

# NAGRIKAL

CITIZENS VOICES  
FOR AND FROM  
SMALL CITIES

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## Municipal Acts: An Explainer



**NAGRIKA**

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# ABOUT THE SERIES

Cities are important. They are at the forefront of our economy, they provide education and employment opportunities, and they act as hubs of new ideas. The lives of urban Indians are enmeshed with the cities they live in, and yet, we are so under-informed when it comes to the governing structures that ensure their smooth functioning.

The Nagrika Governance Series looks at how our cities are managed through the lens of city governments. They are part of the three-tier system of governance and form the tier closest to the citizens. They are accessible enough to listen to citizens' complaints and suggestions and are hopefully empowered enough to take action based on them.

This is the first part of a two parts issue on municipal acts. Municipal acts are important because they provide local governments with the guiding tools to administer and run the cities. In this part, we look at their background and relationship with the 74th Constitutional Amendment Act, 1992. Then we look at the inter-state variance in the country when it comes to municipal acts.

# MUNICIPAL ACTS: AN EXPLAINER

## SUMMARY OF THE ARTICLE

- The changes introduced by 74th CAA were implemented by the different state level municipal acts.
- India has 69 different municipal acts in implementation presently across the country.
- There are large variances between states when it comes to number of acts and the years they were introduced.

In the previous article ([‘74th CAA: An Explainer’](#)), we looked at the landmark 74th Constitutional Amendment Act (CAA), 1992. This amendment not only gave constitutional recognition to the local urban governments, but also instituted mandatory changes such as State Finance Commissions, reservations for municipal elections, and ward committees.

While the 74th CAA brought in all these changes, it was left to the state legislatures to make up state specific rules. Thus, respective state municipal acts govern the urban local governments within each state.

These acts give provisions for setting up local governments on the basis of criteria like population size, density, economic profile etc.

## What is a Municipal Act?

Municipal Acts are legislations brought about by state governments to establish municipal governments, administer them, and provide a framework of governance for cities within the state. Various processes including rules for elections, recruitment of staff, and demarcation of urban areas derive from the state municipal acts.

Municipal acts existed in India before the introduction of the 74th CAA, but the Constitution did not mandate the creation of local governments. The responsibility of local governance was placed under state governments through the State List. The 74th CAA addressed these concerns by mandating the formation of local governments and the creation of institutions such as the State Finance Commission and State Election Commission.

It added the 12th Schedule which provided a list of 18 functions that were to be the responsibilities of the local governments. ‘Local governance’ however remained a part of the State list, thereby providing state governments the discretionary power to devolve these functions to city governments. Our article [“What do city governments do?”](#) explains more regarding the functions of the city government.

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As a result of the 74th CAA, the state governments amended their existing municipal acts or instituted newer ones, to reflect the changes introduced. For example, the much celebrated People's Plan Campaign in Kerala that decentralised the planning decisions to the local level has its origin in the post-74th CAA Kerala Municipalities Act, 1994 which conferred increased planning powers to the municipal governments.

In Uttar Pradesh, the 74th CAA was implemented through amendments introduced by the Uttar Pradesh Local Self Government Laws (Amendment) (UPLSGL) Act, 1994. Before the enactment of the UPLSGL Act, 1994, there were five categories of municipal governments in the state, which were changed into three post-74th CAA. This was done in accordance with the provision 243Q of the 74th CAA which constituted three kinds of municipalities as institutions of self-governance.

### Pre-74th CAA:

- Nagar Maha Palika
- City Board
- Nagar Palika
- Notified Area Committee
- Town Area Committee

### Post-74th CAA:

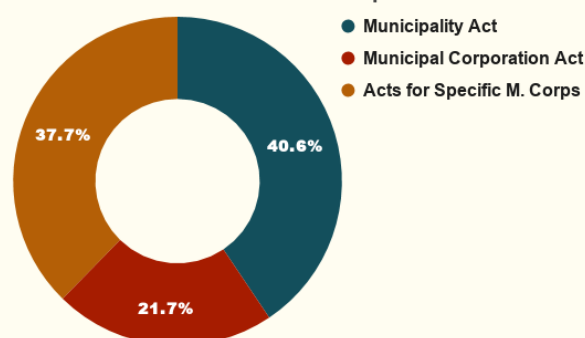
- Nagar Nigam/Municipal Corporation
- Nagar Palika Parishad/Municipal Board
- Nagar Panchayat/Town Panchayat

Hence, the respective state's municipal act is the administering document for municipal governments but it follows the guiding principles in the 74th CAA. Below, we shall look at the number of municipal acts in the country in more detail.

