



REVIEW ARTICLE

A Study of Urban Local Government in Rajasthan

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ABSTRACT

Rajasthan is a vibrant state where tradition and history blend with contemporary life styles. The Panchayati Raj System which is decentralization of power started from Nagaur, Rajasthan on 02.10.1959 by first Prime Minister of India Pt. JawaharLal Nehru. For urban area, Urban Local Government exists. The Urban Local Government in Rajasthan signifies the governance of urban area by people through elected representatives. The urban local bodies of Rajasthan are governed by Rajasthan Municipal Act 1959 (RMA-1959) irrespective of the size or the class of the city. This act was amended in 1994 by incorporating 74th Constitutional Amendment Act (CAA) of India giving urban local bodies a constitutional status so that they may perform effectively by providing them basic functional and financial autonomy. Seventy fourth Constitutional Amendment Act (CAA) provides reservation of seats to scheduled castes, scheduled tribes and women, fixity of tenures of five years of ULB's, setting up a State Election Commission and that of State Finance Commission every five years to examine the financial strength of the Panchayati Raj Institutions (PRIs) and Urban Local Bodies (ULBs). It also recommends principles to determine taxes which can be assigned to the municipalities and PRI's, tax sharing between the urban local bodies and grant-in-aid to the ULB's and PRI's from the consolidated fund of the state.

Keywords: Constitutional Amendment Act, Panchayati Raj, Urban Local Bodies (ULBs).

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INTRODUCTION

The origin of Municipal Administration in India dates back to 1687 when a Municipal Corporation was set up in Madras. In 1726, Municipal Corporations were setup in Bombay and Calcutta. Lord Ripon issued a resolution for local self-government that continued to influence the development of local self government in India till 1947. He is thus called as father of local self government in India.

After Independence, Rajasthan Town Municipalities Act was promulgated in 1951 by repealing the existing princely States municipal laws. Subsequently, due to reorganization of the State of Rajasthan, all the existing municipal laws including the Act of 1951 were replaced by the Rajasthan Municipalities Act, 1959 (Act). Later, 43 rules were incorporated there under by State Government from time to time.

Constitution (74th Amendment) Act, 1992 inserted new Articles 243-ZG providing for the legislature to endow certain powers and the duties to the municipalities relating to 18 matters mentioned in *Twelfth Schedule*.²

FUNCTIONS DEVOLVED TO ULBS (WITH RESPECT TO 12TH SCHEDULE OF THE CONSTITUTION)

73rd and 74th CAA are considered important steps in the direction of strengthening local government in India. Both amendments incorporate a list of those functions which are expected to be essentially performed by the two sets of local governments Rural and Urban. The list of responsibilities and functions are appended to the constitution as 11th and 12th schedules respectively. In all, there are 18 functions

enumerated in the 12th schedule. The State Government of Rajasthan has responded in devolving these responsibilities to the ULBs in a mixed manner. Out of the 18 functions, responsibilities related to 6 functions have been positively handed over partially and in case of 5 functions, it has responded negatively. A list of all these functions and responses of the state government – Yes, No and Partial – is appended here as Table-1, which will manifest how the state government has reacted in this regard.³

Table 1: Response of State Government With regard to 12th Schedule of the Constitution

S.No.	Functions	Response of State Govt., Yes/No/Partial
1.	Urban Planning, including town planning	Partial
2.	Regulation of land-use and construction of buildings	Yes
3.	Planning for economic and social development	Yes
4.	Roads and bridges	No
5.	Water supply for domestic, industrial and commercial purpose	No
6.	Public health, sanitation, conservancy and solid waste management	Partial
7.	Fire services	Yes
8.	Urban forestry, protection of the environment and promotion of ecological aspects	No
9.	Safeguarding the interests of the weaker sections of society, including the handicapped and the mentally retarded.	No
10.	Slum improvement and up-gradation	Yes
11.	Urban Poverty alleviation	Partial
12.	Provision of urban amenities and facilities such as parks, gardens, and playgrounds	Partial
13.	Promotion of cultural, educational and aesthetic aspects	No
14.	Burials and burial grounds; cremations, cremation grounds and electric crematories	Yes
15.	Cattle pounds and prevention of cruelty to animals	Partial
16.	Vital statistics in including registration of births and deaths	Yes
17.	Public amenities including street lighting, parking lots, bus stop and public conveniences	Partial
18.	Regulation of slaughter houses and tanneries	Partial

