

Working Paper Series

A study of Corporation System of Cochin

By

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Introduction

Corporation of Cochin is the municipal corporation that manages the Kochi. The City is divided into 71 administrative wards from which the members of the Council are elected. The Council headed by the Mayor manages the affairs of the City, aided by the Secretary who is appointed by the State Government. It consists of 13 wards, 2 municipalities and a Corporation.

Such decentralization in local governance was undertaken to increase the participation of the electorate. However the desired results have not yet been achieved which is quite evident once one steps into the City. Roads filled with pits and potholes, garbage strewn on the streets due to lack of proper waste management system, traffic snarls, inadequate water supply are some of the shortcomings of the Corporation. And the system established is such that it is quite hard to pinpoint who is at fault. The Kerala Municipality Act states that the salaries of the officers working for the Corporation shall be paid from the Corporation fund. However neither the Mayor nor any gazetted official can take action against negligence by Corporation workers or officers. The Mayor can report the case but the action shall be taken by the concerned authority. Hence one can conclude that the Mayor under the current system is more of a diminutive figure restricted to tasks which are clerical in nature, which can be otherwise done without the Mayor's post.

Cochin is fast emerging as the industrial and corporate hub of Kerala and such economic change results in increasing urbanization. According to City Mayors Statistics, the population of Cochin is 1.49million as in 2006 and is placed 261st in the list of world's largest urban areas. And the population is expected to be 1.9million in 2020 growing at an average rate of 1.75% during 2006-2020 and placed 265th in the world in the same list.¹ However to ensure continued economic growth the requisite infrastructure has to be present. It is the duty of the Corporation to undertake spatial planning of the Corporation, but such plans should not just be in paper, instead they should be acted upon as well.

In such a scenario it would be useful to look upon other cities which have faced similar problems and emulate their best practices while learning from their mistakes. This paper studies the Municipal systems followed in other cities of the Country as well as in other countries. It tries to ascertain whether the policies and practices followed elsewhere can be incorporated into the corporation system in Cochin which will enable the City to meet its challenges.

1 http://www.citymayors.com/statistics/urban_2006_3.html
http://www.citymayors.com/statistics/urban_2020_3.html

The Government of India enacted 73rd and 74th Amendment Acts concerning local governance and following which various states enacted their own Municipal Acts incorporating the features of the Amendments. In Kerala, The Kerala Municipality Act was passed in 1994 while Chennai follows the Madras City Municipal Corporation Act, 1919. These Acts required the transfer of powers down to the Municipality/Panchayat/Corporation level and increasing the participation of the electorate through the formation of wards in municipalities.

Most countries around the globe provide for decentralization of governance but decentralization to the level of wards is found only in some countries. It is not mandatory to have wards in the City municipalities of South Africa, meanwhile in USA, the representatives of the electorate to the City Council is at the district level.

A municipality refers to the structure of political office bearers and administrative officers of the municipal area and the community of the municipality. The term also refers to any local area which falls within the municipal boundary. The municipal institution is an organ of state, and has a separate legal personality and the local community cannot be held liable for the actions of the municipal institution.

However the creation of wards in our municipalities hasn't achieved their objective of increased participation of the electorate. Moreover the legislation is such that the presence of inefficiencies slows down the working of the governance. As many as 31 Grama Panchayat members and one councilor of the Kochi Corporation were facing trial at the State Election Commission for their lapses in convening Sabhas as required by the Kerala Municipality Act. The article states that almost 80 per cent of the elected members in the 999 Grama panchayats, 53 municipalities and five corporations in Kerala were facing the threat of disqualification for their laxity in convening the sabhas once in three months². The incidence of not convening such Sabhas is more common in corporations and municipalities than in panchayats since the rural voters considers the Sabha as a forum for securing maximum benefits. Moreover low population makes it possible for the Panchayat members to understand the problems of the Panchayat and the voters are well aware of the members constituting the Panchayat. However the indifference in urban areas prompts the members to conduct meetings in a ritualistic manner or prepare bogus minutes to escape punishment.

This paper mainly studies the municipal systems in Chennai, South Africa, Los Angeles and the various city/town codes in Arizona. Chennai is one of the only two cities in India where the Mayor is directly elected by the public. The Mayor of Cape Town, South Africa was awarded The World Mayor Award in 2008.³ The World Mayor project is organized by the City Mayors with the objective of raising the importance of the post as well as to honor those Mayors who have made long lasting contributions for the betterment of the City.

2 <http://www.hindu.com/2008/04/07/stories/2008040758981100.htm>

3 http://www.worldmayor.com/contest_2008/world-mayor-2008-results.html

A great Mayor is required to possess excellent leadership and vision, management skills, ability to ensure security to the citizens as well as to protect the environment, to interact with citizens belonging to various cultural, racial and social backgrounds to ensure a harmonious environment, and possess economic and social awareness.

The methodology followed in determining the award is as follows: First, the world wide audience is invited to submit nominations of mayors whom they feel are worthy of the title. However, only those nominations which are supported by testimonials are accepted. In 2007 about 74000 voters nominated 820 Mayors. The nominees are then short listed into a list of 50 based on the number of the nominations received and on the testimonials made supporting their vote. Moreover winners and runners up of previous years are deemed to be ineligible. Another vote is then conducted for the short listed candidates and it is mandatory to provide a reasoned comment supporting their vote. The City Mayors' panel of editors then draws a shorter list of candidates depending on the number of votes and quality of comments. The panel further decides the winner as it would be unfair if the title is awarded on the basis of votes received as some of the short listed candidates were officials of large cities while others were from smaller cities.

Hence one can safely assume that the Municipal structures in the short listed cities are sound and the Mayoral systems followed are the best in the World. Los Angeles was one of the finalists representing the North American continent. Thus one can make a comparison with municipal structure followed in these cities to find policies or practices followed which make them a class apart.

