

VI. Composition of Mayor-in-Council/ Chairman-in-Council/Standing Committee

8. *Although under article 243W, the Constitution is silent on the role of a political executive, by whatever name called, the issue is whether the Municipalities can function as “institutions of self-government” without a “political executive”.*

- (1) Considering the spirit of the 74th Amendment, it would be desirable that the Municipalities do provide for the role of a Political Executive. As such, all municipal laws need to specify the composition of the Political Executive. The policy matters which each State Government would have to consider in this regard are: what should be the composition of such bodies and whether the members thereof should be elected or nominated.
- (2) The Calcutta Municipal Corporation Act, 1980, provides for a Mayor-in-Council consisting of the Mayor, the Deputy Mayor and ten other Councillors nominated by the Mayor, i.e. it is in favour of a “strong Mayor” system.

An identical approach has been adopted in the West Bengal Municipal Act, 1993, the difference being in the number of Councillors nominated for the five groups of Municipalities.

- (3) The Madhya Pradesh Municipal Corporation Act, 1956, as amended in 1998, under section 37, provides for a Mayor-in-Council on the lines of the 1980 Calcutta Act except that the Deputy Mayor is not a member thereof.
- (4) The Bombay Municipal Corporation Act, 1888 is unique in the sense that a 26 member committee appointed by the Corporation shall, under section 44, at the first meeting in each official year, appoint one of their members to be the Chairperson until the first meeting of the said committee in the next following official year.

Provisions Made in the Municipal Law

9. *The Municipal Law, in clause 21 proposes that the constitution of an Empowered Standing Committee shall be as follows :*

- (a) in the case of a Municipal Corporation, the Mayor, the Deputy Mayor and seven other Councillors;*
- (b) in the case of a Class 'A' or Class 'B' Municipal Council, the Municipal Chairperson, the Municipal Vice-Chairperson and five other Councillors;*
- (c) in the case of a Class 'C' Municipal Council, the Municipal Chairperson, the Municipal Vice-Chairperson and three other Councillors; and*
- (d) in the case of a Nagar Panchayat, the Municipal President, the Municipal Vice-President and three other Councillors.*