Powers, Authority and Responsibilities of Municipal Bodies :

The newly inserted Article 243 W of the constitution allows legislatures of the State to endow the municipal governments by law such powers and authority, which may be necessary to enable them to function as institutions of self-government. It also widens the scope of legislation in this field by the provisions, which define the powers and responsibilities of the Municipalities, subject to such conditions as may be specified in law. As a matter of fact, the main thrust of Article 243 W is self-operative and self-contained in the matter of enlistment of subject transferred wholly and wholeheartedly to the local self-governments. The XII schedule of the constitution binds uniformly all the Municipalities since apart from its local situations or problems each Municipality must invariably respond itself in full to the items enlisted in the XII Schedule.

The enumerated 18 functions in the XII schedule have provided for a little more than the usually expected functions of the Municipalities. In order to incorporate the newly entrusted functions into existing municipal law, the State Government of Rajasthan has inserted a new clauses namely clause (WW) to section IOI. This requires the municipalities to perform the following functions:

1. Preparation of plans for economic development and social justice; and
2. Performance of functions and the implementation of schemes that may be entrusted by the State Government to Municipalities including those in relation to the matters listed in the XII schedule of the constitution of India.

The terms implied in this clause are only a paraphrasing of item No. 3 of the XII schedule, and the rest if this clause is meant to deal with the residue thus enjoining, in a way, upon the Municipalities the duty to implement the schemes even in addition to any other scheme which may be entrusted to them by the state government whether including or additional to those enlisted in the XII schedule. The expressions like 'economic development' and 'social justice' are vague and elastic terms, since it is nowhere possible to give any exhaustive list of what constitutes economic development or of social justice, and much has, therefore, to be left undefined in these concepts.

The conclusion is that the items enlisted in the XII schedule as also the functions enumerated in clause (WW) of Section 101 of the Rajasthan Municipalities Act, 1959 cannot be interpreted as exhaustive and anything for public good or social welfare can be entrusted to the care of Local Self Governments.⁴

Finances of Urban Local Bodies :

State Finance Commission examines the financial strength of the Panchayati Raj Institutions (PRIs) and Urban Local Bodies (ULBs) in Rajasthan in every five years. It also recommends principles to determine taxes which can be assigned to the municipalities and PRI's, tax sharing between the urban local bodies and grant-in-aid to the ULB's and PRI's from the consolidated fund of the state. The amendment also includes Schedule XI and XII giving an indicative list of functions to be performed by PRI's and ULB's. In spite of 74th CAA the basic legal framework for ULB's of Rajasthan as laid down in RMA-1959 before 1994 remains unaltered. The ULB's of Rajasthan are highly regulated and controlled by Department of Local Self Government, Government of Rajasthan. The ULB's do not have any autonomy to determine priorities, discontinue schemes, and change the composition of expenditure. The functions laid down in the law largely remain same as it was before 74th CAA. The Budget proposal has to be sanctioned by government proposed by the ULB. The staffing of ULB's are also laid down under the law requiring approval at every stage. This is contrary to the intention and objective of the 73rd and 74th CAA. Thus ULB's have very little functional and financial autonomy under the existing legal framework.⁵

Rajasthan Municipal Act 1959 and Rajasthan Nagarpalika (Budget Rules) 1966 elaborates the method for preparation of the Budget by the ULB's. There is a printed format circulated by Department of Local Self Government, Government of Rajasthan in which the budget proposal has to be submitted to State Government for its sanction. The budgets are under two heads Revenue and Capital for both income and expenditure. The revenue income consists of income from own taxes consisting of the octroi and house tax which are obligatory, income from own non-tax from bye-laws, rules and regulations, income from the assets of the ULB, penalties and fines, income from commercial institutions and miscellaneous. The miscellaneous item includes the general purpose grant in aid provided to local bodies under the General purpose grant in aid to Local Bodies Rules, 1964. The extent of grant under this may be sanctioned at the rate of 12.50 per capita of the population of the Municipal Corporations based on the last Census report subject to the extent of budget provisions in a financial year. This grant-in-aid has to be kept in a separate bank account and can be only used for salaries and allowances of the staff. The government has also the option to deduct the amount due to the corporations up to fifty percent of the grant-in-aid. Grants received from State Finance Commission (SFC) are also included under this head.

