Chapter 1
Introduction

Administration is the management of affairs of the government at all levels-national, state, and local. It is branch of the wider field of administration. In fact the word ‘administer’, is derived from the Latin word ad+ministrare, meaning to serve, care for, to look after people or to manage affairs. John A. Veig has defined administration as "determined action taken in pursuit of conscious purpose. It is the systematic ordering of affairs and calculated use of resources aimed at making those things happen which we want to happen". According to J.M. Pfiffner "Administration is the organisation and direction of human and natural resources to achieve desired ends". L.D. White observes "Administration consists of all those operations having for their purpose the fulfilment or enforcement of public policy". Similarly, according to Woodrow Wilson, "administration is detailed and systematic application of law." Hence, administration is a collective activity, which involves rational organisation and management of men and material, and permits all planned human activities. Like every developing country, urbanisation in India is proceeding at a very fast pace. The fast pace of urbanisation is a result of economic development. In fact, urbanisation is an integral part of the process of development as it is conceived today. Industrialisation and urbanisation always go together. Urbanisation brings in its wake a number of problems like congestion in city areas leading to development of slums, strain on existing community services like water supply, sewerage, lighting, etc. All these problems are so intimate to the city that it is difficult to solve them from the state headquarters. It is, therefore, imperative that the
development of an efficient 'urban government' should accompany the urbanisation process. If this does not happen, proper development of the urban areas becomes impossible leading to a great deal of stresses and strains among the urban dwellers.

Municipal government has existed since Hindu period. Mauryas had evolved an elaborate system of municipal government in their capital city Pataliputra. In the third century B.C., Megasthenes had given a description of the administration of a town in India. It looked something like a committee system prevailing in our present day municipal administration. During the Mughal period, administration of the town was vested in an officer known as 'Kotwal' who performed many municipal functions besides exercising supreme authority in all magisterial, police and financial matters.¹

Municipal government in India has its roots in prehistoric times. The epoch-making excavations at Harappa and Mohanjodaro reveal that highly developed urban civilization existed in ancient past. The cities has their councils which were elected bodies. In the words of Havell: "The administrative council of the city was modelled upon that of village communities and it may be assumed that like the latter, it was an elected body, though certain matter were reserved for control of Imperial Officials."² India can thus rightly be claiment of the hoariest tradition of local government in the world. Frank Moraes supports this contention. He writes "Democracy was no growth in India and centuries before the advent of British or Mughal Rule the stress was on self-governing institutions and corporate life."³

According to Benjamin Baker: The concepts of municipal corporate is Roman in origin and its development as a juristic entity stems largely from Roman practice when Rome extended its sway over most of
the world it knew, it found its self face to face with gigantic problem in administration—how to control provinces without, at the same time, provoking the displeasure of local inhabitants. It met this difficulty by making the cities of provinces its administrative agents. The Romans endowed their cities with corporate status and it is from the Romans that we have obtained the idea of municipal corporations.4

Urban local government in India is of an older vintage older even than the state government. The municipal institution were introduced by the Britishers for variety of reasons. It gave relief to the hard pressed imperial exchequer, as local services were sought to be founded by locally raised resources. The institution provided for participation of local people in local decision-making. Also the provisions of local facilities and services had a humble beginning with the emergence of urban local bodies. Their role has not remain static. After Independence and with the inauguration of five years plans, there has been a growing realisation that the municipal bodies should be made structurally strong and professionally sound. The process of strengthening these institutions has been going on albeit intermittently.5

The Constitution of India given the responsibility of local government to the States, but directs them to organise village panchayats and endow them with such power and authority as many be necessary to enable them to function as units of self-government. The constitution (prior to 74th Constitution Amendment) does not embody any directive as regards organisation of units of Urban Local Government is included in the state list as follows:

