

**IX. Term of Office of the Councillors,
The Mayor/Chairman/President, and
The Political Executive**

11. *Having regard to the provisions of article 243U, which provides that every Municipality, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer, the issue is as to what term of office should be specified in the municipal laws for the Councillors, the Mayor/Chairman/President, and the Political Executive*

- (1) State Governments may tend to take a view in this regard mostly guided by the State-specific political environment and traditions.
- (2) The Calcutta Municipal Corporation Act, 1980, and the West Bengal Municipal Act, 1993, make the term of office of the Mayor-in-Council/Chairman-in-Council and the Mayor/Chairman/President to be co-terminous with the term of office of the Municipality.
- (3) Similar provisions have been made in the Punjab Municipal Bill, 1999.
- (4) In the Bombay Provincial Municipal Corporations Act, 1949, the term of office of –
 - (a) the Councillors shall, under section 6A, be co-extensive with the duration of the Corporation which, under section 6, is five years,
 - (b) the term of office of the Mayor, vide an amendment made in 2000, has been specified as two and half years, and
 - (c) in the case of the Standing Committee, sub-section (2) of section 28 provides that one half of the members of the Standing Committee shall retire every succeeding year on the first day of the month in which the first meeting of the Corporation was held.
- (5) Political considerations apart, in deciding the term of office of the various functionaries as listed above, a critical issue which each State Government needs to consider pertains to *“the continuity and efficiency of the municipal administration”*, and the question in this regard is whether the term of office of the Councillors, the Mayor, and the political executive, by whatever name called, should not be co-terminous with the term of office of the Municipality.

Provisions Made in the Municipal Law

- 12.** *Clause 27 of the Municipal Law provides that the term of office of the Chief Councillor i.e. the Mayor, in the case of a Municipal Corporation, the Municipal Chairperson, in the case of a Municipal Council, and, the Municipal President, in the case of a Nagar Panchayat, and the members of the Empowered Standing Committee shall be co-terminous with the duration of the Municipality.*

- 13.** *Clause 17 of the Municipal Law has introduced an innovation for “recall of Councillor” by means of a secret ballot by a majority of more than half of the total number of voters of the concerned ward of the municipal area casting the vote.*