The capital income consists of income from the sale of land, scheme specific assistance/grant including grant receipts from CFC and SFC, grant-in-aid for capital works of the nature of construction of roads, drains, stone pavements, public urinals and latrines which are of direct public utility to the extent of forty percent of the estimated costs of the works, from public works department borrowings and other sources of income of capital nature. The components of revenue expenditure are general administration, expenditure on tax collection, public welfare and public health, public safety, street lighting, cattle houses, parks and public repair. Capital expenditure consists of development works from Municipal funds, from the grant in aid received, purchase of assets and payment of loan etc. According to Rule 18 of the Rajasthan Nagarpalika Budget Rules 1966 all urban local bodies must be allowed to balances at the end of the said year of not less than such sum as may from time to time be fixed by the state government which is presently 1/12 of the revenue income.⁶

Urban Local Bodies in Rajasthan

Considered from the angle of geographical area in the country, Rajasthan is the largest among India States covering 3.42 lakh sqkms. As the population in urban areas is growing very fast, therefore, long-term planning is required to be formulated to reduce the pressure of population in urban areas.

The first municipality in Rajasthan was set up in Ajmer in 1866. By the end of 19th century there were 16 Municipalities in Rajputana States. In early 20th century the number of Municipalities was around 100. After independence many more Municipalities were set up and in early 1970s, the number grew to 145. The number of Municipalities was 196 in 1986 which was subsequently reduced to 182 owing to the recommendation of the Mukherjee Committee. In 2013, the number stands at 184. In 2011, urban population is 170.48 lakh. The variation in number of urban areas/towns and population varies because of different criteria adopted by Census Authorities for classification of towns/urban areas and that adopted by State Government for classification of urban local bodies (Table 2) and their population.⁷

Table 2: Urban Population Proportion and Households in Major Towns in Rajasthan

District	Urban population %	No. of households	District	Urban population %	No. of households
Ajmer	40.09	152986	Jaipur	49.36	447875
Alwar	14.53	78129	Jaisalmer	15.03	14891
Banswara	7.15	20795	Jalore	7.59	19032
Baran	16.84	29609	Jhalawar	14.25	29247
Barmer	7.40	24943	Jhunjhunu	20.65	58135
Bharatpur	19.46	65961	Jodhpur	33.85	167645
Bhilwara	20.60	80428	Karauli	14.21	25635
Bikaner	35.54	95193	Kota	53.46	155898
Bundi	18.65	32601	Nagaur	17.20	68565
Chittorgarh	16.04	56708	Pali	21.47	70640
Churu	27.87	79231	Rajsamand	13.04	24127
Dausa	10.31	21401	SawaiMadhopur	19.04	35149
Dholpur	17.96	26729	Sikar	20.65	65665
Dungarpur	7.30	15960	Sirohi	17.73	29176
Ganganagar	25.34	82027	Tonk	20.89	38967
Hanumangarh	20.00	51342	Udaipur	18.62	98551
			Rajasthan	23.39	2263241

Source: Population Census.

Before the introduction of 74th Constitutional Amendment Act (CAA), the position of Urban Local Administration Bodies in Rajasthan is shown in Table 3.

Table 3: No. of ULBs in Rajasthan before 74th Amendment Act

S.No.	Urban Local Bodies	Number of Towns
1	Municipal Corporation	Nil
2	Municipal Council	14
3	Municipal Committees (Class-II)	39
4	Municipal Committees (Class-III)	58
5	Municipal Committees (Class-IV)	70
Total		181

With the introduction of 74th CAA, this scenario was expected to change, through it has still not undergone any significant change. The 74th CAA prescribes the following three-tier structure of Municipal Government for the whole country.⁸

1. Municipal Corporation – for the metropolitan cities.
2. Municipal Council – for the larger cities.
3. Town Panchayats – for the transitional areas.