### How do Municipal Acts Vary by States?

69 different municipal acts in India govern 3,941 statutory towns in the country (barring the statutory towns in union territories, including Jammu & Kashmir, and Ladakh). Typically, the municipal acts are of three types - statewide general municipalities acts, separate acts for establishing municipal corporations, and acts that are specific to individual municipal corporations.

Breakdown of Total Number of Municipal Acts



Of the 69 municipal acts in the country, 28 are state-wide municipalities acts, 15 are for statewide municipal corporations, while 26 are acts for specific municipal corporations (check Annex

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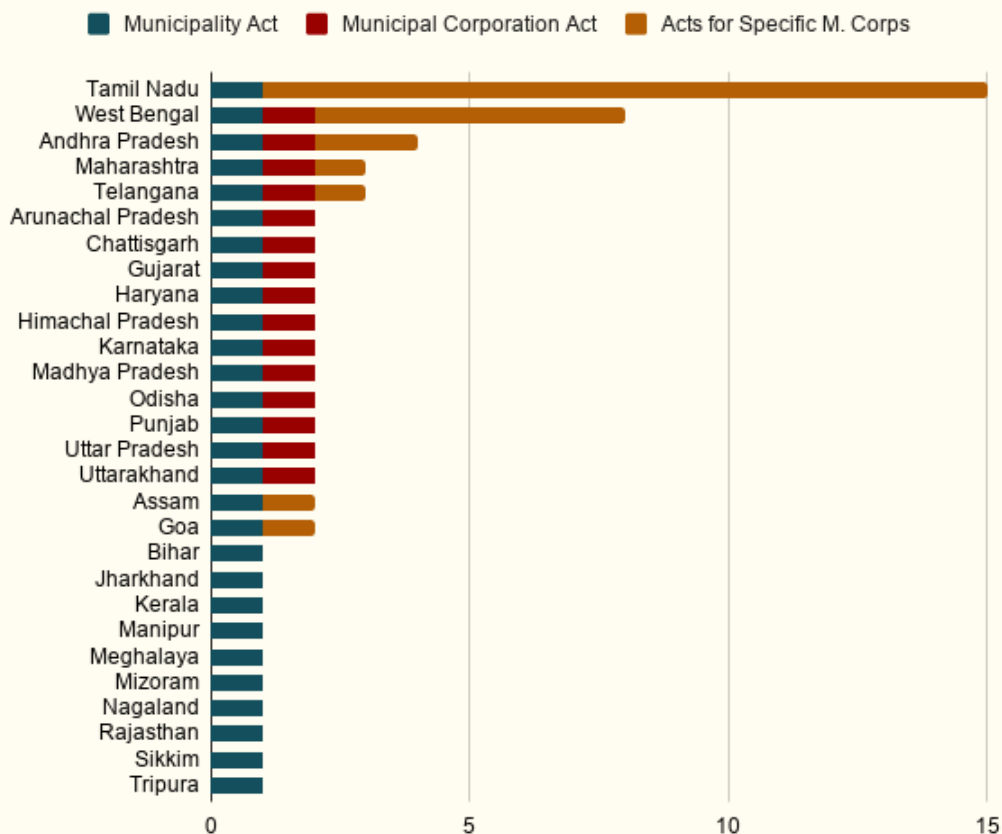
for the list of the all municipal acts). This means, most acts in the country are general municipal acts, which govern all municipal governments in the state, including municipal corporations in case separate acts do not exist for them.

A large number of acts that cater to specific types of municipal governments means that legislations can cater to specific needs of municipal governments. The act that administers a large municipal corporation like the Greater Hyderabad Municipal Corporation may not be relevant for smaller nagar panchayats.

