

Research Article

POWERS AND FUNCTIONS OF MUNICIPALITIES IN KARNATAKA – A STUDY

* Asha, T.

Research Scholar, Department of Economics, Kuvempu University, Shankaraghatta-577 451, India

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ABSTRACT

A municipal corporation is a city, town, village, or borough that has governmental powers. A municipality is a city, town, village, or, in some states, a borough. A corporation is an entity capable of conducting business. Cities, towns, villages, and some boroughs are called municipal corporations because they have the power to conduct business with the private sector. States give municipalities the power to create an official governmental body, such as a board or council. Members of this body are elected by voters who live within the voting boundaries of the municipality. The local body has the power to pass ordinances, or local laws. These laws may not conflict with state or federal laws. With this background the present paper makes attempt to discuss the powers and functions of Municipal Corporations in India.

Keywords: Municipalities, Local governments and Corporation.

INTRODUCTION

The municipal corporation in India, like its counterpart the country borough in England, is the highest form of municipal government designed for the administration of civic affairs of top class cities in the country. The first municipal corporation in India was established at Bombay by the municipal corporation Act, 1888. Later on corporations were constituted at Calcutta and Madras. The number of corporations in India rose rapidly in the post-independence period. These have been established by laws passed by the state legislatures except the Delhi municipal corporation which has been established by an Act of the union parliament. Municipal Corporation is the top and highest form of urban local government as it enjoys comparatively more powers and autonomy in day today administration. Unlike rural-local government, urban local government in India is not hierarchical. The municipal corporation as an institution is more respectable and enjoys a greater measure of autonomy than other forms of local government. Meaning of Municipal Corporation: The word 'municipal' has a variety of meaning in our state constitutions and statutes. In some instances, it is employed to designate cities, villages, and incorporated towns: in other words it has been applied to any unit of government below the level of country. But whether used in either the strict or the elastic sense, 'municipal' applies to a unit of government which acts as an agent of the state. A municipal corporation is a city, town, village, or borough that has governmental powers. A municipality is a city, town, village, or in some states, a borough. A corporation is an entity capable of conducting business, cities, towns, village, and some boroughs are called municipal corporations because they have the power to conduct business with the private sector

Review of literature

Dutta, Abhijeet, (1998) in his article "**Rent Control and Municipal Property Tax Base: Reform Attempt in India**" discusses the present situation of property tax and different alternative taxes. He also discusses the reforms in the property taxation.

*Corresponding Author: Asha, T.

Research Scholar, Department of Economics, Kuvempu University, Shankaraghatta-577 451, India

The paper explain, the Indian experience of reforming the property tax base, and shows a consistent trend in court decisions to accord privacy to rent control laws in determining rental value.

Mathur, O.P. and Thakur, S. (2004) in their article "**India's Municipal Sector: A Study for the Twelfth Finance Commission**" examined the fiscal performance of municipalities and assessed the load on state finances on account of the implementation of the State Finance Commission recommendations. The study found that the size of the municipal sector, in terms of revenues, was only 3.07 per cent of publicly raised resources (by municipalities, States and Central Government taken together). The study further found that the expenditure levels on services provided by municipalities across states were low when compared to the norms established by the Zakaria Committee.

Rao, M. Nageswara (2005) in his article "**Power and Functional Responsibilities of Urban Local Bodies: Potential for Tax and Non Tax Revenues Commensurate with Services Expected**" presents a descriptive analysis of the silent revolution that is going on in Tamil Nadu to break away from the traditional approach to more meaning full, scientific and innovative strategy that are resulting in significant result in urban sector. The paper explains that there is a huge gap between the total revenue received and total expenditure. It also shows that the non tax revenue does not contribute a satisfactory part in total revenue receipts, and performance of ULBs is dissatisfactory in the collection of tax.