The Government of Rajasthan responded in two different ways while responding to two different constitutional Amendment Act by the 73rd and 74th Amendments. On the one-hand, Rajasthan State Government enacted a new Panchayati Raj Act, 1994 in conformity with the constitution (73rd Amendment Act, 1992), but regarding the 74th Amendment Act, the state government did not respond in the same manner. The earlier Rajasthan Municipal Act, 1959 was not repeated but was suitably amended by inserting a network of amendments. This is in contrast of the follow-up action in relation to the constitution 73rd Amendment Act, 1992 in which the state government though it fit to repeat the existing enactments and substituted them by an altogether new enactment viz., the Rajasthan Panchayati Raj Act, 1994. However, there does not appear any reason as to why these two follow up actions were carried out in two different ways and in fact, the differential treatment meted out to Urban Local Government in Rajasthan needs to be dispassionately analyzed as it snacks of indifference, if not discrimination.

After the implementation of 74th CAA, Municipal Corporation have been established in three major cities at Jaipur, Jodhpur and Kota. 11 Municipal councils have been retained in those towns, which were earlier classified as Municipal councils (Class-I). In fact, prior to 74th CAA, there were 14 cities in which Class-I Municipal Councils were functioning. The post 74th CAA scenario of Urban Local Bodies is given in Table – 4.

Table 4: No. of ULBs in Rajasthan after 74th Amendment Act

S.No.	Urban Local Bodies	Number of Towns
1	Municipal Corporation	3
2	Municipal Council	11
3	Municipal Committees (Class-II)	39
4	Municipal Committees (Class-III)	58
5	Municipal Committees (Class-IV)	72
Total		183

Present status of Urban Local Bodies in Rajasthan is as follows⁹ :-

List of Municipal Corporations or Nagar Nigams of Rajasthan					
S.No.	Name				
1	Ajmer Nagar Nigam				
2	Bikaner Nagar Nigam				
3	Jaipur Nagar Nigam				
4	Jodhpur Nagar Nigam				
5	Kota Nagar Nigam				
6	Udaipur Nagar Nigam				
7	NAGAR NIGAM, Bharatpur				
List of Municipal Councils					
1	Alwar				
2	Beawar				
3	Bhilwara				
4	Churu				
5	Ganganagar				
6	Hanumangarh				
7	Jhunjhunun				
8	Kishangarh				
9	Pali				
10	Sikar				
11	Tonk				
**As per census 2011, there were 13 Municipal Council but later 2(Udaipur and Bharatpur) of them upgraded to Municipal Corporation. Hence the list have remaining 11 cities.					
List of Municipal Boards					
Municipality of 2011 Census, Rajasthan (166)					
District - Ajmer			District - Jaisalmer		
S.N.	Town	Tehsil	S.N.	Town	Tehsil
1	Kekri	Kekri	1	Jaisalmer	Jaisalmer
2	Pushkar	Ajmer	2	Pokaran	Pokaran
3	Sarwar	Sarwar	District - Jalore		
4	Vijainagar	Masuda	S.N.	Town	Tehsil
District - Alwar			1	Bhinmal	Bhinmal
	Town	Tehsil	2	Jalor	Jalor
1	Behror	Behror	3	Sanchore	Sanchore
2	Bhiwadi	Tijara	District - Jhalawar		
3	Khairthal	Kishangarh Bas	Town	Tehsil	
4	Kherli	Kathumar	1	Aklera	Aklera
5	Rajgarh	Rajgarh	2	BhawaniMandi	Pachpahar
6	Tijara	Tijara	3	Jhalawar	Jhalrapatan

