Shimla is a major town of Himachal Pradesh, and has a civic body for more than a hundred years. An officer belonging to the Indian Administrative Service is the Commissioner of the Corporation. There are possible causes for friction between the Commissioner representing the executive wing, and the Mayor, and the Corporation, representing the deliberative wing. The Municipal Commissioner is appointed by the state Government and not the Corporation. Under the Himachal Pradesh Municipal Corporation Act, 1994, the Mayor is not one of the authorities of the corporation. He is elected for a period of two and a half years or until his successor is elected. Although he has all the power of a presiding officer, he does not have any statutory authority to carry out the executive powers. The Corporation is the prime policymaking body.

As the Corporation meets frequently, the committee system is practiced for efficient transaction of business. Among the committees, the Finance, Contracts and Planning Committee can be considered to be supreme, because it is a statutory committee and one of the three statutory committees of the Corporation. The functions performed by the Municipal Commissioner, who is Chief Executive Officer, may be classified as administrative and financial and quasijudicial. The administrative functions of the Commissioner include enforcing resolutions of the Corporation, exercising control over staff, granting licences, making temporary appointments, imposition of penalties for breach of statutory provisions, and implementing standing orders in respect of certain municipal matters.

The Commissioner has to perform some quasijudicial functions under the Himachal Pradesh municipal corporation Act, 1994. Under section 253, the Commissioner has power to order demolition and stoppage of building and works in certain cases and appeal. Under
section 253(1) may prefer an appeal against the order to District Judge of the municipal area. The Commissioner under section 254 issue notice for order of stoppage of building or works in certain cases. Similarly the Commissioner has power to issue completion certificate under section 257 of the Himachal Pradesh Municipal Corporation Act, 1994. If there is any violation, the commissioner imposes penalties to the extent of prescribed norms in the building bye-laws.

The important financial duty performed by the Commissioner is preparation of the budget. The Commissioner also performs certain functions which are non-administrative in character. The Commissioner convenes the meeting of the Corporation on the directions of the Mayor, takes part in the discussions of the corporation, attends the meeting, and with the permission of the presiding officer makes statement, when necessary but does not vote. The Commissioner is under an obligation to answer the interpellations on the councillors regarding the corporations administration, but need not answer questions.

Although the Mayor is a layman, he is often a shrewd judge of the human nature, an experienced politician and an expert in human relations. The Municipal Commissioner is a senior I.A.S. officer and as such possesses professional expertise and wide administrative experience. The institutional and operational roles of the Mayor and the Commissioner are distinctively different. Normally, there would be no occasion for clash of interests. The Commissioner, as a senior civil servant is expected to faithfully implement the provisions of and the resolutions passed by the corporation. The Commission’s business is not only to see that the provisions of the law are upheld but also to prevent unlawful acts. Sometimes, the mayor in conjunction with the corporation can create hurdles and delay or thwart the execution work.

Occasionally, there may be conflicts between the Mayor and the Commissioner. If any councillor refuses to oblige the citizen, the citizen
would naturally approach the Mayor, who in turn takes up the citizens cases with the Commissioner. The office of the Mayor confers no powers, but it provides easy access to various persons in the authority. If the Commissioner obliges the Mayor, the relationship becomes naturally cordial.

Disagreement and friction between the Corporation and the Commissioner arises for varied reasons. Normally, proposals of the Commissioners are accepted by the Corporation. The Commissioner or the Mayor feels humiliated when the proposals are rejected. This could very well be the starting point of future misunderstanding. The Corporation or any statutory committee recommends the adoption and the implementation of certain proposals but the Commissioner may, by willful acts of subtle interpretation and diplomacy, create problems, complicate matters and incur the displeasure of the corporation. The commissioner tries to justify the actions by offering explanations, which on deeper examination prove to be incorrect. Further, the implementation of recommendations may be purposefully delayed much to the irritation or annoyance of the members of the Corporation. The Commissioner, it is felt, is largely responsible for the creation of unpleasant atmosphere and the resultant strained relations.

Misunderstandings, if any, could be cleared and resolved when the Commissioner and members of the Corporation would meet to discuss problems across the table. But existing mistrust and ill-will may force them to choose otherwise undesirable alternatives. Although, real issues differ, the members will find outlets on alleged false pretexts to give vent to their hidden animosity.

The Corporation has not been permitted to encroach upon executive jurisdiction. Still it has some control over other matters, as would be evident from the following provisions:

(a) The Corporation is authorised to restrict or prescribe the manner of exercise of any powers and duties by the commissioner
under any other law which confers, imposes or vests in the corporation such powers and duties.

(b) The corporation can recommend transfer of the Commissioner when dissatisfied, although it has no voice in the appointment.

(c) It can ask the Commissioner to attend the meeting of the Corporation and can call for explanation and require the Commissioner to submit plans and documents etc.

These powers, if properly exercised by the Corporation, ought to be enough to keep the Commissioner in his/her place. If at any time, the Corporation fails to control the Commissioner it should be inferred that the trouble may not be much with the Commissioner as with the Corporation for its inability to exercise the powers it already enjoys in an appropriate manner.

Whatever, might be origin of a trouble, it finally reaches the Corporation for an effective solution. It is the Corporation, which takes the final decision on any resolution passed by the statutory committees. The Commissioner is wholly made responsible for all the trouble which paralysed the decentralized arrangement.

A special feature of the organisation of Municipal Corporation, Shimla is the separation of the executive from the deliberative or policy-making functions. This distinction owes its origin to the ideas of Sir Pherojshah Mehta, who is regarded as the Father of the City Government of Bombay. When a law was under consideration in the late 19th century for the municipal government of Bombay, he said:¹

The municipal council is not to administer and govern for which it is radically unfit but has to fulfil its proper functions to watch and control the executive Government, to throw the light of publicity on all its acts, to compel a full exposition, and justification of all of them; and if the men who compose the executive abuse their trust or fulfil it in a manner which
conflicts with the deliberate sense of the people, to expel them from office.

The vesting of executive authority in a Municipal Council, in his opinion:-

Would have been to substitute in the place of the responsible executive officer a heterogeneous body of men equally powerful, man incapable and difficult of being controlled and with their responsibility so attenuated by division and sub-division, as to render them practically and really entirely irresponsible. It would be a retrogressive step, plunging the municipality into a gulf of mismanagement, inefficiency and jobbery such as the wildest rumours have not dreamt of ....... The only safe and efficient way of disposing executive authority is vest it in a single responsible officer controlled by a representative assembly. Town councils with executive powers would only prove centres of inefficiency and jobbery.

