5,02,697	BJP
21.	Malegaon M.C	Malegaon	Nashik	2003	D	4,71,006	INC & Shiv Sena
22.	Jalgaon MC	Jalgaon	Jalgaon	2003	D	4,60,468	BJP
23.	Latur MC	Latur	Latur	2011	D	3,82,754	INC
24.	Dhule MC	Dhule	Dhule	2003	D	3,76,093	BJP
25.	Ahmednagar MC	Ahmednagar	Ahmednagar	2003	D	3,50,905	BJP
26.	Chandrapur MC	Chandrapur	Chandrapur	2011	D	3,21,036	BJP
27.	Parbhani MC	Parbhani	Parbhani	2011	D	3,07,191	INC & NCP

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