*Local Government, that is to say, the constitution and powers of municipal corporation, improvement trusts, district boards, minning settlement authorities and other local authorities for the purpose of local self government of village administration."
Britishers under the East India company followed a negative attitude towards local bodies. They were in the favour of centralised administration. But soon government realised its mistake. In 1687, East India Company set up a Municipal Corporation at Madras on the model of local bodies in Britain. This was followed in Bombay and Calcutta. But it was not till late in the nineteenth century that the development of local governments on proper lines started. In 1880 Lord Mayo’s government recognised that Indian must get training in self government. The development is confined to urban areas only. In 1882 Lord Ripon took interest, and introduced an elected element and extended the system to rural areas as well. The Decentralisation Commission (1907) made certain recommendations which were embodied in a resolution of 1915. This resolution brought certain reforms in the system. The number of elected members was increased, the District Board was empowered to have elected President. The subject of local- self government become one of the transferred subjects under the Government of India Act of 1919. Today municipal governments are elected bodies and are performing much more functions than before.

Decentralisation is a word evokes very sweet thoughts in India, vast, diversified and plural as it is. A fairly widely held relief equates centralisation with an unmitigated vice while decentralisation is extolled as an unsullied virtue avidly to be sought after.

This image owes it self to two broad intellectual sources. Indian thinking has been advocating devolution of political and administrative powers ever since the Royal Commission upon Decentralisation reported in 1909, a point which broadened into a powerful regular commitment on the part of the in the Indian National Congress under the leadership the Mahatma Gandhi. The contemporary
western ethos too advocated decentralisation which has indeed become a very powerful ingredient of what has come to be called as New Public Administration.9

Decentralisation has had its critics as well as admirers in India. The subscribers to the Gandhian philosophy of polity demand a bold shift of decision-making centres closed to the people and their highest hope lies in making the village the true unit of self-government.10

The Panchayati Raj, introduced in India in wake of the Balwantrai Mehta Committee for the study of Community Development and National Extension Service (1956) sought to institutionalise, in its own way, by decentralising political and administrative powers and functions to points closer to the people. It allayed at the same times fears perceived by recommending a system of reservation of seats for specific weaker sections of the population and thus promoting their interests and status. Though introduced with great fanfare, the panchayati raj movement failed to promote decentralisation in any appreciable way and particularly since the mid-1960's itself fall into state of neglect and stagnation. Today, it is dull and weak echo of its former self. Meanwhile, the centralist forces have acquired a new vehemence and ferocity. It is not a mere coincidence that small and medium sized towns in India are in a state of 'arrested growth', 'even decay' according to the report of the Task Force on Planning and Development of Small and Medium Towns and Cities (1977). The Task force observed: 'it is the slow growth, if not virtual stagnation, of a large body of small and medium towns that gives cause for serious concern'.
In a decentralised organisation, action can be taken more quickly to solve problems, more people provide input into decisions, and employees are less likely to feel alienated from those who make the decisions that affect their work lives. Organisation authority is merely the discretion conferred on people to use their judgement to make decisions and issue instructions. Decentralisation is the tendency to disperse decision-making authority in an organised structure.

As observed by Fayol “Every thing which goes to increase the subordinate’s role is decentralisation, every thing which goes to reduce it is centralisation.”

There is a great diversity of opinion as to where the actual executive authority should be located in a municipal body? It was Feroz Shah Mehta who first suggested the need for having a separate executive, i.e. executive authority of Municipal Corporation is to be vested in Commissioner/Executive Officer. He defined the role of a municipal corporation in these words:

“The Municipal Corporation is not to administer and govern for which it is radically unfit, but has to fulfil its proper function to watch and control the executive government, to throw the light of publicity on all its own acts, to compel a full exposition and justification of all of them which anyone consider questionable, to ensure them if found condemnable, and if the men who composed the executive abuse the trust or fulfil it in a manner which conflicts with the deliberate sense of the people to expel them from the office. He considered the vesting of the executive authority in any town council to be retrogressive step, plunging the municipality into a gulf of mismanagement, inefficiency and
jobbery—the only safe and efficient way of disposing of executive authority is to vest it in a single responsible officer. The elected undoubtedly can call for his recall but the prescribed majority required for the purpose is too difficult to muster.