THE KERALA MUNICIPALITY ACT, 1994 4– A summary

Following the 73rd and 74th Constitutional Amendments, which provided for clear devolution of functions to local government and clear delineation of functions between State and local government, The Kerala Municipality Act was enacted in 1994. It involved devolution of 18 functions to the local government according to Twelfth Schedule of the Act*.The amendments were made as it was found that the local bodies in various states were weak and ineffective due to various reasons like failure to hold regular elections, inadequate devolution of powers, and suppression by State authorities etc. Hence these bodies were not able to achieve the objectives for which they were created.

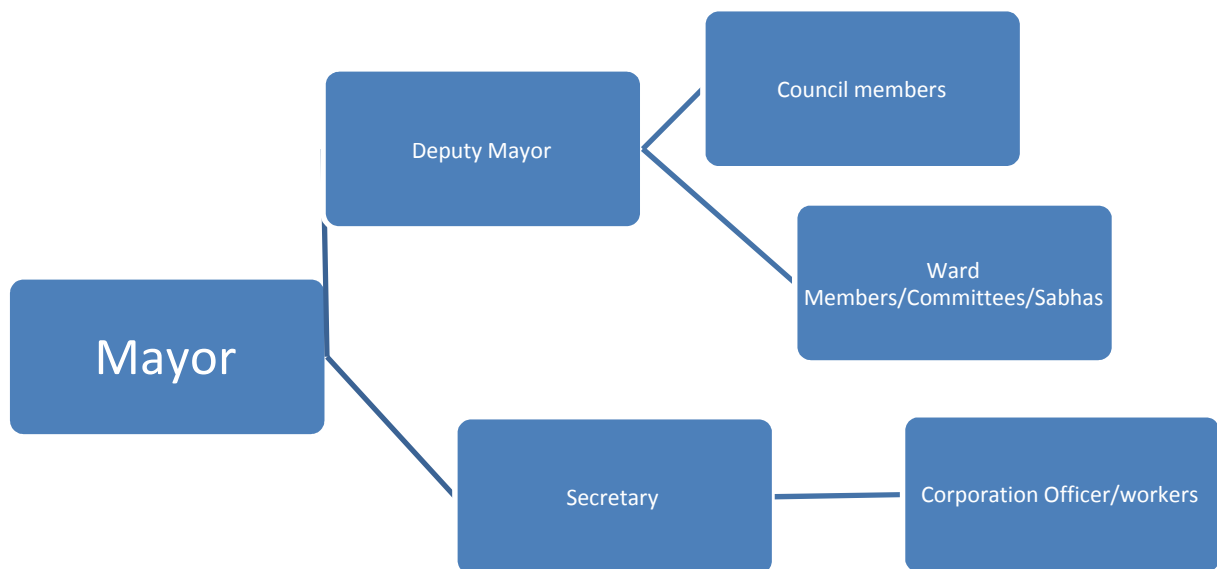
Kerala is one of the first states to completely devolute the powers down to the ward level. The 74th Amendment provided for the insertion of a new section, Section IX A, to be inserted after Section IX which required Ward Committees to be set up in a municipal region when the territory so determined to be under the Ward Committee has a population of more than three lakhs. The Committee may consist of two or more wards and the Chairman of the Committee will be one of the councilors of the Wards covered under the Ward Committee. However the Kerala Municipality Act provided for the creation of Ward Sabhas for every ward of the Municipality if the population of the Municipality exceeds one lakh and Ward Committees in every ward for municipalities having a population greater than 1 lakh. The Ward Committee/Sabha will be headed by the Councilor of the ward who is elected by the registered voters of that ward. The terms Ward Sabhas and Ward Committees simply differentiates the fact that the population of the Municipality is greater or lesser than one lakh. The Act provides that a Ward Sabha/ Committee shall consist of representatives from resident associations, neighborhood group, from various political parties, professionals residing in the Ward's territory and also members of various cultural organizations and educational institutions. They have to convene a meeting at least once in every 3months and discuss issues regarding development of the ward. It is the responsibility of the Committee to develop plans for the Ward and then submit it to the Municipality which then considers it and develops a plan for the municipality as a whole which is then referred to the state government. The Ward Sabhas/ Committees are meant to play a pivotal role as it is their function to collect and consolidate data necessary for formulation of development plans of the municipality. They are also responsible for other functions like mobilizing voluntary assistance and service for various social welfare programs, to suggest remedial action in case deficiencies are found in water supply system or street lighting etc.

4 www.kilaonline.org/documents/MunicipalityAct.pdf

The ward councilors then elect the Mayor and Deputy Mayor from among themselves. The Council will be chaired by the Mayor and it can form various Standing Committees, as per the provisions of the Act, in order to manage the affairs of the Municipality. The number of councilors in a Municipality is determined by its population, i.e. if it does not exceed four lakhs then the maximum number of Councilors is restricted to fifty. However if it exceeds four lakhs then there shall be fifty councilors for the first four lakhs and one each for the next ten thousand.

The main functions of the Mayor are to preside over the meetings of the Council, approve the budget presented by the Council, give order or directions for implementations of resolution of the Council or Committees. The Mayor is an ex officio member of all Standing Committees of the Council, but he does not enjoy the power to vote. His other functions, powers and duties as provided in the Act are clerical in nature like authorizing payment and repayment of money relating to the municipality, ensuring the preparation of reports as required by the Act etc. The Mayor is also required to be a full time functionary of the Corporation.

The Mayor shall be assisted by the Deputy Mayor and the Council members along with a Secretary appointed by the State Government. The Secretary represents the bureaucracy, is the custodian of all municipal properties and records including all papers and documents connected with the Council, the Standing Committees and other Committees. He is also supposed to perform the tasks entrusted to him by these bodies. His main tasks include providing opinion on all matters with which he is concerned, submit reports regarding the progress made on the implementation of resolutions passed by the Council, maintain and keep the accounts as to receipts and expenditure of the Municipality, to take follow up action on performance audit reports and other audit reports.



The Ward Committees/Sabhas is expected to develop plans outlining solutions for the problems concerning the development and progress of the Ward. The Ward receives its funding from the Corporation and hence is powerless to pursue their plans on their own. The receipts of the Municipal Fund are chiefly from property taxes and other taxes collected by the Municipality.