Unless the two act in unison and with mutual understanding, the progress of work is retarded and the heath of the civic body suffers. A Commissioner is appointed by the state government for three years, and is removable by 2/3 majority vote of elected members-it is not difficult to visualise the day to day difficulties in the actual working of the two wings of the corporation. However that be-and the price of democracy has to be paid in one shape or another. Not only that: the Councillors have their own ways of influencing, interfacing and brow beating the executive machine in day-to-day affairs, which are very difficult, almost impossible to counter. And the staff has to listen, for fear of insult and humiliation in the shape of uniformed, destructive and quite often irresponsible open criticism. This, perhaps is the price of democracy which this nation must learn to pay.

There are every possibility of conflict between the corporation and its employees. In the history of the corporation, there was one stance of
such confrontations. In the year 1996, the employees of municipal Corporation, Shimla went on strike to press their demands. During the strike period, the authorities were adament to accept these demands. In order to pressurise the Corporation the employees disrupted the proceedings of the Corporation.

In an unpertinent decision of the Corporation 'terminated the services of term striking employees leaders, when they caused disruption in the meeting of General House of the corporation ,held in the month of December, 1986. These striking employees leaders entered the Town hall, the place of meeting and started abusing the Administration for non-acceptance of their demands, even Mrs Bholi, leader of Health workers used abusive language, which prompted the house to take stern action against these employee leaders'.

The Mayor, Shri Adarsh Kumar, under section 41(5) of Himachal Pradesh Municipal Corporation Act, 1979, moved a resolution to seek termination of these employees leaders under rule8 of Himachal Pradesh Municipal Servants (Punishment, Removal, suspension and appeal) 1971, which was adopted unanimously, with immediate effect. There employees protested against this decision of the corporation and represented to the Mayor and the Commissioner to reconsider the decision and revoke the termination latter served upon them .

In the General House meeting of the Corporation held in the month of January , 1987, these employees tendered unconditional apology. The corporation decided to authorise the commissioner to take appropriate action against these employees leader under rules and regulations of H.P. Municipalities Servants Act, 1971, and also revoked the termination of these employees.

The Commissioner, as per the resolution of the Corporation, decided to take disciplinary action against these employees leader ranging from stopping of annual increment to suspension under rules of Himachal Pradesh Municipal Servant (Punishment, Removed Suspension and
Appeal) Rules, 1971, he has taken action against following employees, because of participation in (1) Shri Shobh Ram, Fitter, (water supply and sewerage department) was placed under suspension on 11.2.1987 under rule 4 of 1971 rules.

The Commissioner has stopped the two Annual Increments of following employees while taking disciplinary action:
1. Shri Kishori Lal, Food Inspector, Health Department.
2. Shri Chandu Lal, Water Supply and Sewerage Department.
3. Shri Bhim Dutt Chamola, General Department.
4. Shri Girdhari Lal, Health Department.
5. Smt. Bholi, Health Department.
6. Shri Sukh Dev Mattoo, Health Department.
7. Shri Maya Ram, Accounts Department.
8. Shri Sadhu Ram, Building and Roads Department.
9. Shri Varinder Kumar Madan, Water Supply & Sewerage Department.

In the Corporation form, there is every possibility of confrontation between Deliberative and Executive Wing led by the Mayor and the Commissioner, respectively, on certain important issues. The present stalemate in the corporation is due to the indifferent attitude of the Commissioner towards the elected members of the corporation. The tussle between ruling members of the Municipal Corporation, Shimla and its I.A.S. Commissioner reached a flashpoint on 11th March 1999 with former deciding to ask the government to recall the Commissioner. The situation is more tricky for the government as the corporation is being controlled by opposition party. It was unanimously decided at a meeting under the Chairmanship of the Mayor of the Municipal Corporation, Shimla to move a motion under section 45(3) (A) of the Himachal Pradesh Municipal Corporation Act, 1994, for recall of the Commissioner. A tussle between the Councillors and the Commissioner has been on for quite some time. It is alleged that the latter has been functioning like a
"workers" of ruling party government, attending to files pertaining to ruling party activists of the government, attending the files pertaining to ruling party activists of the government, while sitting over those of elected members of ruling party of the Corporation. Although, it is obligatory under section 41 of Himachal Pradesh Municipal Corporation Act, 1994, that the Commissioner should get the expenditure and income approved from the house at every meeting, this has not been done.

The ruling party in the Corporation has 23 elected councillors and opposition has 2 elected councillors. This is for the second time that the councillors have sought recall of the Commissioner. Earlier they had sought recall of the Commissioner, in June 1996. The than government just to avoid embarrassment to the Commissioner, and the government (both the Corporation and the government were ruled by same political party), transferred him prior to start of the meeting.

On 15th March 1999, a resolution was adopted with 21 voting in its favour, one councillors voting against it, and two ruling party councillors violated the party whip and abstained from the crucial meeting. The special meeting was convened to pass the resolution for recall of the Commissioner, with whom ruling party members of the Corporation are annoyed. The resolution urged the state government to recall the Commissioner from the Corporation. The section 45(3)(A) read as follows:

"The Government shall recall the Commissioner if at a special meeting of the Corporation called for the purpose, a resolution for such a recall has been passed by a majority of not less than two-thirds of the total numbers of members".

In the Municipal Corporation, Shimla, where the removal clause under the Himachal Pradesh Municipal Corporation Act, 1994, uses the word "shall" instead of "may", it is construed that the resolution for the removal of the Commissioner by the Corporation shall be binding on the
Government. In fact it seems that the significance of the removal empowering the corporation to pass a resolution for the removal of the Commissioner lies only in ventilation of its grievances against him/her and its unwillingness to co-operate with him. The view that “the corporation has a vital say in cutting short his/her tenure at any time if she/he shows a tendency to go off the rails”, does not hold good in the Corporation. The view of the Rural-Urban Relationship Committee (1996) that in case the Corporation passes a resolution by a prescribed Majority of the councillors asking the Government to withdraw the Commissioner, “the government must withdraw” seems to be only pions wish. In fact, it is the political pattern or the Local Self-Government Minister-Mayor or the Corporation relationship in the state which finally decides the attitude and action of the Government in this regard.

The present conflict started on February 16, 1999, when six ruling party councillors under the leadership of Deputy Mayor staged a walkout from the meeting of the corporation. These councillors were opposed to the resolution brought in the House to reduce the rent of shops allotted to the fire victims of 1990 fire in Shimla city, Resolution No.3(12) dated 22-1-1999. They were also against making any payment to Jansewa Ashram, a non-government organisation, with which the corporation had signed an agreement for disposal of garbage. Intriguingly, none of the three councillors nominated by the state government were present at the meeting.