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District - Baran			4	Jhalrapatan	Jhalrapatan
S.N.	Town	Tehsil	5	Pirawa	Pirawa
1	Antah	Antah	District - Jhunjhunun		
2	Baran	Baran	S.N.	Town	Tehsil
3	Chhabra	Chhabra	1	Baggar	Jhunjhunun
4	Mangrol	Mangrol	2	Bissau	Jhunjhunun (now- Malsisar)
District - Barmer			3	Chirawa	Chirawa
S.N.	Town	Tehsil	4	Khetri	Khetri
1	Barmer	Barmer	5	Mandawa	Jhunjhunun (now- Malsisar)
2	Balotra	Pachpadra	6	Mukandgarh	Nawalgarh
District - Bharatpur			7	Nawalgarh	Nawalgarh
S.N.	Town	Tehsil	8	Pilani	Chirawa (now- Surajgarh)
1	Bayana	Bayana	9	Surajgarh	Chirawa (now- Surajgarh)
2	Bhusawar	Weir	10	Udaipurwati	Udaipurwati
3	Deeg	Deeg	11	Vidyavihar	Chirawa (now- Surajgarh)
4	Kaman	Kaman	District - Jodhpur		
5	Kumher	Kumher	S.N.	Town	Tehsil
6	Nagar	Nagar	1	Bilara	Bilara
7	Nadbai	Nadbai	2	Phalodi	Phalodi
8	Weir	Weir	3	Pipar City	Bilara
District - Bikaner			District - Karauli		
S.N.	Town	Tehsil	S.N.	Town	Tehsil
1	Deshnoke	Bikaner	1	Hindaun	Hindaun
2	Dungargarh	Dungargarh	2	Karauli	Karauli
3	Nokha	Nokha	3	Todabhim	Todabhim
District - Banswara			District - Kota		
S.N.	Town	Tehsil	S.N.	Town	Tehsil
1	Banswara	Banswara	1	Kaithoon	Ladpura
2	Kushalgarh	Kushalgarh	2	RamganjMandi	RamganjMandi
District - Bhilwara			3	Sangod	Sangod
S.N.	Town	Tehsil	District - Nagaur		
1	Asind	Asind	S.N.	Town	Tehsil
2	Gulabpura	Hurda	1	Didwana	Didwana
3	Jahazpur	Jahazpur	2	Kuchaman City	Nawa
4	Mandalgarh	Mandalgarh	3	Kuchera	Nagaur
5	Sahara	Gangapur	4	Ladnu	Ladnu
6	Shahpura	Shahpura	5	Makrana	Makrana
District - Bundi			6	Merta City	Merta
S.N.	Town	Tehsil	7	Mundwá	Nagaur
1	Bundi	Bundi	8	Nagaur	Nagaur
2	Indragarh	Indragarh	9	Nawa	Nawa
3	Kaprain	Keshoraipatan	10	Parbatsar	Parbatsar
4	Keshoraipatan	Keshoraipatan	District - Pali		