Shortcomings of the system:

1. Lack of accountability: It is quite hard to pinpoint the blame onto any particular officer. Moreover even though the Act allows for instigating enquiry against the concerned official, the final decision is taken at the level of the State. The Mayor does not have the power to hire/fire employees of the Corporation.
2. Lack of transparency: There is an explicit incentive for the authorities to manipulate the awarding of tenders for various projects of the Corporation since none of the elected officials work on a full time basis for the Corporation, with the exception of the Mayor, and neither do they receive any salary.
3. Irrelevance of the Mayor: The Mayor is mainly used for carrying out work which can be said to be clerical in nature, which the Secretary him/herself could handle. Moreover the Mayor cannot be blamed for any wrongdoing as h/she is not empowered to take remedial action.
4. Lack of evaluation of performance: The work carried out by the Corporation is not evaluated or reviewed which has led to a downfall in the quality of work.
5. Too many bottlenecks: The dependence of the local government on the State for funding of its projects has led to the existence of many bottlenecks and procedural delays. It has resulted in huge losses to public wealth.
6. Lack of powers for the wards: There is no certainty that a Ward's plan will be accepted. Due to the system where the Mayor is elected by the Councilors, the Mayor needn't worry about the lack of development in wards other than his/her ward. Moreover the party winning the election ignores the development of other party's wards.
7. Unclear specifications: The Kerala Municipality Act does not provide clear details as to the exact authority of the Mayor. It pertains to the role of the Secretary rather than the Mayor. It further pints out the importance provided to the Mayoral post.

BRIEF OUTLINE OF MUNICIPAL ACTS/SYSTEMS IN OTHER PLACES:

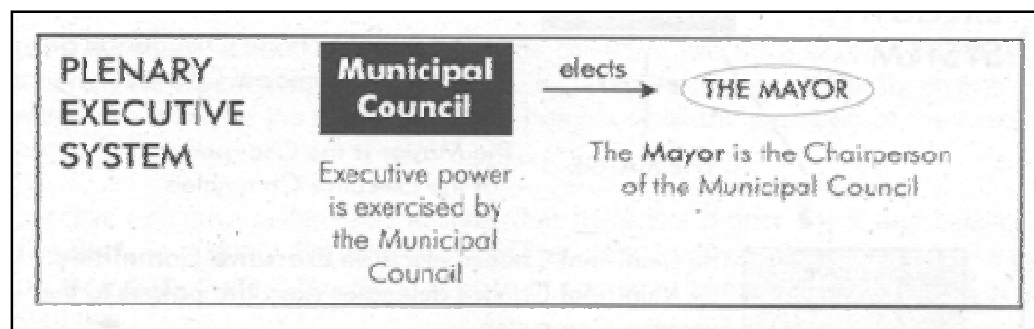
1. Corporation of Chennai⁵ :

Chennai Mayor leads the Executive branch of the Chennai Corporation. The Chennai Mayor, once elected for the esteemed post, is not allowed, simultaneously to serve as a councilor of the local area or as a Member of the Legislative Assembly or be a regular employee of the Corporation. The Mayor of Chennai is elected through the votes casted in the Corporation election. In other words he is directly elected by the public. There are a total of 155 wards under the Chennai Corporation. And the candidates standing for the post contests the election conducted in all these wards and the one with the majority becomes the Mayor of the Chennai Corporation. The Mayor leads the Executive branch of the Chennai Corporation for a period of five years. The Madras Municipal Corporation Act, 1919 (as amended) provides the basic statutory authority for the administration.

The Commissioner of the Corporation is the Chief Executive Authority appointed by the State government and is the disciplinary authority to the employees appointed by him. He/she has powers similar to that of a Secretary of a Corporation of Kerala.

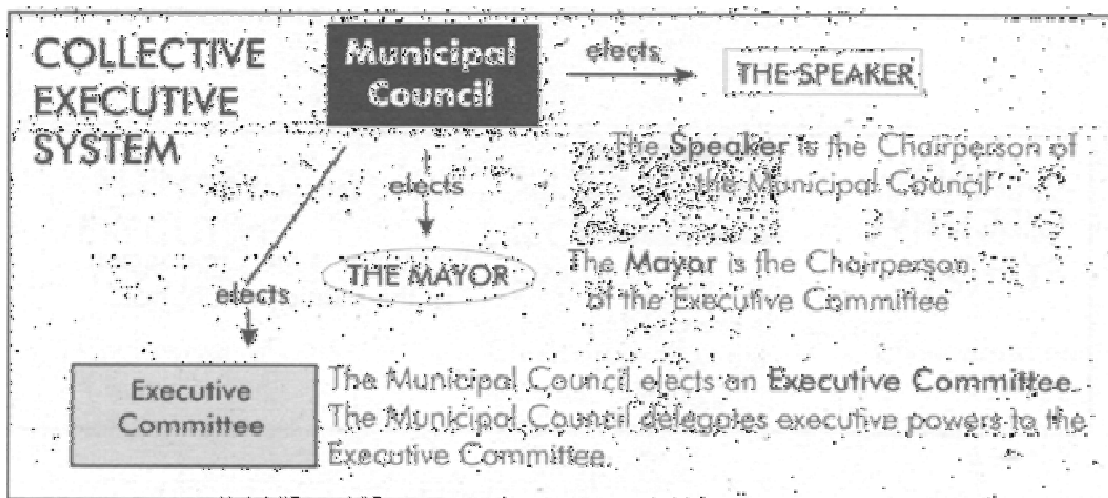
2. South Africa(Cape Town)- Municipal Structures Act, Municipal Systems Act 6:

The Municipalities are categorized into A, B and C types depending on various factors like population density, movement of people and goods, development, social and economic linkages between its constituent areas etc. The area recognized as Category A is required to be declared as a Metropolitan area while Category B and C types are to be declared as district management areas. Each Municipality can follow different Municipal structure namely as follows;



