



URBAN LOCAL GOVERNMENTS IN MAHARASHTRA *COMPOSITION OF CIVIC STRUCTURE AND THE 74TH AMENDMENT*

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Abstract

The 74th Amendment Act has been appreciated by most urban experts in India. It has brought about reforms in the system of civic governance. It has introduced progressive changes in the urban local institutions of the country. It has upgraded the political set up and the fiscal arrangements of the urban local governments. The State of Maharashtra has already implemented the law. The civic bodies are now constituted according to the norms and provisions of the 74th Amendment. There is a need to assess the process of implementation. It is important find out if it has moved in the direction of achieving the objective. It was expected to streamline the financial status of these bodies and upgrade the urban planning norms in the country. It has surely accorded constitutional status and recognition to the urban local bodies. There is a need to see if it has brought about administrative uniformity in the realm of urban governance in the country. It is also important to ensure that the legislation is implemented in its letter and spirit.

Keywords: *Civic structure, state finance commission, 74th Amendment, urban governance, municipal corporation, Central legislation, fiscal arrangements, urban local bodies, municipal corporation, urban planning, functional domain, District planning committee, civic governance, municipal council, Nagar Panchayats*



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The provisions with regard to the composition of Municipalities as mentioned in Article 243-R of the 74th CAA, 1992, has been confirmed by the Conformity Legislation of Maharashtra formally known as 'Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act of 1994. Through this Act other relevant State Acts were suitably amended and the process of implementation started in due course of time.

The Mumbai Municipal Corporation Act, 1888, after being suitably amended began to implement different provisions of the Act as per the new requirement. The years of elections of BMC held in the post 74th Amendment era and in accordance with the amended provisions of the Act are; (a) 1997, (b) 2002, (c) 2007, (d) 2012, (e) 2017. As per the new requirement,

227 Councillors have been directly elected at the general elections at the electoral ward level. 'The other requirement is nomination of five councillors having knowledge or experience in Municipal Administration by the Corporation in the prescribed manner. This provision has been implemented regularly.' However, the spirit behind having this kind of provision was to enrich the Corporation with persons who are recognised for their special knowledge or experience in Municipal Administration. However, the inclusion of 'past Councillor' as a criterion has opened a back-door entry for the politicians who fail to get the tickets or are defeated in the elections. It is quite often used to accommodate the political elements who need to be appeased for some reason or the other. There is a unanimity among the political parties in regard to the use of this provision. There are very few occasions when parties have really respected the spirit behind such provision. (Bagchi, 1999, pp.23-26)

Similarly, the Conformity Legislation has brought about amendments in the 'Maharashtra Municipal Corporation Act, 1949' which has now become an exclusive Act for constituting and governing all the municipal corporations within the state of Maharashtra except Brihan Mumbai Municipal Corporation. Earlier, 'City of Nagpur had its own law known' as 'The City of Nagpur Corporation Act, 1948'. After the recent amendment, this Act has been merged with the Maharashtra Municipal Corporation Act, 1949. It means that the 'City of Nagpur Municipal Corporation' is now 'deemed to have been constituted and governed' in accordance with the 'provisions of Maharashtra Municipal Corporation Act, 1949.'

It is important note that the Government of Maharashtra has further classified the municipal corporations based on population of the urban areas. The Maharashtra Municipal Corporation Act, 1949, makes special mention of it to further clarify the categories. Beginning from lower to higher population, all corporations having a population above three lakhs and up to six lakhs have been put in 'D' category. Those having population above six lakhs and up to 12 lakhs have been classified in 'C' category. Those corporations which have population above 12 lakhs and up to 24 lakhs are given 'B' class. All those corporations which have the population above 24 lakhs are put in 'A' category. Recently, a new category A+ has been provided for corporations having a population of one crore and above. Only one city qualifies to this category and that is the city of Mumbai. Hence, depending upon the population different municipal corporations have been allotted seats in the corporation. The number of seats indicates the number of municipal councillors in that corporation.' In the table given below

each corporation has been shown seats which means number of directly elected councillors. (Ministry of Urban Development Report, 2014)

