

XII. Organizational Structure of Municipality

14. *Even though there is no specific requirement under the 74th Constitution Amendment Act relating to the organizational structure of Municipalities, the issue is as to what should be the provisions in the municipal laws relating to the same.*

- (1) Each State Government would have to, in the interest of a proper organizational design and management structure of the Municipalities and for professionalization of the municipal officers and employees, take critical decisions in these aspects.
- (2) The Calcutta Municipal Corporation Act, 1980, in section 14, provides for appointment of ten statutory officers and section 17 provides for the “Establishment of the Corporation and Schedule of Posts” which are required to be classified into 4 categories, namely, category ‘A’ posts, category ‘B’ posts, category ‘C’ posts and category ‘D’ posts, on the basis of scales of pay of such posts. It further requires that the Corporation shall maintain a schedule of posts which shall include the designation and number of posts under each designation of officers and employees constituting the “Establishment of the Corporation”.
- (3) The West Bengal Municipal Act, 1993, under section 53, provides for the appointment of an Executive Officer, a Health Officer, an Engineer, a Finance Officer, a Medical Officer, a Secretary and an Office Superintendent besides a number of other functionaries which shall constitute the “Municipal Establishment”. These officers are to be deputed from the State Cadres of Common Municipal Services.
- (4) The Tamil Nadu Urban Local Bodies Act, 1998, in section 59, provides that the municipal establishment shall consist of 4 classes of officers, namely, Class 1, of heads of departments in the Municipality; Class 2, of officers who are immediately next in rank to Class 1 officers; Class 3, of others (not being persons holding posts in the service classified by the Government as basic service) appointed to serve under the Municipality; and Class 4, of persons holding posts in the service classified by Government as basic service.

- (5) In the Bombay Provincial Municipal Corporation Act, 1949, as in force in Gujarat, section 45 provides for appointment of a City Engineer, section 47 of a Municipal Chief Auditor, section 48 of a Municipal Secretary and section 49 of a Deputy or Assistant Municipal Commissioner.
- (6) The issues which each State Government need to consider regarding the organizational structure of the Municipalities are :
- (a) what should be the size of the Municipal Establishments for the different levels of Municipalities ?
 - (b) who should be the appointing authorities ?
 - (c) whether there should be State cadres of municipal officers and employees,
 - (d) whether there should be one or more Municipal Service Commissions, and
 - (e) whether a State Municipal Vigilance Authority may also be constituted.

Provisions Made in the Municipal Law

- 16.** *The Municipal Law, in clause 36, provides for appointment of different categories of officers for Municipal Corporations, Municipal Councils and Nagar Panchayats, and also identifies the appointing authorities. Clause 37 provides for the preparation of an “Establishment of Municipality and schedule of posts”, while clause 38 specifies the “Appointing Authorities”. Clause 43 provides for constitution of “Cadres of common municipal services” and the appointments therefor, and clause 44 provides for the constitution of “Municipal Service Commission for Municipal Corporation” and clause 45 provides for “Constitution of State Municipal Service Commission for the Municipal Councils and Nagar Panchayats”. Clause 46 provides for the “State Municipal Vigilance Authority”.*
- 17.** *Clause 42 introduces an innovation by way of appointment of a Municipal Establishment Audit Commission to review and report on the status of the municipal establishments in the State. The Commission would fix norms and standards of manpower for different tasks performed at various levels of the Municipalities.*