⁵ <http://www.chennaicorporation.gov.in/about-chennai-corporation/aboutCOC.htm>
http://www.chennaicorporation.gov.in/images/chennai_city_municipal_corporation_act.pdf

- Plenary executive system is the most simplest of executive systems whereby the executive authority is restricted to the Municipal council only. It implies that no single councilor or committee shall be delegated the executive authority. All decisions shall be taken at a full meeting of the Council. Such a system is extremely effective in case of Municipalities which are relatively small in size as the Council then has to focus only on the issues relating to that small area.
- Collective executive System: The Plenary system becomes increasingly ineffective as the size of the Municipality increases. This is so because there are large numbers of councilors and often it is difficult to arrive at a decision, thus resulting in delays in decision making. Hence under a Collective executive system an executive committee is formed, which consists of a small group of the elected councilors. Such a committee is formed by the Councilors themselves and this system can be followed only in those Municipalities where the number of Councilors is greater than nine. The executive committee then makes decisions on the various issues of the Municipality. Moreover the executive council members elect members from themselves for the post of the Mayor and Deputy Mayor. The Mayor acts as the Chairperson, but he does not possess any



<http://www.info.gov.za/view/DownloadFileAction?id=70652>

<http://www.pmg.org.za/bills/municipalsystemsact.htm>

http://www.ppp.gov.za/Documents/ppp_legis/Municipal_Systems_act_32-00.pdf

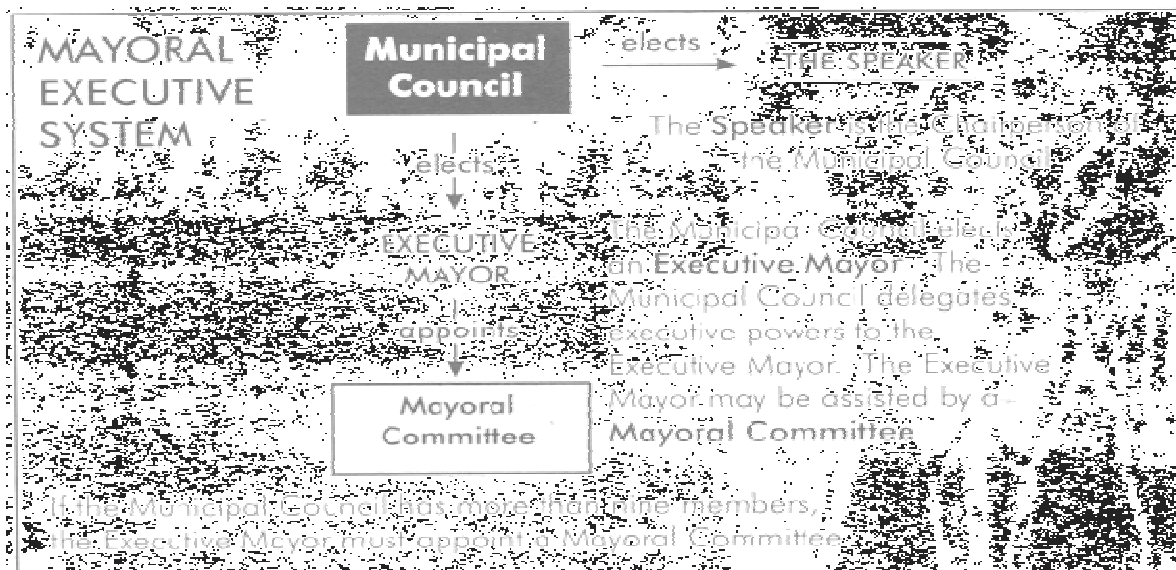
http://www.thedplg.gov.za/subwebsites/publications/type_muni/muni_plenary.htm

individual power as all decisions can only be made on a collective basis by the Executive Council. The Municipal Structures Act provides that the maximum number of members in the executive council can be 20% of the total membership of the Municipal Council or 10 councilors, whichever is less while the minimum is 3.

Usually the membership to the executive council is allotted on a proportionate basis in relation to the number of seats won by the party in the Municipal Council. Such a system works well when the Municipal Council is quite large and has to deal with a wide range of issue. This system helps in faster and effective decision making by delegating executive powers to a smaller group of councilors.

- **Mayoral executive system:** In such a system, the executive authority is delegated by the Municipal Council to a single Councilor whom they elect from themselves to the post of the Executive Mayor. In case of Councils where there are more than nine councilors the Executive Mayor is required to set up a Mayoral Committee to assist him in performing his functions. However the Mayor is still accountable to the Council even after delegating authority to the Committee. The advantage of this system is that it gives a face to the municipal government in the sense that the accountability lies on the Mayor for the various actions taken by the Municipality. It is further advantageous as it provides for decisive leadership, rapid and responsive decision making. This is useful especially in case of large and complex municipalities.

The main difference between Collective and Mayoral executive system is that while in the Collective system the Municipal Council delegates the executive authority to the