The dissatisfaction amongst these councillors was due to the direction of State government, which is being ruled by opposition party of the ruling party of the corporation that under section 157(A), Himachal Pradesh Municipal Corporation Act, 1994 is competent to take decision in this matter. The rent fixed by the State Government in year 1991 vide letter dated LSG-F96)- 1/90 dated 9.4.91 in the Daulat Ram Shopping Complex, Lakkar Bazar, Shimla, where the fire victims were rehabilitated @Rs. 35/- per square feet. The fixed rent are Rs. 2000/- for ground floor,
Rs. 1500/- for upper floor per month. These were negotiated rent. Rents of those already allotted (Shimla fire victims) may be adjusted as per norms prescribed above.

The councillors those who walked out of the meeting raised query that "when they were rehabilitated, the rent was agreed upon". Since the corporation has desired to revise the rent but that too with effect from year 1994-95, why? There is no logic in revising rent in the year 1999. There is no provision in the law that rent is revised from retrospectively.

On the question of making any payment to the Jan Seva Ashram, Solan (Jabli), these councillors were not satisfied the way, the Commissioner is making the payment. As Jan Sewa Ashram submitted a bill of Rs.7,86,500/- and the commissioner deducted the amount Rs. 2,95,500/- after negotiations with Shri Sant Ram Dixit, the Chairman of this organisation. Their contention was that how an organisation who had claimed a sum of Rs.7,86,500/- and has agreed to Rs. 2,95,500/- which indicates something fishy. These councillors alleged that this organisation working is not satisfactory and asked to get it inspected by the committee to be constituted from elected representatives. The house agreed to stop payment till further decision of the house, but they were not satisfied. Thereupon the members staged a walkout in protest against the action taken by the Mayor and the Commissioner.

On March 18, 1999, the corporation witnessed another walkout under the leadership of Deputy Mayor. The special meeting of the Municipal Corporation, Shimla to discuss the NORAD project for solid waste management was adjourned today as councillors belonging to ruling political party in the Corporation staged a walkout. They were protesting against the presence of the Commissioner at the meeting although they had passed a resolution asking the government to recall the Commissioner.
At the outset, the Deputy Mayor pointed out to the Mayor that the presence of the Commissioner was not proper in view of no confidence motion. The councillors walked out as the Commissioner continued to attend the meeting. Than the Mayor adjourned the meeting because of lack of quorum.

On March 20, 1999, the Municipal Corporation, Shimla in its special meeting decided to invite Larsen and Toubro for setting up the Rs.7-50 crore solid waste bio conversion project for negotiations on turnkey basis. The Commissioner did not attend this meeting.

On April 18, 1999, the Chief Minister of Himachal Pradesh replying to the debate on the motion of Leader of Opposition, referring to the affairs of the Municipal Corporation, Shimla, on the floor of the Vidhan Sabha (Legislative Assembly), “the government had received reports pointing out glaring irregularities to shower benefits on influential person. Regarding resolution passed by the opposition ruled corporation for the recall of the Municipal Commissioner, the government would act against the officer it found quality but if the corporation was on the wrong, the government would take strict view of it”.

On the issue of irregularities the Mayor of the Municipal Corporation, Shimla on April 10, 1999 asked the Chief Minister, not to be misled by certain officers regarding the functioning of the elected civic body. The Mayor said that he would welcome an enquiry into the functioning of the Municipal Corporation to set the misgivings to rest.

On April 18, 1999 the Himachal Government transferred the Commissioner and posted her as Special Secretary, Home to end the conflict, because the corporation had passed a resolution urging the government to recall the Municipal Commissioner who was not taking the house into confidence while taking important decisions.

In February 1999, the Commissioner, Municipal Corporation, Shimla ignored the opinion and advice of the corporation and its Mayor. The mandatory nature of the resolution for the removal of the
Commissioner also became obvious when such a resolution passed by the prescribed majority of the corporation was given effect to by the State government by transferring the Commissioner on April 18, 1999 to the H.P. Secretariate.

If a review of the whole process is made it looks as though the Mayor acts as a butter between the Councillors and the Commissioner, searching and enthusiastic councillors tries to put the Commissioner in trouble, and the Commissioner defends the administration against the hostile and non-sympathetic councillors. Judged purely on the basis of the terms of their officers, while the Commissioner can look forward to tangible results and have a sense of achievement, the Mayor, obsessed with the shorter tenure of office, will be less sure of positive achievement. In the normal discharge of the duties, the Commissioner may face trouble some situations and earn disrespect, whereas even a slight departure from the established practices to do certain things in the name of public interest may bring the Mayor lot of publicity and fame.

The senior officer who is posted as the Commissioner will have to adjust himself/herself to the realities of the situation. Failure on the part of the Commissioner to come up to the expectations can be explained in two ways. First, it may be due to his/her unwillingness to adjust himself/herself to the changing situation. Second, the administrative change may exceed the level of competence of the person deputed to serve.

A good majority of the councillors may belong to the ruling party and if they have trouble with the Commissioner, they have easy access to their party bosses. For party consideration, the leaders give them what is generally called their blessing. Therefore the stand taken by the councillors at the corporation meetings, in some cases may or may not represent the real situation. The Commissioner as a civil servant is somewhat helpless as lacks the access to higher political level which the
councillors possess. Nevertheless, as an agent of the State Government, keeps the Government informed of all the developments in the Corporation. Depending upon the merits of the issue and the weight the Secretariate gives to the Commissioners report, and obtains some support. In such cases, what appears to be a conflict between the deliberative and the executive wings is transformed into a conflict between the politician and the civil servant.

The Municipal Commissioner position is made very powerful and quite independent of the elected body. Legally municipal officers are not supposed to take any orders or instructions directly from the councillors. If a Commissioner so desires can prevent it municipal officers from even meeting the councillors. The role of the municipal Commissioner is visualized as a guardian of the state government vis-a-vis the elected councillors who (it is suspected) may be swayed by the narrow personal or partisan considerations. The Act has made the Commissioners position so strong that the underlying distrust of the representative body becomes apparent. But decentralization is largely administrative rather than democratic as well important powers are vested with the state appointed commissioners. The structure of the corporation has been widely criticised as undemocratic. The elected councillors have also resented the location of all executive powers with the commissioner. The elected body has very little formal control over the commissioner and the control of the state government is mostly remote and of general nature. The commissioner's position is thus more glamorous than many of his/her colleagues in the regular government departments at the state level.