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5	Lakheri	Indragarh	S.N.	Town	Tehsil
6	Nainwa	Nainwa	1	Bali	Bali
District - Chittaurgarh			2	Falna	Bali
S.N.	Town	Tehsil	3	Jaitaran	Jaitaran
1	Bari Sadri	Bari Sadri	4	Rani	Desuri
2	Begun	Begun	5	Sadri	Desuri
3	Chittaurgarh	Chittaurgarh	6	Sojat	Sojat
4	Kapasan	Kapasan	7	Sumerpur	Sumerpur
5	Nimbahera	Nimbahera	8	Takhatgarh	Sumerpur
6	Rawatbhata	Rawatbhata	District - Pratapgarh		
District - Churu			S.N.	Town	Tehsil
S.N.	Town	Tehsil	1	Chhoti Sadri	Chhoti Sadri
1	Bidasar	Sujargarh	2	Pratapgarh	Pratapgarh
2	Chhapar	Sujargarh	District - Rajsamand		
3	Rajaldesar	Ratargarh	S.N.	Town	Tehsil
4	Rajgarh	Rajgarh	1	Amet	Amet
5	Ratargarh	Ratargarh	2	Deogarh	Deogarh
6	Ratannagar	Churu	3	Nathdwara	Nathdwara
7	Sardarshahar	Sardarshahar	4	Rajsamand	Rajsamand
8	Sujargarh	Sujargarh	District - SawaiMadhopur		
9	Taranagar	Taranagar	S.N.	Town	Tehsil
District - Dausa				Gangapur City	Gangapur
S.N.	Town	Tehsil		SawaiMadhopur	SawaiMadhopur
1	Bandikui	Baswa	District - Sikar		
2	Dausa	Dausa	S.N.	Town	Tehsil
3	Lalsot	Lalsot	1	Fatehpur	Fatehpur
District - Dhaulpur			2	Khandela	Sri Madhopur
S.N.	Town	Tehsil	3	Lachhmangarh	Lachhmangarh
1	Bari	Bari	4	Losal	DantaRamgarh
2	Dhaulpur	Dhaulpur	5	Neem-Ka-Thana	Neem-Ka-Thana
3	Rajakhera	Rajakhera	6	Ramgarh	Fatehpur
District - Dungarpur			7	Reengus	Sri Madhopur
S.N.	Town	Tehsil	8	Sri Madhopur	Sri Madhopur
1	Dungarpur	Dungarpur	District - Sirohi		
2	Sagwara	Sagwara	S.N.	Town	Tehsil
District - Ganganagar			1	Abu Road	Abu Road
S.N.	Town	Tehsil	2	Mount Abu	Abu Road
1	Anupgarh	Anupgarh	3	Sheoganj	Sheoganj
2	Gajsinghpur	Padampur	4	Sirohi	Sirohi
3	Karanpur	Karanpur	5	Pindwara	Pindwara
4	Kesrisinghpur	Karanpur	District - Tonk		
5	Padampur	Padampur	S.N.	Town	Tehsil
6	Raisinghnagar	Raisinghnagar	1	Deoli	Deoli

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7	Sadulshahar	Sadulshahar	2	Malpura	Malpura
8	Suratgarh	Suratgarh	3	Niwai	Niwai
9	Vijainagar	Vijainagar	4	Todaraisingh	Todaraisingh
District - Hanumangarh			5	Uniara	Uniara
S.N.	Town	Tehsil	District - Udaipur		
1	Bhadra	Bhadra	S.N.	Town	Tehsil
2	Nohar	Nohar	1	Bhinder	Vallabhnagar
3	Pilibanga	Pilibanga	2	Fatehnagar	Mavli
4	Rawatsar	Rawatsar	3	Kanor	Vallabhnagar
5	Sangaria	Sangaria	4	Salumbar	Salumbar
District - Jaipur					
S.N.	Town	Tehsil			
1	Bagru	Sanganer			
2	Chaksu	Chaksu			
3	Chomu	Chomu			
4	Jobner	Phulera (Hq.Sambhar)			
5	KishangarhRenwal	Phulera (Hq.Sambhar)			
6	Kotputli	Kotputli			
7	Phulera	Phulera (Hq.Sambhar)			
8	Sambhar	Phulera (Hq.Sambhar)			
9	Shahpura	Shahpura			
10	Viratnagar	Viratnagar			

CONCLUSION

Rajasthan is the largest state of India accounting for 10% of its geographical area. Rajasthan is considered as one of the moderately urbanized state of the Indian Union. The urban population of Rajasthan has increased to 17.08 million in 2011 from 10.06 million in 1991, showing an increase of 7.02 million in absolute terms. The number of towns having a population more than 1 lakh has increased from 4 in 1951 to 30 in 2011. These towns and cities together accommodate more than half of the state's urban population. In Rajasthan there are seven Divisional Headquarters, at Jaipur, Jodhpur, Udaipur, Bikaner, Kota, Ajmer and Bharatpur. These cities and towns accommodate about 40 percent of urban population of Rajasthan.

The Constitutional mandate is to give functional and financial autonomy to elected local bodies so as to make effective instrument of decentralization. However, the present framework does not allow this. The local bodies in Rajasthan are highly controlled and regulated by government. The State Finance Commission (SFC) needs to give recommendations in consonance with constitutional mandate. The SFC should estimate the needs of local bodies and make recommendations accordingly. State government should accept and implement the recommendations of State Finance Commissions. It has not happened yet. It seems that even local bodies have not effectively demanded its due as a constitutional entity from the SFC.

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