Similarly, a smaller municipal government does not have the need for a big body of staff and hence does not require the details in administrative processes that a municipal act like the Kolkata Municipal Corporation Act, 1980 provides.

The number of acts in the country for specific municipal corporations is almost the same as the state wide municipalities acts, indicating that typically there are separate municipal acts for larger municipal corporations. But a look at state level data shows us that this trend is true only for a few states.

### Statewise Breakdown of Municipal Acts According to Types



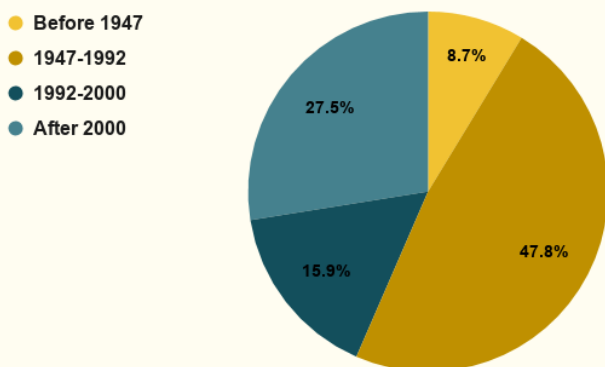
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There are two outliers - Tamil Nadu with 15 acts, and West Bengal with 8 when comparing the number of municipal acts per state. While the national average is 2.4 acts per state, without counting these two states, the average comes down to 1.7 acts per state.

### Time Frame of Introduction of Acts

The 74th CAA introduced changes to how local governments in urban areas were administered and mandated these changes. To introduce these changes, the state governments had to either amend their respective municipal acts or introduce new ones. Let's have a look at the breakup of these acts on the basis of when they were introduced. The figure below shows us that more than 25 percent of the municipal acts have been legislated in the last 25 years.

Yearwise Breakup of the Acts



We see that of the 69 Municipal Acts in the country, a majority (39)

were legislated before 1992 i.e. before the introduction of the 74th CAA. The remaining 30 acts were legislated after the amendment. The time period of 1947-1992 accounts for 33 acts, almost half the number of total municipal acts in the country. Pre-Independence acts account for the least, with six acts.

While it would not have been unfair to assume that the immediate years post-74th CAA would have seen a lot many new municipal acts being legislated, we see that it is actually after year 2000 that the second highest number of municipal acts were legislated with 19 acts, while the time period of 1992-2000 had 11 acts.

Five pre-independence colonial-era municipal acts that are still operational in the country are the following:

- Mumbai Municipal Corporation Act, 1888
- Chennai City Municipal Corporation Act, 1919
- Punjab Municipal Act, 1911
- Uttar Pradesh Municipalities Act, 1916
- Tamil Nadu District Municipalities Act, 1920

Two of these acts govern two of the biggest and oldest municipalities in the country, Mumbai and Chennai, while the other three are state-wide municipal acts, with the one for Uttar Pradesh being used as a base in Uttarakhand as well.

## Conclusion

India shows great state-wise variance when it comes to municipal acts. While some states have only one act to govern all the municipal governments in the respective state, others have greater degrees of specifications of the acts. While bigger and older municipal corporations in the country tend to have their own municipal acts, more recently established corporations, like Guwahati Municipal Corporation and Nagercoil Municipal Corporation, also have their own acts.

Municipal Acts are legal documents which not only establish local governments in urban areas, but also provide the guidelines for their functioning as well. One of the most important aspects of local governments are the functionaries who carry out the functions of the municipalities. In the next article, we will look at how the municipal authorities are described in the acts, including their functions, duties, qualifications etc.



