

## Chapter-I: Introduction

### 1.1 Constitutional Amendment

In order to enable the Urban Local Bodies (ULBs) to perform effectively as vibrant democratic units of self-government, it was considered necessary that provisions relating to ULBs are incorporated in the Constitution of India through an amendment. Such an amendment was to put on a firmer footing, their relationship with the State Government with respect to the functions, resources as well as for regular conduct of elections and providing adequate representation for the weaker sections like Scheduled Castes, Scheduled Tribes and women.

The Constitution (Seventy Fourth Amendment) Act, 1992, hereinafter referred as 74<sup>th</sup> Constitutional Amendment Act, which came into effect on 1 June 1993, introduced Part IX A (the Municipalities) in the Constitution. The Act provided a constitutional status to ULBs. Article 243W of the 74<sup>th</sup> Constitutional Amendment Act authorised the State Legislatures to enact laws to endow local bodies with powers and authority as may be necessary to enable them to function as institutions of self-governance and make provisions for devolution of powers and responsibilities.

The 12<sup>th</sup> Schedule of the Constitution enumerates 18 specific functions to be devolved to ULBs as listed in **Table 4.1** of Chapter IV.

### 1.2 Trend of Urbanisation in Uttar Pradesh

Uttar Pradesh is the most populous State of India. As per census 2011, 4.45 crore (22.28 *per cent*) out of the total population of 19.96 crore of the State resided in urban areas. The growth rate of urban population in the decade 2001-2011 was 28.75 *per cent* as against the 20.23 *per cent* of overall growth rate of population. Further, the State had highest number of ULBs in the country as there were 648 ULBs (16 *per cent*), out of 4,041 ULBs in the country as per census 2011. However, the level of urbanisation (22.28 *per cent*) in the State was quite low as compared to all India figures of 31.16 *per cent*. Further, there was marked regional imbalances in the level of urbanisation in the State. As per census 2011, Western region with 32.45 *per cent* was most urbanised and Eastern region with 13.40 *per cent* was the least urbanised. Urban population of Central and Bundelkhand regions stand at 20.06 *per cent* and 22.74 *per cent* respectively.

Due to higher demographic centralisation, urban population faces multiple challenges, ranging from public health issues, sanitation, waste management, poverty alleviation, adequate water supply, pollution etc. In this scenario, ULBs have an important role to play, as most of these issues are handled best at the local level.

### 1.3 Profile of Urban Local Bodies

In the State, ULBs are categorised in three-tier structures, namely, *Nagar Nigam*<sup>1</sup> (NN), *Nagar Palika Parishad*<sup>2</sup> (NPP) and *Nagar Panchayat*<sup>3</sup> (NP). The categorisation of ULBs are based on a mix of criterion involving

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<sup>1</sup> Represents larger urban area.

<sup>2</sup> Represents smaller urban area.

<sup>3</sup> Represents transitional area.

population<sup>4</sup>, dependency of at least 75 *per cent* inhabitants on occupation other than agriculture, convenience of road transportation and availability of urban facilities<sup>5</sup> *etc.* There were 707 ULBs in the State as of March 2020, as shown in **Table 1.1** below:

**Table 1.1: Category-wise ULBs in the State**

Type of ULBs	Number of ULBs
<i>Nagar Nigam</i>	17
<i>Nagar Palika Parishad</i>	199
<i>Nagar Panchayat</i>	491
<b>Total</b>	<b>707</b>

(Source: Director, LB)

The NNs (or Municipal Corporation) are governed by Uttar Pradesh Municipal Corporation Act, 1959 (UPMC Act), while NPPs and NPs (or Municipalities) are governed by the Uttar Pradesh Municipalities Act, 1916 (UPM Act). Each Municipal Corporation/Municipality area has been divided into wards, which are determined and notified by the State Government for the purpose of election of Corporators/Members. ULBs have an elected body comprising these elected representatives along with the Mayor/President and other ex-officio and nominated members.

#### **1.4 Organisational Structure of Urban Governance**

The Urban Development Department (UD Department), headed by the Additional Chief Secretary, is the nodal department for the governance of all ULBs. The Directorate of Local Bodies (LB), established during 1973 and headed by a Director, functions as an interface between the State Government and ULBs for exercising administrative and financial control over ULBs. At Commissionerate level, Divisional Commissioner and Additional Commissioner (Administration) and at district level, District Magistrate has been respectively empowered to look into the matters of ULBs. Besides, Additional District Magistrate (Administration) has been nominated as Nodal Officer of ULBs at district level to supervise the working of ULBs.

Elected representatives head the ULBs *viz.*, Mayor heads the NN, President heads NPP and NP. The other elected representatives are supposed to exercise their powers and discharge duties through the committees of elected members. The Municipal Commissioner (MC) in case of NN and Executive Officer (EO) in case of NPP and NP are the administrative heads, responsible for execution of work and utilisation of funds. The organisational structure with respect to functioning of ULBs in the State is indicated in **Appendix-I**.

<sup>4</sup> Population of more than 3.00 lakh is required for *Nagar Nigam*, Population of more than 1.00 lakh and upto 3.00 lakh is required for *Nagar Palika Parishad* and Population of less than 1.00 lakh but more than 20,000 is required for *Nagar Panchayat*.

<sup>5</sup> Which includes availability of Police station; Commercial centres, Schools and level of other educational institutions, Hospitals/level of health facilities in Health centres, supply of Electricity, Banks, Post offices *etc.*, within their jurisdiction.