The above definition of the role of municipal corporation as given by Feroz Shah Mehta is unexceptionable in theory. In actual practice, however, the average municipal councillor today does not confine himself to policies making financial approval and oversight of the administration, but seeks to interfere in day to day administration for seeking favours for his constituents or for particular area from where he is elected. He fails to distinguish between deliberative and executive functions of local government.

As a result of the 74th Constitutional Amendment, the municipal bodies will have access to large volume of revenues to finance the functions listed in the 12th Schedule of the constitution. These functions are mainly city-wide and property-related, so that the anti poverty responsibilities enjoined on the municipal bodies is not explicit, as in the case of the rural panchayats under the 11th schedule of the Constitution. In future human development functions, including those for urban poverty alleviation, may have to be delegated to the municipal bodies so that political decentralisation and distributive justice may move together.

Even to provide basic civic amenities is an explicit responsibility of municipal bodies, the central government would remain the principal actor in discharging the redistributive role through direct intervention in improving the living conditions of urban inhabitants. At the sub-national level, the most efficient methods
of intervention lie in the provision of public or semi-public consumption of urban services through wider assess, targeting and community participation. The purely municipal role in providing basic civic amenities is thus, limited and supplemental in nature.

Decentralisation of authority, even when its virtues are acknowledged—in fact analogised—all over, has been there is a mounting evidence to suggest, a difficult art to practice. Centralisation, on the other hand, even when it is publicly abhored and denounced it appears, is privately admired.

Municipal bodies in the country have been a victim of this double talk syndrome in more senses than one. The new generation of historians has contended that British advocacy of devolution was not motivated by a desire to espouse the cause of democrative ideology; instead it was an imperialist device to ensure great resource extraction.

Decentralisation makes possible greater regional diversity, local authority to alter curriculum, regulations and administrative practices. Decentralisation requires a lengthy period of gestation before its benefit are realised.

There are four major forms of decentralisation. These are decentralisation, delegation, devolution and privatisation. Decentralisation requires a lengthy period of gestation before its benefit are realised.

**Municipal Corporation, Shimla:**

Barely two centuries ago, the area occupied by the modern-day Shimla was dense forest only the Jakhu temple, which has stood the test of time, and a few scattered houses comprised the sign of civilisation. For a lack of contemporary history, opinion is divided even over the origin of its name while some assest that
LOCATION OF
SHIMLA CITY
MAP NO. 7-1

MUNICIPAL CORPORATION
SHIMLA

POTTER'S HILL
KEONTHAL
PROSPECT HILL
KOTI

LEGEND
MUNICIPAL BOUNDARY
the name is derived from a solitary house called ‘Shamley’, others believe that the name is a derivative from the name of a village called ‘Shimlah’ or ‘Shumlah’. A few others believe that the temple of goddess ‘Shamli’ gave birth to the modern name but others asserts that its original name was ‘Shyamalaya’. Indeed very little is known about its early history. The earliest available records reveal that the area formed a part of Keonthal State at the town of the 18th century.

Simla was born out of storm and turmoil’s of war, prior to the arrival of British, the inhabitants of the area were growing under iron rule of Gurkha Chieftains. The British conquered this area in 1815. “Simla was a familiar name in the British in nineteenth century India. It was called Mount Olympus, the Viceroy’s shooting box, India Capna, the abode of little tin gods, etc.

Simla, one time Summer Capital of Government of India and Head-Quarters of Indian Army, and now that of Government of Himachal Pradesh is picturesquely situated on several small suburbs of lower Himalayas at the mean elevation of about 7100 feet above the sea level. Its latitude is 36.6 N. and longitude 77.13 E.”