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## Annex: Municipal Acts in India

State	Municipalities Act	Municipal Corporation Act	Acts for Specific Municipal Corporations
Andhra Pradesh	Andhra Pradesh Municipalities Act, 1965	Andhra Pradesh Municipal Corporations Act, 1994	Visakhapatnam Municipal Corporation Act 1979 Vijayawada Municipal Corporation Act 1981
Arunachal Pradesh	Arunachal Pradesh Municipal Act, 2007	Arunachal Pradesh Municipal Corporation Act, 2019	
Assam	Assam Municipal Act, 1956		Gauhati Municipal Corporation Act, 1969
Bihar	Bihar Municipal Act, 2007		
Chhattisgarh	Chhattisgarh Municipalities Act, 1961	Chhattisgarh Municipal Corporation Act, 1956	
Goa	Goa Municipalities Act, 1968		City of Panaji Corporation Act, 2002
Gujarat	Gujarat Municipalities Act, 1963	Gujarat Provincial Municipal Corporations Act, 1949	
Haryana	Haryana Municipal Act, 1973	Haryana Municipal Corporation Act, 1994	
Himachal Pradesh	Himachal Pradesh Municipal Act, 1994	Himachal Pradesh Municipal Corporation Act, 1979	
Jharkhand	Jharkhand Municipal Act, 2011		
Karnataka	Karnataka Municipalities Act, 1964	Karnataka Municipal Corporations Act, 1976	
Kerala	Kerala Municipality Act, 1994		
Madhya Pradesh	Madhya Pradesh Municipalities Act, 1961	Madhya Pradesh Municipal Corporation Act, 1956	
Maharashtra	Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965	Maharashtra Municipal Corporation Act, 1949	Mumbai Municipal Corporation Act, 1888
Manipur	Manipur Municipalities Act, 1994		



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Meghalaya	Meghalaya Municipal Act, 1973		
Mizoram	Mizoram Municipalities Act, 2007		
Nagaland	Nagaland Municipal Act, 2001		
Odisha	Orissa Municipal Act, 1950	Orissa Municipal Corporation Act, 2003	
Punjab	Punjab Municipal Act, 1911	Punjab Municipal Corporation Act, 1976	
Rajasthan	Rajasthan Municipalities Act, 2009		
Sikkim	Sikkim Municipalities Act, 2007		
Tamil Nadu	Tamil Nadu District Municipalities Act, 1920		Chennai City Municipal Corporation Act, 1919 Coimbatore City Municipal Act, 1981 Madurai City Municipal Corporation Act, 1971 Tiruchirapalli City Municipal Corporation Act, 1994 Salem City Municipal Corporation Act, 1994 Tirunelveli City Municipal Corporation Act, 1994 Tiruppur City Municipal Corporation Act, 2008 Erode City Municipal Corporation Act, 2008 Vellore City Municipal Corporation Act, 2008 Thoothukudi City Municipal Corporation Act, 2008 Thanjavur City Municipal Corporation Act, 2013 Dindigul City Municipal Corporation Act, 2013 Nagercoil City Municipal Corporation Act, 2019 Hosur City Municipal Corporation Act, 2019 Avadi City Municipal Corporation Act, 2019 (It is unclear if the <a href="#">Bill introduced</a> for this has been passed or not. This act has not been included in calculations above)
Telangana	Telangana Municipalities Act, 1985	Telangana Municipal Corporations Act, 1994	Greater Hyderabad Municipal Corporation Act, 1955
Tripura	Tripura Municipal Act, 1994		
Uttar Pradesh	Uttar Pradesh Municipalities Act, 1916	Uttar Pradesh Municipal Corporation Act, 1959	
Uttarakhand	Uttar Pradesh Municipalities Act, 1916	Uttar Pradesh Municipal Corporation Act, 1959	
West Bengal	West Bengal Municipal Act, 1993	West Bengal Municipal Corporation Act, 2008	Kolkata Municipal Corporation Act, 1980 Howrah Municipal Corporation Act, 1980 Siliguri Municipal Corporation Act, 1990 Asansol Municipal Corporation Act, 1990 Chandannagore Municipal Corporation Act, 1990

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# ABOUT NAGRIKA

## KNOWLEDGE ENABLING CITIZENS: FOR AND FROM SMALL CITIES

Nagrika uses knowledge to enable better governance and citizen-led transformation in small cities.

Nagrika helps narrow the information and knowledge gap in the perceived understanding of small cities. We aim to bring small cities to the mainstream of the urban development discourse, contextualise the problems that small cities face and develop context specific solutions for them. To develop pragmatic and feasible solutions we identify the two-way relationship between citizens and their cities using a blend of local and global knowledge.

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