The reality, however, is quite different. The pattern of politics shaped in last fifty years by highly competitive political process have been working upon and modifying the independence and strength of the commissioner.
According to the Himachal Pradesh Municipal Corporation Act, 1994, the Mayor's position is very weak as compared to the Commissioner. His position is not only comparable to the Chief Minister but it is comparable to the Governor as the Mayor does not have any emergency powers. His position is perhaps comparable to the Speaker of the state assembly like speaker, his main job is to preside over the general house meeting and regulate its proceedings. As first citizen, he performs ceremonial functions. In fact, as compared to the Mayor, the chairman of the Finance Contract and Planning Committee and General Function Committee and Tree Authority occupies a stronger position. According to Himachal Pradesh Municipal Corporation Act, 1994, the Mayor is ex-officio chairman of these standing committee. In reality being the Chairmanship of these committees not as the Mayor, wield lot of power and have a considerable say in municipal decision making.

The Commissioner finds that although the executive is in his/her charge and it is quite separate and independent of the deliberative wing, municipal administration are being constantly approached and pressurized by the elected councillors not only about the large project or major issue facing the city but also for things pertaining to day to day administration. Whether it is a major long term issue like town planning or an issue of day to day administration like erecting of a public water stand post, the Commissioner has to pay attention to political leaders demands. Moreover, often the Commissioner is pressurized to do things against the accepted policies, procedures and priorities. The Commissioner is responsible for everything that the corporation does because he/she is the final authority and without his/her approval nothing can be done. But the Commissioner is compelled to do things which he/she often does not approve. He/she is thus in an unenviable position of being held responsible for irregularities he/she may have to commit by the demands of and for the benefit of the political leaders.
The reason why the elected councillors pressurize the administration is obvious. Their survival depends on it. The average citizen evaluates the performance of the councillors not in terms of his protecting the large city interests or his/her long-term comprehensive plans for city development but for small and odd favours he/she is able to extent to his constituents for their day to day needs. The performance of the councillors is evaluated in terms of how many jobs, he/she is able to get, whether he/she can get a road repaired quickly or not, whether he/she can get the water connection extended and whether he/she can prevent defaulters from being punished by the municipal administration. The councillor has not only to see that he/she gets things done for his/her constituents but he/she has to prevent his/her rivals from getting too many things done. Sometimes the Commissioner and his/her administration are under cross pressures. They are pressurized not to do it.

There are reasons why a Commissioner is subject to political pressures and why his/her position is not as strong and as independent as the Himachal Pradesh Municipal Corporation Act, 1994 provides. Although formally, the elected councillors are concerned with only legislation, they become more active at the time of implementation. The councillors may be compelled to take particular policy decision in order to maintain certain ideological or democratic postures but they may pressurize the administration to do things against these policy decisions. The tendency of the councillors is to activate their power and influence at the time of implementation. For instance, at a general policy level, the councillors may agree to a particular town plan or a particular taxation policy but may later on pressurize the administration to modify or delay its implementation. This pattern is to be found at even higher level of government but this is more pronounced and frequent at local levels. Councillors are found to be pressurizing municipal administration for delaying or with drawing encroachment
case and building plan approval cases; exemption or reduction of house tax or even water supply charges and similar things all the time. Strategically it is more convenient for the councillors to bring pressures at the time of implementation. Since implementation is responsibility of the Commissioner, the Councillors find that they can get things done without being held responsible.

Every councillors knows what is being done or not done in any part of the city. They can, therefore, immediately rush to he officers concerned or the even for minor matters. It is easier to the elected councillors to be vocal and critical in the public. The commissioner has no effective defence against this. In fact, this is a very common technique that the elected councillors adopt when they find that a Commissioner is not yielding to their demands. This technique of public criticism is followed sometimes simply to show to the constituents that the elected leaders are strong, powerful and vigilant. In most of the cases when opposition groups want to criticize the ruling group, for favouratism, corruption, delay or other irregularities, the criticism is directed against the commissioner or a particular department under him, because legally the commissioner is responsible for everything. It does not matter if the criticism is entirely unfounded because once it is expressed on a public platform, the damage is done.

Another reason why commissioner feel compelled to keep the councillors pacified and satisfied is that in general, maintaining good relation ship is considered to be only executives burden. Whenever conflicts occur, the bureaucrats and politicians at higher level tend to believe that the Commissioner is not tactful or does not know how to handle politicians. In cases of conflicts it is generally the commissioner and his/her officers who begin to loose prestige as incompetents. In situations of severe conflicts it is commissioner, who suffer since elected councillors cannot be removed, it is the commissioner who get transferred. Although the commissioner is a state official, appointed and
transferred by the state government, his appointment in a particular city or transfer from that city is controlled by the powerful city elite, as they have strong linkages with the state level politicians. In case when the state level politicians particularly those representing the city in the state assembly and belongs to opposition party, depend for support and strength on the city politicians to achieve their political goals out of such conflicts. Moreover at times the city leaders can create problems for the commissioner in case both state and municipal government are ruled by same political party, even in his/her future career particularly when commissioner is stubborn and believes in confronting them. They can get him transferred to some difficult place or position. They can even tarnish his/her image generally so that he/she may encounter problems in his/her future career. In the present conflict between the Deliberative wing and executive wing, the commissioner has been accused by the ruling councillors “as a worker of the ruling party at the state level, and only attending the files pertaining to the activist of this political party, while sitting over those of the councillors of the ruling party in the corporation.”

The municipal officers working under the commissioner have divided loyalties. The structure of the corporation visualizes only a two-dimensional relationship between the deliberative and the executive wings with the assumption that the executive is totally under the commissioner. In reality, however, as far as the commissioner is concerned, it is at least a three-dimensional relationship. For the officers of the corporation, it is a situation of diarchy.

The commissioner is a member of permanent civil service, but he/she is a bird of passage as far as municipal administration is concerned. The local politicians even when they cease to be councillors, may continue to wield some influence, they may stage a comeback, and at least have the nuisance value. It is not unusual for a municipal officer to continue to occupy one position in a department for several
year. They become so well entrenched in their departments that sometimes the Commissioner finds it difficult to do anything in these departments against their wishes. The officers have learned from experience that in all respect the political elites are more powerful and influential. It is difficult for them to survive and flourish if they displease the councillors. Many of the officers have got their jobs through political patronage, they depend on the councillors for their promotion. They have also cultivated close social ties with them. The officers therefore tend to fulfill the demands of the councillors more readily—often keeping the Commissioner in the dark and sometimes against his/her wishes. The officers know that if they have strong political protection the Commissioner would not be able to do much harm. A Commissioner thus heads a team whose loyalties are divided.