Serageldin, M. Jones, D. Vigier, F. and Solloso, E. (2008) in their work on "**Municipal Financing and Urban Development**" describe the wide range of difficulties in financing urban development and the response of the authorities to the challenges of major shift in the economic base resulting from falling trade barriers and globalization of the economy. The paper focus on the challenges faced, local financial management and performance, partnership to address pressing urban issues, and emerging trends in the financing of capital investment. The paper also discusses the emergence of several important new trends: the broadening of locally generated revenue sources, the strengthening of local financial management, the growing reliance on the partnership to finance capital investment and

enhancement to promote to access to long term credit for municipalities.

Objectives

The present study was undertaken with following objective:

1. To Know the powers and Functions of municipal corporations
2. To analyze the performance of municipal corporations

METHODOLOGY

The present study is based on secondary source and it mainly focuses on the performances of Municipal Corporations. Web source, books and government reports are taken to make analysis of the issue

Analysis and Interpretation

Under the enterprise meaning of the term, municipal corporations are "organizations with independent corporate status, managed by an executive board appointed primarily by local government officials, and with majority public ownership. Municipal Corporation follows a process of externalization that requires new skills and orientations from the respective local governments, and follow common changes in the institutional landscape of public services. They are argued to be more efficient than bureaucracy but have higher failure rates because of their legal and managerial autonomy. An incorporated political subdivision of a state that is composed of the citizens of a designated geographic area and which performs certain state functions on a local level and possesses such powers as are conferred upon it by the state. A municipal corporation is a city, town, village, or borough that has governmental powers. A municipality is a city, town, village, or, in some states, a borough. A corporation is an entity capable of conducting business. Cities, towns, villages, and some boroughs are called municipal corporations because they have the power to conduct business with the private sector. Generally, the authority to govern the affairs within a state rests with the state legislature, the governor, and the state judicial system. However, states give localities limited powers to govern their own areas. The origin of the municipal corporation varies from state to state. Municipal corporations are given the power to govern through either the state constitution or state statutes, or through the legislative grant of a charter. States give municipalities the power to create an official governmental body, such as a board or council. Members of this body are elected by voters who live within the voting boundaries of the municipality. The local body has the power to pass ordinances, or local laws. These laws may not conflict with state or federal laws. Most states grant so-called home rule powers to municipalities in the state constitution and state statutes. Home rule is a flexible grant of power from the state to the voters of a municipality. The first grant of home rule was given to the city of St. Louis in 1875 when the state of Missouri created a new state constitution that gave the city the power to create its own government. States also commonly give their municipalities the power to enter into contracts. This power can be exercised only by action of the local governing body. The body must give notice of its intent to hire a private party for local government work. For example, if a municipality seeks a contractor to construct a building, the municipality must publish a notice of its intentions in a local newspaper and post other notices in public places. A municipality should not hire a private company if a member of the governing body has a financial interest in the company. A municipality must exercise ordinary and reasonable care in providing safe public places and safe public services. If a municipality fails to exercise reasonable care, it may be held liable for resulting injuries. For

example, if a person falls through a manhole and into the sewer, the city may be liable for any injuries resulting from the fall if the manhole cover was not secure. In this respect, a municipality may be liable for its Negligence just like an individual. The most common TORT cases against municipalities are based on personal injuries caused by defects or obstructions in public streets, sidewalks, drains, and sewers.

Need for Municipal Corporation

The need for Municipal Corporation was felt because of following reasons:

1. Growing rate of urbanization.
2. Development of new cities.
3. Migration of large scale population from rural to urban.
4. Opportunities of employment, self-employment and better living.
5. Search for new avenue of trade, commerce and industry
6. Better quality of life and facilities to improve the standard of living

Salient features Municipal Corporation has following important features

1. It is a well designed civic structure.
2. It has systematic form of civic organization.
3. It has its own autonomous set of organization.
4. It looks after specific territory.
5. There is a system of local authority to perform functions of administration, maintenance and development.
6. There are representative of people who participate in the local administration.
7. It works as a representative administrative agency of central and state government.