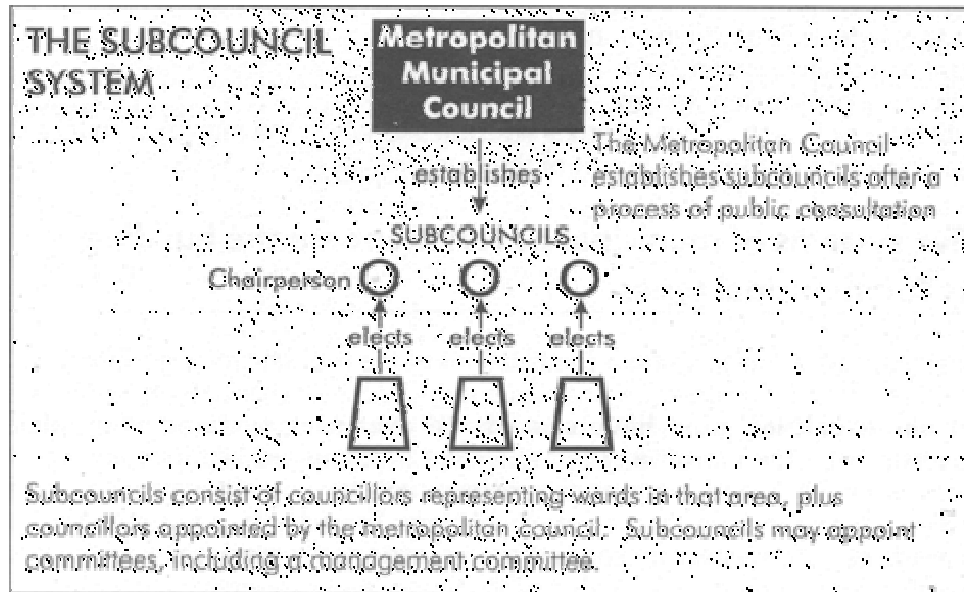


8 http://www.thedplg.gov.za/subwebsites/publications/type_muni/muni_coll.htm

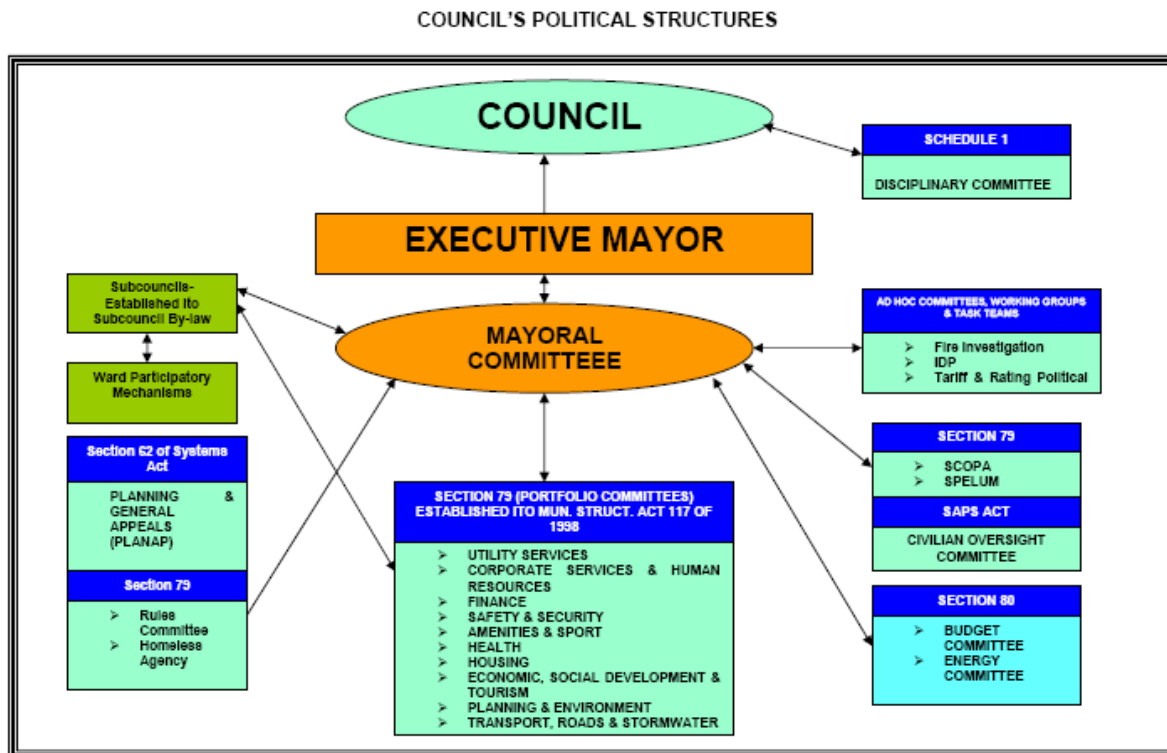
Executive Council, under the Mayoral system the Council delegates the executive authority to a single councilor, the Mayor. As mentioned earlier under the Mayoral system the Mayor is still accountable even after delegation of authority to the mayoral committee. Another difference is that while under the Collective system it is the Municipal Council which selects the councilors of the executive committee, under the Mayoral system it is the Mayor who selects the councilors to the Mayoral committee.

It is necessary for every Municipality to either of the above system in place to function effectively. Moreover these systems can be further combined with a Ward/Sub council participatory system.

- Ward participatory system provides for the creation of ward committees at the ward level of the Municipality with the Councilor of the respective ward acting as the Chairperson of the Ward Committee. Such a system encourages the participation of the local community in the matters of the local governance. It helps in finetuning the programs of the Municipality in accordance with the local circumstances.
- Sub council participatory system, as per the Municipal Structures act, is provided for decentralization of management and enhanced democratic participation in large metropolitan area. Often in large Municipalities it may not be possible to provide equal



attention to the affairs of every part of the Municipality. Hence sub councils are created which clubs together wards of a certain area. The councilors representing Wards under the sub council are members of the sub council and it also has additional members on order to maintain political proportionality. The Sub councils enjoy powers and duties as delegated by the Metropolitan Council. They might be consultative in nature or even have extensive delegated powers in relation to service delivery and functions similarly to Metropolitan sub councils.



The municipal manager is the head of the municipal administration. He/She represents the legislative authority of the Municipality. Subject to the policy directions of the municipal council, the municipal manager is responsible and accountable for the formation and development of an economical, effective, efficient and accountable administration. The municipal manager must make sure the administration is equipped to implement the municipality's integrated development plan, that it operates in accordance with the municipality's performance management system, and that it is responsive to the needs of the local community. As the head of the administration, the municipal manager is responsible for a number of staff functions, such as the appointment of staff below the level of managers directly accountable to the municipal manager, the management and training of staff, the maintenance of discipline of staff, and the promotion of sound labour relations

http://web1.capetown.gov.za/websearch/search/search.aspx?Scope=WebLib_Index&ContentSource=WebLib_Source_group&SearchPhrase=Organogram%20of%20Reporting%20Lines&SearchType=%20&MetaElement=Title&MetaElementPhrase=Organogram%20of%20Reporting%20Lines

The councilors belonging to various local Municipal councils further elect the members to their respective district councils. The number of councilors is determined on the basis of population (registered number of voters) of that particular ward/municipality on a proportionate basis. It is not requisite to have Sub council/Ward committees as it is entirely up to the Metropolitan council to determine it.