Of course, the Commissioner also submit to political pressures because he/she may want personal favours such as continuing as a Commissioner or being posted in the same city. But the fact that an officer belonging to the All India Cadre has to seek the help of the local politicians only indicates the power and dominance of the deliberative wing.

The Commissioner, who attempts to distribute favours equally, ends by dissatisfying everybody particularly, the powerful elites who all the time want lion's share of spoil. Moreover politicians not only want a big share of the spoil for themselves but are also interested in seeing that, as far as possible, their rivals do not get anything. The Commissioner who is a political manipulator and who plays one political group against another comes into trouble because group loyalties are so fluid. The councillors whom he/she may have manipulated as rivals at one time may become colleagues soon.

The structure of Municipal Corporation, Shimla is devised for a public institution which makes executive independent and strong but the process ushered in by real politics predominates and overwhelms the
executive. These managerial styles cannot cope up with the environment of public systems, where there is such gap between the structure and process.

The first requirement in a democratic society in the Government, whether Central, State or local, should be accountable to the electorate. How a local government which exists on name only and whose major powers and functions are statutorily assigned to a non-elected individual, no matter how dedicated he/she may be, can pass such an acid test of accountability.

The die-hard, thus been cast for one of the most fundamental changes in the structure of the Himachal Pradesh Municipal Corporation Act, 1994, “to designate the elected representative of the people as the municipal authorities for the Municipal Corporation Shimla, and to vest the executive power in a political executive which is also accountable to the electorate “Thus, section 45 of Himachal Pradesh Municipal Corporation Act, 1979 which listed the municipal authorities to be: the Corporation, the Finance and Contract Committee and the Commissioner was made way for section 46 subsection (1),(2),(3) of Himachal Pradesh Municipal Corporation Act, 1994 which listed such authorities to be: the Commissioner, Joint/Assistant Commissioner and the Legal Advisor-cum-Prosecutor.

Consequently, to section 51 of the Himachal Pradesh Municipal Corporation Act, 1979 which states that “the entire executive power for the purpose of carrying out the provisions of this Act shall be vested in the Commissioner”, section 50(a) of the Himachal Pradesh Municipal Corporation Act, 1994 stipulated that “exercise all the powers and perform all the duties specifically confessed or imposed upon him by this Act or by any other law for the time being in force”. Thus, the executive power will entirely pass on the Commissioner.

Section 50, of the Himachal Pradesh Municipal Corporation Act, 1994, however has provided that subject to the supervision and control
of the Mayor, the Municipal Commissioner shall be the principal executive officer of the corporation. The Commissioner under section 50(b) assign the duties and supervise control over the acts and proceedings of all officers and employees of the corporation.

Sub section (b) of the section 50, makes it explicit that "all officers and employees of the corporation shall be subordinate to the Municipal Commissioner. In the Himachal Pradesh Municipal Corporation Act, 1994, it has provided that Secretary, Municipal Corporation, Shimla also would function under the supervision and control of the Municipal Commissioner. Although, no specific provision has been made to this effect, from the overall scheme of things in the new Act, 1994, it is obvious that the Commissioner, would serve as the secretary to the corporation thus combining the functions of the Deliberative and executive wings into one.

Section 50 of the Himachal Pradesh Municipal Corporation Act, 1994 has stipulated that the Commissioner is subject to supervision and control of the corporation and its Mayor but at the same time it also provides that the Commissioner will exercise supervision and control over the acts and proceedings of the corporation officers and employees. This particular section requires judicial interpretation as if understood rightly that it is the corporation and its Mayor has all powers but in contrast the Commissioner has been provided all executive legislative, quasi-judicial and financial powers. This is the only and only point of friction, contradictions and confrontations among elected representatives and the Commissioner and municipal administration.

The Commissioner, although clothed in statutory powers and armed with administrative and financial powers is a lone man in power politics of the Municipal Corporation, Shimla and has willy nilly to operate in the milieu that the councillor provide. It is in a sense even more convenient for the operators and extractors of the municipal system that powers and function are concentrated in one hand. Than the councillors
or for that matter the trade unions have to operate on an individual to get things in their own way. A non-executive of titular Mayor who is not even the boss of the Commissioner, in the sense we know in government or business hierarchy, was a deadly combination. This interlude has been brought to indicate the hiatus between theory and practice and to highlight the fact that a single paid individual cannot act as dyke if inundation is caused by all round including the councillors and trade unionists for whom the raison d'être is supposed to be popular and political will. In such conflicts, what appears to be a conflict between the deliberative and the executive wings is transformed into a conflict between the politician and the civil servant.

The fact, however remains that just as personally ambitious and publicity seeking councillors resort to wanton criticism of each others view or the municipal administration's policy in the corporation, they may often indulge even vituperative attacks on the Chief Executive on the floor of the corporation. It is one of the most trying experiences in life for the Commissioner having to hear so many unsavory things about him/her on the floors of house, and to see his deficiencies exposed to the critical gaze of the public. However, as a fairly stable specimen of the executive authority that fulfills the complex needs and requirements of the city, the Commissioner has to take such things in his/her stride as inevitable incidents of democratic government.

This tendency among the councillors is motivated by their anxiety to show that they are very active on the floor of the House, and ensure that they come into limelight by any means however unrefined. In resorting to these gimmicks, they seem to be immune to the democracy and democratic restraints which one expects from the councilors. From this one can easily see how dim is their perception of their own role in civic government. Sometimes, an enraged Mayor may pull an errant councilor, or more rarely, may even as the councillor to leave the house. The councilors may prefer to withdraw the remarks
rather than leave the Hall. What is disconcerting is the fact the civic meetings are too often disrupted by disorderly scenes stirred by members who apparently do not care for basic values of decency and decorum. The transfer may be punitive and arbitrary in nature, and may demoralize the administration, take place only to satisfy the whims and prejudices of politicians in power, the result can be deleterious to the healthy traditions of the civil services. It is therefore, natural that the Commissioner remains sensitive to the developments in the Secretariate, and has always to reckon with the possibility of his /her transfer in case he/she does not toe the government line, when faced with differences between the government and the corporation.

Deterioration in the quality of leadership among politicians and the low levels of morality reached by the political parties are clearly at the root of the declining quality of civic administration. The problem has been aggravated by the consequential fall in the efficiency and moral of administrators. In the worsening situation the Commissioner cannot really be blamed if he/she follows the line of least resistance and submit to pressure even from the Councilors, who wield unknown political pull and power. A solution may lie in striking a balance between the conflicting claims for supremacy between the deliberative and executive wings, in the interests of healthy traditions of municipal government with the public morality progressively on the downward trend, the task is becoming increasingly difficult of accomplishment.