The main functions of Municipality are:

- The construction, diversion, maintenance and improvement of streets, bridges, squares, gardens, tanks, Ghats, wells, channels, drains, latrines and urinals;
- The watering and cleaning of streets;
- Lighting;
- Water-supply;
- Conservancy including sewage disposal;

Functions of Municipalities

A. Mandatory and optional functions of municipalities

Functions of municipalities may for convenience be categorized as mandatory and optional though the law makes no distinction. Land development, water and sewer, waste management, cemeteries and fire-fighting are mandatory functions of municipalities. No other organization but the municipality is in charge of such services the failure of which will plunge the entire urban life into chaos.

B. Major mandatory functions of municipalities

Land development: It is the most important function of municipalities to make land development plans and supervise buildings in the cities. In Turkey, municipalities have the full authority to make and implement land development plans. However, the Ministry of Environment and Urbanization has limited powers to make and amend land development plans for the large-scale investments of the central government; the Ministry of Culture and Tourism does so for tourism regions, and the Housing Development Administration for urban regeneration projects.

Infrastructure: It is a major function of the municipalities to build, maintain and repair urban roads, walkways, squares and parks. Metropolitan municipalities are in charge of roads of 12 meters or wider, large parks whereas district municipalities are in charge of smaller roads and parks.

Transport: Urban public transport is in the remit of municipalities, or metropolitan municipalities in the case of metropolises. Municipalities must first make a transport master plan that outlines the residential areas, business and logistics areas and main lines of transport. Public transport considerations are also marked on the transport master plan]

Water and sewer: The national water policy is formulated by the Ministry of Forestry and Water Affairs. The General Directorate of State Hydraulic Works supply potable and non-potable water to large cities; however it is the task of municipalities to operate the urban water distribution system, and treat waste water. In the case of metropolitan municipalities, the Water and Sewer Administration as an affiliated entity of the municipality delivers water and sewer services. Water and sewer administrations receive an apportionment from the state tax revenues on the basis of city population.

Waste management: In the case of metropolitan municipalities, the Water and Sewer Administration is responsible for waste water management. Users of urban water are usually charged a fee for waste water at about the half rate of the supplied water. Most cities have waste water treatment facilities. The waste water from about 70% of the municipal population is treated.

Fire-fighting: Fire-fighting departments of municipalities discharge services of fire protection, fire-fighting and rescue. In recent years, particularly in large cities fire-fighting departments have been reinforced by staff, vehicles and equipment. Fire-fighting departments have no separate legal personality or budget. Fire-fighting departments in metropolitan municipalities are organized at department level; in other municipalities it is established as a branch.

Other functions: Municipal services are not limited to land development, water and sewer, urban public transport, infrastructure, waste management and fire-fighting. Municipalities deliver many other services of local and common nature.

Municipalities issue licenses to and inspect all work places within municipal boundaries.

Municipalities deploy the municipal police, an unarmed enforcement force, to discharge municipal duties.

Build-operate-transfer model: Municipalities may engage others through the build-operate-transfer model for investments requiring significant financing and advanced technologies including mainly such concessionable services as water and sewer, public transport and waste management.

To implement the model, the concession agreement needs to be approved by the relevant ministry.

Outsourced services: As a result of economic liberalization, it is now possible to outsource many municipal services. Market operators are engaged usually through tender procedures for the construction of infrastructure such as roads, water, sewer, walkways, and bridges. Municipalities also engage market operators by outsourcing such functions as information processing, cartography, planning, maintenance of parks, street cleaning, waste collection, office cleaning etc.

Suggestions

1. There is a need to be proper training to elected members.
2. In function the municipal corporation to give more priority of sanitation a problem.
3. Source of income has been collected more effectively.
4. Mc should effective implementation of government program.
5. Public opinion in favor of a corporation.

Conclusion

Urbanization in India as elsewhere in the world is taking place at an accelerated pace. The 74th Amendment of the Indian Constitution has recommended the establishment of the Municipal Finance Commission to cater to the financial needs of the urban local government institutions. The growing population and urbanization in various cities of India were in need of a local governing body that can work for providing necessary community services like health care, educational institution, housing, transport etc. in this present scenario the role of Local Self Governments is badly needed. Government has to provide public goods. Civic amenities must be provided to the civilians of the society. So that there is need for proper mechanism of Urban Local Self Governments especially in Municipal Corporations.

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