Easily accessible by road and rail, it has bracing climate, cool, bright, refreshing days and crisp nights. Annual rainfall is 55 inches. It is one of the finest hill stations of the country—with an area of 7.55 square miles. It provides varied opportunities for sports like ice-skating near Rivoli Cinema, Skiing at Kufri, Golf at Naldehra and riding all around the city. Game is found in abundance.
It was a dream of coolness in a very hotlands, a hope of healthy rest from the burden of imperial office, a heaven of familiarity pinnacled above the alien dust of the plains, a solace of wounded and the desolate, the ill and the bored, a promise of fun and flirtation above all, a bitter-sweet memory of home-cockoos and thrushes, pines in the mist, honey-suckle and roses in the rain.²³

The possibilities of the health resort were realised after the close of the campaign of 1815. The first mention of 'Semla, a middling-sized village' comes in 1817 from the diary of two Scottish Officers, Lieutenants Patrick and Alexander Gerard, as they surveyed and mapped the newly-subjugated hill state where a Fakir resided to give water to travellers.²⁴

The land-upon which the station stands formerly belonged jointly to the Maharaja of Patiala, Rana of Keonthal and Rana of Koti. It was Lord Kennedy, who in 1822 erected the first, General who stayed at Kennedy House with Major Kennedy, the then political agent.²⁵

Shimla’s First Settlement Report recounts that from 1824 onwards, ‘European gentlemen, chiefly involves from plains, built many of earliest houses’. Land for house constructions was leased ‘free of rent’ from the rulers of Keonthal or Patiala, depending on the sight chosen.²⁶ Begarees, building material and wood were also secure from them, and the transactions recorded in Kennedy’s office.²⁷ The first cottage of wood, and thatch was built in 1819 by Lt. Ross, Assistant Political Agent in Hill States. Simla was chosen in 1827 by Amherst, the Governor General, for summer trip. He came with his entourage and 1700 coolies in
Amherst spent an uneventful summer at Kennedy House, leaving Simla after two months-apprehending that it would be unhealthy after the middle of June, once monsoon set in. The visit creates a precedent. It also left six large houses that had been built for his entourage. In 1824 Europeans had established themselves in the Hills.

By 1830, a township of thirty British-owned houses scattered over the Simla tract had come up. It was then acquired by the East India Company. Patiala was asked to part with four villages (Kainthu, Paghog, Cheog and Aindari) which came within Simla. They spread from Bharari, across Kainthu to Prospect Hill, including the plague post on the Cart Road, up to Jutogh railway station. The Maharaja was compensated with seven villages in Bharauli. The Rana of Keonthal was given the area near Ravin, minus the fortress Raingarh, in exchange for twelve villages of Panjar, Sirian, Dharma, Phagli, Dillen, Kiar, Bamnoi, Pagawag, Dhar, Kanlog, Kilian, and Khalini-villages that lay between Tara Devi across Simla up to Kasumpati. Simla town now comprised an area of about six square miles. It was surrounded by princely states, Patiala lay on the north and west; Keonthal on the south and the east; and Koti, which included the suburbs of Sanjauli, Mashobra, Kufri and Naldehra on the north-east. A chain of hill states lay along the route from Kalka via Simla to Bushahr and on towards Tibet.

Once Simla had passed under the direct jurisdiction of Government, the first civic rules were formulated in the year 1829. The earliest houses, paths and water reservoirs built by individuals were now brought within the general scheme of
improvement' of the town. Bentick, the Governor-General, suggested that two hundred square yards be utmost allowed an individual for construction of a house. As a first step, the boundaries of houses and the land attached to them were demarcated. A graduated ground tax, ranging from twenty to forty rupees, depending on the built up area, was fixed. The proceeds from the Chowkidari tax were meant to defray the cost of policing.31