The fears of increasing government interference in municipal affairs through the commissioner appear to gain credence from the changing attitude of the state government toward, the Municipal corporation. In certain encroachment cases, the commissioner has sent these cases to the state Government for regularization of such encroachments. There are also instances, increasing in number day by day, of government summoning municipal officers for discussions in individual cases. Instructions are given from the secretariat directly to the municipal
officers, by passing the municipal commissioner. The power equation between the state government and Municipal Corporation, Shimla has certainly changed in recent years decidedly in favour of the Government.

Today quite a large number of councillors spend long hours in the corporation office, constantly using and misusing their good offices to serve the interest of individuals or groups who may or may not be voters in their constituencies. Before the decentralization, the point at which councillors could hope to use their influence were fewer in number viz., the commissioner, the Assistant commissioner and the heads of various department. Now the points of power susceptible to their influence have grown manifold to the advantage of the councillors. Whereas in the earlier set up the councillors could go nowhere when they got a firm no to their pleas in the decentralised administration even if junior Engineer refuse to yield to their pressures, they can always hope to get the decisions reversed either at the hands of the Assistant Commissioner or the Commissioner himself. Whatever administrative set up, the elected representative of the people continue to spend an inordinate amount of time and effort in influencing the administration, whether to serve their own personal interests or those of their electorate.

The business transaction of the house and frequent special Meetings shows that how the tax-payers money is spent on the meeting of the corporation .And how will the corporation effectively function, with such a set up? It is felt that the corporation will tend to be a talking shop, wasting the tax-payers money. This is not to speak of innumerable instances where ‘stop work’, notices were issued by the administration at the behest of some of the councillors, only to be withdraw in after a certain period, again the behest of the same councillors, obviously indicating some consideration in the process. The single-member constituency has virtually given the status of kingpin in the election ward. In some cases conflicts between councillors have
reported where one councillor has prevented another elected from another constituency from interfering in the former's preserve. The Councillors have generally forgotten the fact that they are the councillors of the whole city and not of a particular constituency. This assumed identity by a member, as an independent role holder of his own constituency, has affected by and large the smooth working of the corporation.

There is no doubt that the stupendous task can be more easily fulfilled by a strong administration, free from the play of vested interests pulling in different directions. In other words, the magnitude of the growing problems of the city of Shimla demands a chief executive, who is a professional administrator, not assessable to pressures, political or otherwise. In the present setup, the incumbent for the post of the commissioner, being a civil servant, does not have full scope to prove her efficiency during a short tenure of nine months. He/she is bound to be conscious of the fact that his/her failure, despite all the powers vested in his/her, can tarnish his/her own image and reputation as an administrator his/her prestigious assignment can help draw the best out of his/her, as he/she is not under the thumb of the Corporation and need not, therefore, yield to any pressures if not transferred at pretest of recall requisition by the councilors to the government of Himachal Pradesh.

Up till now the political-administrative tradition followed in the area of governance show that the attitude of state government toward municipal government has been a mix of neglect, dependence, mistrust and sporadic interests, and consequently the net outcome has been a sort of mutual dislike for each other. The all important question of decentralisation of powers and responsibilities to the municipal government has to be squarely faced. The problem would be politically very sensitive and critical when one political party would be controlling the state government and its adversaries would be controlling the
urban seat of government. If no political accommodation could be seen, the whole administration would only increase popular frustration in all probability would help increase bureaucratic control of urban government. The reformers of urban government would in this case, find themselves back to square one.

It is not surprising however to find divergent opinions being expressed on the question as to whether the Commissioner should be an independent coordinate authority or an authority subordinate to elected body. On the one hand, it has been viewed that the commissioner appointed by the Government enjoying coordinate and independent authority is unjustifiable in a democracy, where power belongs ultimately to the elected representatives. On the other hand the fear has also been expressed that such a commissioner could act as a brake on the functioning of the corporation.

Another variation of the argument stresses that a salaried executive cannot be expected to provide political leadership. These arguments are by no means generally accepted. The view has been expressed that the election of the Executive would create several operational mural difficulties. Thus P. A. James and A. Muralidhar Rao appear to feel that an executive Mayor cannot always be expected to combine himself political maturity and administrative efficiency. He will come into frequent conflicts with the corporation, making way for outside political forces to supply the leadership. What is more, the administration cannot be in a position to solve problems, provide services and enforce rules and regulations impartially, if a specialist civil servant, adequately trained and experienced, does not head the executive structure.2

The Mayors from all over the country, in a the meeting of All India Council of Mayors, have been urging from time and again that democratic principle should be fully given effect to at the corporation
level, by vesting the Mayors with real and effective executive powers, Alternatively, the Municipal Commissioner should be made subordinate to the elected body, headed by the Mayor.

Mohit Bhattacharya, made out a case for a change in the system of Municipal Government, as far back as in September, 1969. "Corporation Government" he said, "Originated in the presidency towns where the then ruling class had a vital stake in their administration and they could hardly afford to entrust the executive authority even to a partially elected council". "With the inauguration of constitutional government after independence the retention, according to him, of the government-appointed commissioner as a coordinate and independent statutory municipal authority has hardly any justification." M.A. Muttalib, however, felt that it would not be proper to decry the present system outright. He said, "Before any alternative arrangement is thought of, it is desirable to examine the existing arrangement, as to whether it may be developed into a form that may provide effective political directions to the council and the administration on the one hand, and full operational freedom to the officials on the other."4

The relevance of this contention, as far as it applies to the Municipal Corporation, Shimla, is obvious. There has been no serious crisis in the working of the Municipal Corporation, Shimla, necessitating any structural changes in the Himachal Pradesh Municipal Corporation Act, 1994 barring of course, some amendment from time to time. The question, therefore, arises whether it is really necessary to bring about a change in the system that will work fairly satisfactorily.