3. Los Angeles- City Charter ¹²:

The City of Los Angeles is a Mayor-Council-Commission form of government. A Mayor, City Controller, and City Attorney are elected by City residents every four years. Fifteen City Council members representing fifteen districts are elected by the people for four-year terms, for a maximum of two terms. The Mayor is the executive branch while the Council is the legislative branch of the system. Members of Commissions are generally appointed by the Mayor, subject to the approval of the City Council. General Managers of the various City departments are also appointed by the Mayor, subject to confirmation by the City Council. The Mayor is the CEO of the city and he should uphold all laws and ordinances of the City. He is also required to devote his entire time to the duties of the office.

The Mayor serves as the elected head of City government, is elected at-large and serves a four year term. The Mayor, more than any other City official, is held responsible for the conduct of City affairs. As the executive officer of the City, the Mayor submits proposals and recommendations to the Council, approves or vetoes ordinances passed by the Council, and is active in the enforcement of the City's ordinances. The Mayor recommends and submits the annual budget and passes upon subsequent appropriations and transfers; appoints, and may remove certain City officials and commissioners; secures cooperation among the departments of the City; receives and examines complaints made against officers and employees; and coordinates visits of foreign and domestic dignitaries with public and private organizations.

The Council is the governing body of the City, except as otherwise provided in the Charter, and enacts ordinances which are subject to the approval or veto of the Mayor. Its other tasks include ordering elections, levying taxes, authorizing public improvements, approving contracts, and adopting traffic regulations.

The Council adopts or modifies the budget proposed by the Mayor and provides the necessary funds, equipment, and supplies for the budgetary departments. The Council can confirm or reject appointments proposed by the Mayor and prescribe duties of boards and officers not defined by Charter. Council Members shoulder a heavy responsibility as the average citizen's first thought when a problem arises is to write, telephone, or visit the Council Member.

12 http://www.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:laac_ca

So the Council Member has to know the district and its constituents with a more thorough understanding than a more distantly elected representative, and a citizen can know the Council Member by visiting City Hall, and by attending public meetings.

The Controller is the auditor and general accountant of the City and he can exercise general supervision over the accounts of all offices, departments, boards and employees of the City charged in any manner with the receipt, collection or disbursement of the money of the City. He is responsible for prescribing the method of keeping all accounts of the offices, departments, boards or employees of the City in accordance with generally accepted accounting principles. He has to regularly review the accounting practices of various offices and department sand on upon finding serious failings in accounting practices; he can take charge of the accounting function and later assist the concerned office/department in implementing the appropriate method. He is responsible for auditing the accounts of all departments and offices and reconcile these accounts with that at the City treasury on a periodic basis. He has control over all funds of the City and can transfer funds depending on the need. He is also responsible for conducting performance audit of all departments. He can conduct audits of City programs and suggest plans for improving their performance.

The City Attorney represents the City in all legal procedures against the City as well as initiates legal proceedings on behalf of the City. He is the legal advisor to all the boards, departments and offices of the City. The qualification of the post is that h/she should be qualified to practice in all the courts of the state, and must have been so qualified for at least five years immediately preceding his or her election.

4. Arizona (Lake Havasu City) - Commonalities in Charter of various cities of the State¹³:

The elected members consist of the Mayor, who is directly elected and he is assisted by the Council and a Town Manager. The Mayor is an ex officio a member of all Committees and he has the right to vote in the Council. Prior to taking office, every councilmember shall execute and file an official bond, enforceable against the principal and his sureties, conditioned on the due and faithful performance of his official duties, payable to the state and to and for the use and benefit of the town or any person who may be injured or aggrieved by the wrongful act of default of such officer in his official capacity. No member of the council shall be eligible for appointment to any salaried position or for any employment with the town during the term for which he has been elected to the council, unless such councilman resigns his council position prior to application for any town position. The Council is required to meet on all Tuesdays at the specified time at the Town Hall, unless otherwise provided. These meetings are open to the public unless it is a closed session.

¹³[http://www.amlegal.com/nxt/gateway.dll/Arizona/lakehasvasu_az/lakehasvasucityarizonacodeofordinances?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:lakehasvasu_az](http://www.amlegal.com/nxt/gateway.dll/Arizona/lakehasvasu_az/lakehasvasucityarizonacodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:lakehasvasu_az)

5. Other Cities:

In Yokohama¹⁴, Japan, the Mayor is directly elected by the people. The local laws, budgets and policies are determined by a decision making organ of the local government, while the day to day functions of the City is handled by an executive organ. The mayor and members of various administrative committees of the City form the executive organ and they carry out the resolutions taken by the Council. The City Council members are elected by the citizens, like the Mayor is, as their representatives to the local government. However both the Council members and the Mayor enjoy equal authority and even though they are mutually independent they function in coordination with each other to improve the standard of life of the citizens in the City. The City Council elects a Chairman and Vice Chairman from themselves who shall be responsible for managing and overseeing the various activities of the Council and to maintain order during the meetings.