While talking about the implementation in this section, it needs to be mentioned that all the 27 municipal corporations have been electing such numbers of councillors directly at ward elections, as is specified in the table below. All elections to the municipal corporations have been taking place regularly'. In the table given below the data on last election held says a lot about the regularity of the elections taking place in the state at least in this category. The five nominated councillors' have also been shown in the table. However, the nomination process has not been very smooth. It generally attracts media attention and controversy. Many corporations have to wait for the court verdict in this regard. This is one area where the spirit of the 74th CAA seems to have been forgotten and the purpose of having such a category is defeated if filled again by the same sets of politicians from the back door. The purpose behind having nominated councillors not exceeding five was to enrich the corporation with people who really have special knowledge or experience in Municipal Administration and such people generally shy away from contesting elections. However, while making eligibility criterion at the state level, the inclusion of 'past councillor' criteria has nullified the intention behind such categorisation. (Apurba, 2018, pp.11-16)

Representational Status of Municipal Corporations in Maharashtra in post 74th A Era

Sr. No.	Name of Municipal Corporation	Last Election Held in	No. of Elected Councillors	No. of Nominated Councillors	Party in Power	Mayor	Deputy Mayor
1.	Brihan-Mumbai Municipal Corporation	2017	227	05	Shiv Sena	Ms. Kishori Pednekar	Suhas Wadkar
2.	Pune Municipal Corporation	2017	162	05	BJP	Murlidhar Mohol	Saraswati Shendge
3	Nagpur Municipal Corporation	2017	151	05	BJP	Sandip Joshi	Manisha Kothe
4	Thane Municipal Corporation	2017	131	05	Shiv Sena	Naresh Mhaske	Pallavi kadam
5	Pimpri-Chinchwad Municipal Corporation	2017	128	05	BJP	Usha Dhore	Sachin Chinchwade
6	Nashik Municipal Corporation	2017	122	05	BJP	Satish Kulkarni	Bhikubai Bagul
7	Kalyan-Dombivli Municipal Corporation	2015	122	05	Shiv Sena	Vinita Rane	Upeksha Bhoir

8	Vasai-Virar Municipal Corporation	2015	115	05	BVA	Pravin Shetty	N.A.
9	Aurangabad Municipal Corporation	2015	113	05	Shiv Sena	Nandkumar Ghodele	N. A.
10	Navi-Mumbai Municipal Corporation	2015	111	05	NCP	Jayawant D. Sutar	Mandakani R. Mhatre
11	Solapur Municipal Corporation	2017	102	05	BJP	Srikanchana Yannam	Rajesh Kale
12	Mira- Bhayandar Municipal Corporation	2017	96	05	BJP	Jyotsna Hasnale	Hasmukh Gehlot
13	Bhiwandi- Nizampur Municipal Corporation	2017	90	05	INC	Pratibha V. Patil, (Konark Vikas Aghadi)	Imran Khan
14	Amravati Municipal Corporation	2017	87	05	BJP	Chetan Gawande	Kusum Sahu
15	Nanded- Waghala Municipal Corporation	2017	81	05	INC	Diksha Dhabale	Satish Deshmukh
16	Kolhapur Municipal Corporation	2015	81	05	INC & NCP	Nilofar A. Azarekar	Sanjay V. Mohite
17	Akola Municipal Corporation	2017	80	05	BJP	Archana J. Mhasane	Rajendra Giri
18	Panvel Municipal Corporation	2017	78	05	BJP	Dr. Kavita Chaoutmol	Jagdish Gaikwad
19	Ulhasnagar Municipal Corporation	2017	78	05	Shiv Sena	Leelabai Aashan	Bhagwan Bhalerao, RPI
20	Sangli-Miraj- Kupwad Municipal Corporation	2018	78	05	BJP	Sangita Khot	Dhiraj Suryawanshi
21	Malegaon Municipal Corporation	2017	84	05	INC & Shiv Sena	Tahera Shaikh Rashid, INC	Ghodke S. Bhika, Shiv Sena
22	Jalgaon Municipal Corporation	2018	75	05	BJP	Seema S. Bhole	Dr. Ashwin S. Sonawane
23	Latur Municipal Corporation	2017	70	05	INC	Vikrant Gojamgunde	Chandrakant Biraajdar
24	Dhule Municipal Corporation	2018	74	05	BJP	Chandrakant Sonar	Kalyani Apalkar
25	Ahmednagar Municipal Corporation	2018	68	05	BJP	Babasaheb Wakale	Malan Dhone