The fact was always accepted that the corporation is creature of the state government and therefore had a subordinate existence, but greater regard has to pay to the corporation autonomy than to its subordinate position. Political considerations outweigh all others in the
government attitude towards local government institutions says B.K. Boman-Behram.⁵

Ali Ashraf, in a paper on “The Case for a Strong Mayor”, on the other hand, blames the local government authorities for the malaise. He says, “It is almost universally accepted that the local authorities have not been functioning well and they have failed to solve the mounting urban problems. Public opinion finds the root cause of civic maladministration in the corrupt practices of the elected representatives, their peculiaristic interests and parochial outlook. Almost all the official committees and commissions, set up from time to time to enquire into the working of local bodies, have concurred in their judgement that party politics has been the bane of local government.”⁶

It is significant that while Boman-Behram blames the political elements in the state government, Ashraf squarely puts the blame on political elements in the local bodies themselves. The fact remains that in either case, politicians have been the target of criticism for the shortcomings in local government. It is not in common to hear even administrators complaining about political interference in their day to day work. Politicians, on the other hand, are quick to hit out at administrative high-handedness which, they say, is in complete disregard to public good. Given the nature of administration, it is futile to seek to isolate it from the political environment in which party politics does not interfere with the administrative process.

Politics may legitimately set the goals for the administration, but it should never be suffered to manipulate its offices. Municipal administration is no exception to this. If we thus reconcile ourselves to the reality of links between the administration and the political system, particularly in the urban setting, it is easier to realise the inevitable interaction among the politicians, administrators and the people at
large. The solution however, lies in fitting the interests of each of the above into overall power pattern.

Ever since the birth of local self-government institutions in India, the struggle for supremacy between elected bodies and the executive machinery has been continuous one. Initially, it was believed that the executive represented 'a symbol of authority of the foreign government'. This was understandable, but it would appear rather strange that the conflict should continue after independence.

The Calcutta Municipal Corporation Act was accordingly redesigned and the municipal set-up was reorganised on the Bombay model, with the entire executive authority vested in a single Municipal Commissioner in 1951. However, this did not help improve the situation, Shivprasad Samaddar, who was administrator of the Calcutta Municipal Corporation, while analyzing the causes of the failure of Bombay model in Calcutta, says, "Although according to law, the Commissioner had a corner to himself, the city fathers were wont to breathe down the neck of the executive and in fact, the fewer such vicarious exercises of power and patronage. It is, in a sense, more convenient for the operators and extractors of the municipal system that powers and functions are concentrated in one hand." 7

The failure of the Bombay model in Calcutta or even in Shimla provides some food for thought. It is, therefore, futile to be enthusiastic about a particular system of local self-government which may in fact, work at one place and not at another.

By any standard of administration, the Bombay model seems to be a fairly satisfactorily blend of popular participation in policy formulation on one hand and administration of the policy by a professional executive on the other. It is the stability and progress, achieved in Bombay by this satisfactory blend, which induced the adoption of the Bombay model by other cities like Delhi, Pune and
Ahmadabad. However, as the demand for executive powers for the Mayor became more and more vocal, provision was made in some of the municipal corporation acts to associate the Mayor with executive function, for example, by channelling the municipal correspondence with the government, through the Mayor.

For constituting the office of the Mayor as an authority, the Government of Maharashtra had appointed a committee in 1963 to consider the matter in all its aspects. The committee examined in depth the question of vesting executive power in the Mayor, but came to the conclusion that it was not desirable to do so. According to the committee, it was necessary to "raise the status of the Mayor within the existing framework, without adversely affecting the working of the corporation or making him a full time executive head." Towards this end, the committee recommended that:

1. The Mayor should have access to all the records of the corporation but should not have any powers of revision.
2. In all matters of policy and its implementation any correspondence with the state Government that may emanate from the municipal commissioner should be routed through the Mayor.

A part from these recommendations, the committee made the following suggestions aimed at associating the Mayor more closely with the working of the corporation:

1. The Mayor should be the chairman of the Coordination Committee to bring together the deliberative and executive wings of the corporation
2. The Government should consult the Mayor and the Municipal Commissioner regarding appointment of class I and class II officers from the common cadre.
3. The Mayor should be authorised to convene the meeting of the statutory committees, only for the purpose of electing the Chairman there of. He shall preside over these meetings and shall cast a vote, only if there is a tie. If, however he happens to be a member of the committee, he may exercise his vote as a member and shall have a casting vote in case there is a tie at this meeting.

4. The Mayor should be the chairman of the development board, to be constituted in every corporation area.

It will be seen that these recommendations in no way indicate any structural change in the present system of the municipal corporation, the impression, that the committee did not contemplate any fundamental change. In the whole controversy regarding the ideal municipal structure, the main thrust of argument has been on the transfer of executive power from an appointed municipal Commissioner to the elected representatives of the people. In Shimla, a chain of Municipal Commissioner in the past developed a system and technique of consulting important councillors and leader of parties both in respect of executive policies in general and even on deciding some individual cases, barring building plans. In the long period from 1982 to 1999, there have been only two Municipal Commissioners who fought shy of such consultation or felt that it was neither necessary nor justified. They were P.K. Monga (1996) and Nisha Singh (1999), who did so on reasonable grounds. Both of them had to leave the post much earlier than expiry of their respective terms.

During the period 1982 to 1993, the pre-house meetings under the Chairmanship of the Mayor became an accepted custom, like the practice of consultation between the commissioner and the party leaders. The healthy trend set by previous mayor, however received a jolt in recent times, when several decisions were opposed or even turned down by members, the reason being no pre-house meetings. But it must be
said to the credit of the Mayor and the Commissioners (1982-1996) who succeeded them in office, that they appeared to share their executive power with the elected leaders so as to avoid confrontations with the people representatives. This can as well be one of the secrets behind the non-supersession of the Municipal Corporation, Shimla all these years, whereas corporations elsewhere in the country were superseded for reasons, considered rather inconsequential by Shimla standards.

Contrary to the general belief that a change in the system would improve the administration, the above incidents show clearly that it is not the form of municipal government but the way in which its various components work in coordination with one another that determines its success or failure.

One really significant objection to the present form of municipal government in Shimla is the scope it provides for the state government's dominance over the civic affairs. The government's power of appointment of Municipal Commissioner is cited as a major argument in this context.

It is interesting that in Municipal Corporation, Shimla the state government has absolute right to appoint municipal commissioner, such a confrontation has never occurred prior to present stalemate. Prior to this, whenever the corporation was dissatisfied with the work or the attitude of the commissioner, a meeting between the mayor, accompanied the elected councillors on the one hand and the Chief Minister/Minister of local self-government on the other, did the trick and the Commissioner was promptly recalled. The case (s) of recall of P.K. Monga (1996) and Nisha Singh (1999) are sufficiently illustrative. Similarly, there has been no instances through out the history of Shimla's civic body. This once again underlines the uniqueness of Municipal Corporation, Shimla's temperament, cordiality, and culture, which has many a time, softened the apparently arbitrary implementation of the legal provisions, however good or well meaning they may be.
The fears of increasing government interference in municipal affairs through the commissioner appear to gain credence from the changing attitude of the state government towards Municipal Corporation. When there was an alien government, the local self-government institutions regarded themselves as more legitimate custodians of people interest than the state government. With the democratisation of the process of governance at all levels after independence, such a distinction between the local self-government and others lost its validity. The Government seems to feel, and very rightly, that the autonomy given to the local self-government institutions does not absolve the state government from its larger responsibilities to the people. What follows inevitably can be described as interference on the part of government in municipal activity.