14 <http://www.city.yokohama.jp/me/sikai/pdf/eng2.pdf>

Table indicating differences in Municipal Structure of various Cities

Criteria	Cochin	Chennai	South Africa	Los Angeles	Arizona
1.Election of Mayor/Chairperson	Indirect (by council members)	Direct	Indirect (by councilors)	Direct	Direct
2.Powers of Mayor	Limited to tasks of clerical nature	Limited powers	Depends on the type of Municipal Structure followed	Is the CEO of the City	Is the CEO of the City/Town
3.Paticipation of electorate in local governance	Election of ward councilors, attendance at ward meetings.	Election of Mayor and other Council members of their respective wards, Attending ward meetings	Election of Council members. If Ward participatory system is followed then participation in ward committees.	Election of Mayor, District Councilors, City Attorney, City Controller	Election of Mayor, Council members
4. i)Maintaining performance quality ii) Follow up action	Performance audit undertaken by Secretary Mayor can issue orders/directives to execute the plans, report negligence to the concerned authority	Performance audit undertaken by Commissioner Mayor can issue orders/directives to execute the plans, report negligence to the concerned authority, Commissioner can provide for minor punishments with the knowledge of the Mayor	Adherence to Performance Management System Mayor can take the necessary steps to remedial action	Performance evaluated by Mayor Mayor can take necessary remedial action, he can temporarily transfer staff, can fire staff if found negligent.	Performance evaluated by Mayor Mayor can take the necessary steps to remedial action
5.Council/ward	No specified	No specified	Number of	On specified	On specified

Meetings	dates for meetings. Public shall be informed when one is convened	dates for meetings. Public shall be informed when one is convened	Ward meetings as fixed by Council, provided ward committees exist.	days and time at the City hall.	days and time at the City hall.
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5.Council/ward Meetings	No specified dates for meetings. Public shall be informed when one is convened	No specified dates for meetings. Public shall be informed when one is convened	Number of Ward meetings as fixed by Council, provided ward committees exist.	On specified days and time at the City hall.	On specified days and time at the City hall.
6.Preparation of Budget	By the Standing Committee for Finance	By the Standing Committee for Finance	By the administration in accordance with integrated development plan. Authority preparing it depends on the Municipal structure followed.	By the Mayor	By the Mayor
7.Funding	State Government, Taxes collected by the Municipality	State Government, tax revenue	Provincial government	Can be raised by the Corporation by issuing Housing Revenue Bonds/notes	Tax revenue, grants
8.i)Veto power for Mayor	No	No	No	Yes	No
8. ii)If no, then voting rights of Mayor	Can't vote	Can vote in council meetings	Yes in case of a tie.	Has the right to veto	Can vote
9.Full time functionary	Only the Mayor	Mayor	# However ward committee	All members including Mayor	All members including Mayor

			members are not provide any remuneration.		
10. Signing bonds before assuming office	No	No	No	No	Yes

Table: Major differences in Municipal Structures in various Cities

SOLUTIONS TO OUR SYSTEM:

- The election of the Mayor or the Chairperson if the Municipality/Corporation should be made direct i.e. h/she should be directly elected by the electorate. This makes it necessary for the Mayor to not only undertake development activities in his/her own ward but all the wards in the Municipality/Corporation as well.
- The Mayor should be given the freedom to prepare and present his budget and also the freedom to take necessary action against the officials and employees of various government departments. For instance if the road works are not completed on time the Mayor should be able to take direct action against the concerned officials.
- The Mayor should have the power to veto the resolutions passed by the Council. He should be an ex officio member of all Committees of the Corporation, having the power to initiate new legislations. Further a provision can be made for the Council to override the veto of the Mayor by passing the resolution by a two thirds majority.
- A new system can be adopted whereby a provision can be made for the removal of the Mayor. It can be done so if the issue is raised and a resolution to the effect is passed in at least half of the wards (administrative wards) of the Corporation at their respective ward meetings. Then the issue can be put to vote in the council and if it is passed by two thirds majority then the Mayor can be impeached. The same can be done in case of Ward councilors, if a resolution signed by more than two thirds of the electorate of the ward. There is no use in allowing a person to continue in office if he is inefficient.
- The Municipalities/Corporations are usually dependent o the State for funding their various projects. Such dependency can be mitigated if the Municipality/Corporation is allowed to raise funds on their own by issuing Housing Revenue Bonds or other such revenue bonds. Thus they no longer will be required to receive the sanction from the State Government. However an upper limit should be fixed as to the extent of the funds allocated for the project which can be sanctioned by the Corporation/Municipality itself. For instance, projects costing more than Rs 1crore can be required to have sanction from the State Government.
- The Mayor and other elected officials should be required to devote their entire time to the businesses of the Corporation. They should be provided with commensurate payment for their efforts. As of now the Act requires only the Mayor to be a full time functionary of the Corporation.

Not provided in the Acts of the concerned City

- There should be a fixed schedule for the various Council/Committee/Ward meetings and the electorate should be made aware of such schedule. Unless provided all such meetings should be open to the public. The timings of such meetings should be fixed keeping in mind the electorate.
- The role of the Secretary should be reduced to the effect of clerical duties of the Corporation. He can be made responsible for maintaining the accounts of the Corporation and to conduct performance reviews of various projects and prepare reports on them and submit them to the Mayor.
- A new system can be established whereby the citizens can directly drop in complaints to the Mayor and he can then enquire about the same from the concerned Councilor and take necessary remedial action.
- The most critical aspect is the need to establish a Performance Management System in order to increase the efficiency as well as effectiveness of the Corporation's projects. The Mayor in consultancy with the Secretary should set the standards and the Secretary should carry out performance audits at periodic intervals and report the same to the Mayor.
- Given that the Mayor is provided with powers of such degree, there should be corresponding measures to regulate it so that the powers aren't misused. It can be made mandatory for the Mayor and other Council members to sign bonds to the effect that they can be held accountable for their actions, if they cause any harm to the citizens, or use their powers to acquire private benefits etc.
- While forming the various Committees of the Corporation, the members of the Committees should be selected on the basis of their expertise.
- The online facilities of the Corporation should be developed to an extent where all the services of the Corporation are available online. Moreover the any citizen should be able to get details regarding their dues, taxes, projects happening in their wards, performance standards for the same etc. Such provision will enable the Mayor to take necessary action to maintain the performance standards. For instance if anyone finds that a project in their ward is not adhering to the performance standards then h/she can file a complaint to the Mayor, who then can take remedial action. This will increase the transparency, efficiency and effectiveness of the Corporation.

The District Collector can be made to oversee the functioning of various Municipalities / Corporations / Panchayats of the district. However his/her role shall be restricted to that of a regulatory authority, i.e. oversee the functioning of the Mayor and other elected officials and ensure that the office isn't misused by them, review the audit reports and conduct surprise checks on the projects undertaken by the Corporation etc.

