

VII. Assignment of Executive Powers

9. *As regards the provisions of Article 243W as to the powers and authority as may be necessary to enable the Municipalities to function as institutions of self- government, the issue is as to who would exercise the executive powers.*

- (1) Each State Government would have to consider this issue having regard to its appreciation of the role as may be assigned to the people's representatives versus the municipal bureaucracy.

As of date, the initiatives as taken in some States, some of which are of a recent origin, are :

- (a) in the Calcutta Municipal Corporation Act, 1980, under section 33, the executive power of the Corporation shall be exercised by the Mayor-in-Council
- (b) the Tamil Nadu Urban Local Bodies Act, 1998, under sub-section (1) of section 57, provides that, subject to the sanction of the council and subject to all other restrictions, limitations and conditions as may be prescribed or as are hereinafter imposed in this Act, the executive power for the purpose of carrying out the provisions of this Act shall be vested in the Commissioner.
- (c) in the Madhya Pradesh Municipal Corporation Act, 1956, in spite of the appointment of a Mayor-in-Council, under sub-section (3) of section 69, it is provided that, subject to the approval of sanction of the Corporation or of the Mayor-in-Council, whenever it is in this Act expressly so directed and subject to all other restrictions, limitations and conditions imposed by this Act, the entire executive power for the performance of carrying out the provisions of this Act vests in the Commissioner.
- (d) in the Bombay Provincial Municipal Corporation Act, 1949, as applicable in the State of Gujarat, under sub-section (3) of section 67, it is provided that *subject, wherever, it is in this Act expressly so directed, to the approval of the Corporation or the Standing Committee and subject to all restrictions, limitations and conditions imposed by this Act or by any other law for the time being in force, the entire executive power for the purpose of carrying out the provisions of this Act and of any other Act for the time being in force*

which imposes any duty or confers any power on the Corporation, vests in the Commissioner.

- (2) It needs to be pointed out that the “term of office” of the Commissioner is, mostly, on the pleasure of the State Government.

Provisions Made in the Municipal Law

- 10.** *Clause 22 of the Municipal Law provides that the executive power of a Municipality shall be exercised by the Empowered Standing Committee.*