The Commissioner derived his/her power not through delegation of such power by elected representatives but from the Municipal Corporation Act itself. Sir Pherozeshah Mehta was of the opinion that the ultimate absolute executive power to be vested in a whole time appointed officer. While framing of the Bombay Municipal Corporation Act, he resisted all attempts at diluting the powers and authority of the executive either by vesting it in a committee or subjecting it to supervision and control by elected representatives. He vigorously argued that responsibilities could not be diluted by distribution between two or three different authorities, except at the cost of efficiency and efficacy. It should be noted that Sir Pherozeshah's efforts to bluster the authority of a commissioner nominated by the British Government paralleled his own nationalist-oriented efforts to enhance the position of the elected representatives of the people as the legitimate custodians of popular will. To him, it would appear that reflection of public opinion in the Municipal Corporation through discussion by elected representatives was important, but not
overwhelmingly so. Administrative efficiency had to be unfettered by constitutional curbs on the commissioner's authority.¹⁹

On contrary Homi Mody who opposed the nationalist attempt (in 1929) even to vest the corporation the power of appointing the commissioner, as it would lower the efficiency of the commissioner thereby affecting administrative standard. "The whole basis of our constitution". Home Mody said, would be subverted if one of the three authorities changed under the Act.......were placed in a position of subservience, which would destroy his utility as an independent authority.¹⁰ The views of Telang and Forbes are more or less identical that the commissioner must be subordinate to the Corporation.¹¹ In criticizing the above scheme Sir Pherojeshah Mehta argued that the complaint against the commissioner was that he exceeded the limits placed on him. The remedy he said, of substituting one responsible officer with a whole host of irresponsible one's was definitely worse than the disease. The only safe and efficient way of disposing of the executive authority was to vest it in a single responsible officer.

In the strong -mayor system, the Mayor is elected indirectly through an elected college. He/she is assisted by a whole-time officer with supremacy over all other executive staff, but who himself is subject to control and supervision of the Mayor. It can be safely reiterated, that strong-mayor system does not appear desirable in Indian conditions. In the first place, it amounts to a gamble with one single individual whatever may be the political strength of a strong Mayor, he cannot be effective in the role assigned to him in the administration, if he is devoid of genuine leadership qualities and concern for the people's welfare. Moreover, as a political figure who is in the office of Mayoralty only for two and half year, he would be more inclined to view all administrative functions and interests of the city. Not being a professional administrator, his executive actions may not conform to
recognized administrative continuity and stability. A part from the practical problems involved in this system, a strong Mayor with virtual dictatorial powers in administration would be contrary to the democratic spirit.

After the passing of the Government of Indian Act, 1919, the executive authority in municipal boards was vested in elected chairman, who was assisted by a whole time officer, viz., the executive officer. The pattern thus evolved exist even today as far as municipal board are concerned. In order to prevent the municipal bodies from being mere talking shops, it is necessary that they should be made effective, and the best and healthiest way of making them more attractive is to adopt some method under which a team of elected members would work with leader as its head. To invigorate municipal administration, were structural changes would be of no avail, simultaneously, more powers should be given to the municipal bodies in order that they could serve the people by meeting their felt needs. If municipal government will really to be used as an agency for development, there must be some central agency that would be dynamic enough to give the city a lead in development. The independent statutory authority of the Commissioner should be abrogated, and there should be a healthy understanding between the deliberative and the executive wings. Changes should be made without adversely affecting the efficiency of the executive.

There are statutory committee, which are part and parcel of the deliberative wing. These committee advise and recommend, but the executive wing does not execute as executive authority is vested in the commissioner. If the changes are contemplated, with a view to make elected people on the top and see that whatever policies are laid down are implemented otherwise they can be thrown out of power. This is the crux of the whole affair.

"As a matter of fact the councilors have to see on be holy of the corporation, the deliberative wing, that the policies laid down by it are
executed. Any person who is democratically inclined could give statutory powers to the Commissioner. The structure of the corporation is changed in such a way that the commissioner has also to be given some sort of protection while discharging his/her duties. It is time that the reflection on the proper structure of municipal government in order that it could efficiently discharge the responsibilities entrusted to it.

In this study it has been shown that a system of local government prevalent in Shimla has worked reasonably well. One may argue theoretically, that while the system has worked, it could function better under some other form. If one pursues this line of thinking, and if the power of the Commissioner is to be restructured or changes in the corporation is contemplated, the choice would seem to lie between the strong Mayor and the mayor-in-council system.

The Mayor-in-council plan, is allied to the cabinet system, involving joint responsibility of the Mayor and his council. The Mayor-in-council system can be said to be nearer to the democratic concept. Experience of Municipal councils with President or chairman as the executive authority in our country has been far from encouraging. From the point of view of day-to-day administration, it is doubtful as to how has the Mayor, as a non-professional political executive, will be successful, especially when it comes to dealing with the executive set-up headed by the Commissioner.

On the contrary, even if the Mayor-in-council system is suitably modified, so as to allow the commissioner all the executive power he/she now has, he/she cannot be expected to ensure implementation of the various provisions of the Act. For in the Mayor-in-council system the Commissioner will not remain an independent coordinate authority.

In an era of rising aspirations and scramble for power, efficient management of municipal corporation has in many instances, become the first casualty. This situation has led to a new power-alignment under which the elected city fathers could not brook any delay in the transfer
of power from the civil servants to the popular representatives. The local self-government should be the responsibility of the locally elected councillors, and that it went against the essential principal of democracy to give statutory powers for rusting the executive administration to the appointed officers. The paramount importance of the latter as an aid to political executive was, however, universally accepted. It is the nature of the political executive which provoked everybody and on which no unanimity could be reached. Differences of opinion on so vital an issue are understandable. It amply testified to the consciousness of the civic leaders about municipal reforms and their anxiety to bring urban local government in tune with the country's democratic ethos.

Notes and References:


6. Ibid., p.36-37.

8. David Anthony Pinto, op.cit., p.239.

9. Quoted from David Pinto, op.cit., p.247.