Most of these solutions are already part of the municipal systems in various cities around the world. They have been effective in these cities and hence incorporating them into our structure can improve the performance of our Corporation.

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ANNEXURE I

As provided in The Kerala Municipality Act, 1994 , TWELFTH SHEDULE (Article 243- W) provides for the transfer of powers to the Municipality/Corporation. It specifies the following functions to be devoluted to the Municipality/Corporation.

1. Urban planning including town planning.
2. Regulation of land use and construction of buildings.
3. Planning for economic and social development.
4. Roads and bridges.
5. Water supply for domestic, industrial and commercial purposes.
6. Public health, sanitation conservancy and solid waste management,
7. Fire services.
8. Urban forestry, protection of the environment and promotion of ecological aspects.
9. Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.
10. Slum improvement and up gradation.
11. Urban poverty alleviation.
12. Provision of urban amenities and facilities such as parks, gardens, playgrounds.
13. Promotion of cultural, educational and aesthetic aspects.
14. Burials and burial grounds, cremations, cremation grounds and electric crematoriums,
15. Cattle ponds; prevention of cruelty to animals.
16. Vital statistics including registration of births and deaths.
17. Public amenities including street lighting, parking lots, bus stops and public conveniences.
18. Regulation of slaughterhouses and tanneries.

Section 20 provides for the constitution of Standing Committees in the Municipality/Corporation.
Standing Committees—

In every Municipality there shall be constituted Standing Committees as follows, namely:—

(A) In a Town Panchayat

- (1) Standing Committee for Finance
- (2) Standing Committee for Development
- (3) Standing Committee for Welfare

(B) In a Municipal Council

1. Standing Committee for Finance
2. Standing Committee for Development
3. Standing Committee for Welfare
4. Standing Committee for Health Education
5. Standing Committee for Works

(C) In a Municipal Corporation

1. Standing Committee for Finance
2. Standing Committee for Development
3. Standing Committee for Welfare
4. Standing Committee for Health Education
5. Standing Committee for Works
6. Standing Committee for Town Planning
7. Standing Committee for Appeal relating to Tax

Functions of the Municipality as per the 1st schedule of the act:

A. Mandatory Functions

1. Regulating building construction.
2. Protection of public land from encroachment.
3. Conservation of traditional drinking water sources.
4. Preservation of ponds and other water tanks.
5. Maintenance of waterways and canals under the control of the Municipality.
6. Collection and disposal of solid waste and regulation of disposal of liquid waste.
7. Stream water drainage.
8. Maintenance of environmental hygiene.
9. Management of public markets.
10. Vector control.
11. Regulation of slaughtering of animals and sale of meat, fish and other easily perishable food stuffs etc.
12. Control of eating houses.
13. Prevention of food adulteration.
14. Maintenance of roads and other public properties.
15. Street lighting and its maintenance.
16. Adopt immunization measures.
17. Effective implementation of National and State level strategies and programs for prevention and control of diseases.
18. Establishment and maintenance of burial and burning grounds.
19. Issue of licenses to dangerous and offensive trades and industries.
20. Registration of births and deaths.
21. Providing bathing and washing ghats.
22. Arranging ferries.
23. Providing parking spaces for vehicles.
24. Construction of waiting sheds for travellers.
25. Providing toilet facilities and bathing ghats at public places.
26. Regulating the conduct of fairs and festivals.
27. Issue license to domestic dogs and destroy stray dogs.
28. Providing basic facilities in slum areas.
29. Amenities including foot path and road crossing facilities for pedestrians.
30. Preparation of detailed town planning and Action plan for implementation in a phased manner.

B. General functions

1. Collection and updating of essential statistics.
2. Organizing voluntary workers and make them participate in collective activities.
3. Organize campaign for thrift.
4. Awareness building against social evils like drinking, consumption of narcotics, dowry and abuse of women and children.
5. Ensuring maximum people's participation in all stages of development.
6. Organize relief activities during natural calamities.
7. Inculcating environmental awareness and motivating local action for its up gradation.
8. Development of Co-operative Sector.
9. Promoting communal harmony.
10. Mobilizing local resources in cash or kind including free surrender of land for developmental purposes.
11. Propagating legal awareness among the weaker sections.
12. Campaign against economic offences.
13. Organizing neighbourhood groups and self-help groups with focus on the poor.
14. Awareness building on civil duties.

ANNEXURE II

Performance Management System-Municipal Systems Act, South Africa¹⁰

Performance management can help municipalities to work more effectively towards meeting developmental challenges as it is a process of setting targets, monitoring the performance against these targets and following it up by taking steps to improve performance. Such a system helps them to assess the impact of various strategies and projects they are pursuing. It can enhance accountability as it allows the municipal councillors and staff and the local community as well to monitor the value they receive for money spend on various services of the Municipality. The Act requires every Municipality to establish a Performance Management System in accordance to the suitability and circumstances of the Municipality. Such a system however should be in line with the priorities, objectives, indicators and targets contained in the municipal integrated development plan.

Performance management is not only about monitoring and measuring as it can be further used to promote a culture of performance management in their structures, political offices, and administration. In other words, municipalities can use the system to promote working practices which are economical, effective, efficient and accountable. Every municipality is required to set performance targets with regard to each of the development priorities and objectives in their integrated development plan, and set appropriate key performance indicators as a yardstick for measuring performance towards achieving these priorities and objectives. The performance indicators should be designed in such a manner that it also allows for measurement of outcomes and impact.

The Act states that the municipalities must monitor their performance against the indicators which they have set for each development priority and objective, and measure and review their performance at least once a year. They are then required to take appropriate steps to improve performance in case of those development priorities and objectives where performance targets are not met. Municipalities are required to establish a regular process of reporting whereby the information on performance is available to the council and specific structures and political office bearers of the municipality; as well as to the public and appropriate organs of state. Hence one can use the reports as an "early warning" system for underperformance and prevent potential problems from becoming crises.

¹⁰ <http://www.pmg.org.za/bills/municipalsystemsact.htm>