26	Chandrapur Municipal Corporation	2017	66	05	BJP	Rakhi Kancharlawar	Rahul Pawade
27	Parbhani Municipal Corporation	2017	65	05	INC	Anita Sonkamble, INC	Bhagwan Waghmare

Source: Urban Development dept, Govt of Maharashtra, 2019

Similarly, the Conformity Legislation has also amended the ‘Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965’ ‘which constitutes and governs the Municipal Councils in the state of Maharashtra.’ There are currently 264 Municipal Councils in Maharashtra which have been constituted and are being governed by the same with the provisions of this Act. According to sources from Government of Maharashtra, urban Development, Mumbai, there were 228 Municipal Councils in Maharashtra in 1999 which is almost around the same time the process of implementation of the 74th CAA was in full swing in the state. However, out of 228 Municipal Councils, 12 were upgraded to the status of Municipal Corporation as they had met the population and other criterion in this regard. In this sense, the number of Municipal Councils got reduced to 216, but later 48 new areas including Nagar Panchayats were upgraded to the status of Municipal Councils due to surge in population. District wise number of Municipal Councils has been shown in Table 4 which makes the status of Municipal Councils in the State very clear. (Maharashtra Report, 2015)

Elections have been held in all 264 Municipal Councils as per the time table set by the State Election Commission. The number of Municipal Councillors in each Council depends upon which population category it belongs to and which class it has been categorised into. The state Act has categorised the Municipal Councils into three classes, A, B, and C based on the population of the area. If the Municipal Council belongs to A class, it can have minimum 38 and maximum 65 directly elected councillors. If the Council belongs to B class, it can have minimum 23 and maximum 37 directly elected councillors. Finally, if the Municipal Council belongs to C class, it can have minimum 17 and maximum 23 directly elected councillors. ‘The DMA appointed by the state govt this Act, will have the power to fix for each municipal area the number of elected councillors in accordance with the details provided earlier.’ (M. M. C. Act, 1949)

Last elections of Municipal Councils were held in 2016-2017 in Maharashtra in four phases to elect the Councillors in the 192 Municipal Councils. The first phase of election happened on 28th November, 2016 followed by phase II which took place on 14th December, 2016. The third phase of the election took place on 18th December, 2016 followed by the last phase of election held on 8th January, 2017.

‘The State Act provides that such number of councillors, not more than ten percent of number of councillors or five, whichever is less, will be nominated by the Collector as per procedure.’ These nominated councillors however, should be known for knowledge or experience in municipal administration.’ The Collector will have to follow the detailed guidelines and criteria set by the State Government for nomination before nominating five councillors. ‘These nominated councillors however, will not enjoy right to vote in any meeting of the Council.’ They also cannot claim the post of chairperson of any committee. According to the report of Urban Development Department, all municipal councils in Maharashtra have nominated a specified number of councillors in accordance with norms set by the State Government. However, as stated earlier the process of nomination has not been very smooth in almost all the cases. It is a source of controversy and political strife. However, all the municipal councils have nominated five councillors in most of the cases. ((Evita, 2019, pp.24-29)

‘The conformity legislation has also provided in the ‘Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965’ enough provisions in regard to the constitution and composition of Nagar Panchayats in the state of Maharashtra.’ In terms of the composition, the Act provides that every Nagar Panchayat shall consist of 17 councillors who will be directly elected at the ward elections. It mentions that for the purpose of elections a transitional area is divided into such number of constituencies as there are councillors.’ Each constituency is known as ward and each ward will elect only one councillor.’ As per the data available from the State Election Commission, there are currently 110 Nagar Panchayats in the State and the SEC has been holding elections in those Nagar Panchayats where it is due. In an earlier Table, district wise number of Nagar Panchayats has been shown for reference. ((Golandaz, 1993, pp.12-14)

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