In 1832 Bentick appointed a three-man committee to suggest measures for improvement of the town. The main problems which confronted the three members, Captain Kennedy, Colonel C.B.Stevenson, the Quartermaster General of Subathu, and MacSween, a house owner, were how to improve the water supply and roads in Simla. Since springs were the only source of supply, water was a perennial problem and a few reservoirs had been built in 1828 and 1830. One of the first instructions to the committee was that ‘every spring that can be turned to account for the purpose, with the roads and pathways leading to it, must of course be considered public property. Narrow, but clearly marked tracks linked the various houses. The first ‘fine broad, level road around Mount Jakhu, about three miles in length, was built in 1828 under the supervision of Combermere, the Commander-in-Chief. 32 This was beginning of Simla’s greatness. Lord William Bentick, who succeeded Lord Amherst in 1829 had a house built for himself which was known as ‘Bentick Castle’, the site of existing Grand Hotel.33 During last year of Lord Bentick’s stay in Simla, Sir Edward Barnes, the Commander-in-Chief came to Simla and resided for two years at “Barnes Court”.34
"Simla's Municipal Committee was first introduced in December 1851 under the provision of Act XXVI of 1850. Simla municipality shares the distinction of being the oldest in Punjab. All the members were elected originally. The Chairman was also elected but afterwards the Deputy Commissioner was nominated ex-officio President and some other ex-officio members were added, and some other changes were made". It was first constituted in 1852 according to the Government of India notification on December 15, 1851.

According to the Government of India Act of December, 1850, the Government of any province was given power to set up a municipal committee in any town where it was satisfied that the inhabitant of the town wanted one. Government was, in that case, authorised to appoint the magistrate and the requisite number of local inhabitants on the municipal committee. The Act conferred large powers for making civic regulations and levying taxes upon the committee.

At a meeting of house owners held in July 1852, seven were elected commissioners while the Deputy Commissioner was nominated ex-officio Chairman, when other ex-officio members were added, out numbering the private house owners, there were protests over the official infiltration into the committee, which had altered the representative character of the municipality.

Thirty six house owner submitted a memorial with an alternative code of rules and regulations decided at meeting convened on 18 September 1854. In view of pressure from house owners, a new constitution was framed in 1855. According to this, although the Deputy Commissioner was an ex-officio member of committee, the Municipal Commissioners were all elected by house
owners. In 1864, when the offices of the Government of India moved formally to Simla, membership was increased. Three ex-officio members were added—an Executive Commissioner, a Medical Officer and a Senior Commissioner—all nominated to represent the interests of the Government.

During 1871, it was given the status of first class municipality, one of the six categories created by an Act 1867. A first class municipality was to enjoy independence with regard to expenditure, subject only to a Government audit. The committee was reconstituted again to consist of seventeen to twenty members. Seven of these were officials, nominated to the committee. Between seven to ten house owners, of whom three were to be Indian, to be elected. Three representative of the summer visitors were chosen by the committee from a list of six submitted by the Deputy Commissioner. The newly constituted committee was weighted so that the house owners of Simla could exercise a prepondering influence.

Under the arrangements, which existed in 1874, there were 17 to 20 non-officials including three house owners being the native residence of place. Three members to represent visitors from officials or non-officials were nominated. The representatives of visitors were appointed by Local Government from a list of six names recommended to the Deputy Commissioner at the beginning of each season. The representatives of the house owner were popularly elected. The elections were held every second year. The voting qualification as the possession of house property in Simla of an estimated yearly rental value of Rs 300/- or upwards, on which all the assessments have been paid up. The house proprietors, qualified as above, were entitled to vote or votes on a
graduated scale, based on the estimated yearly value of their property, the proprietor of a house of the minimum yearly rental value had one vote. A person having property rental yield of Rs 10,000/- and upwards have five votes.

The first municipal board for Simla was constituted by the Punjab Government in 1876 vide Punjab Government Notification No. 457 dated 4th July 1876. It consisted of 19 members, 7 of whom were officials and 12 non-officials. Out of 12 non-officials, three were appointed by notification. The remaining were appointed by selection from property owners. Out of later 9, two were to be Indians.

In 1876, the Committee was once again reconstituted to ensure official control. The Deputy Commissioner served as ex-officio President, and committee was limited to five nominated members, two salaried government officials and two house owners. Simla's private house owners rekindled the controversy on the unrepresentative constitution of the municipality in 1881. The attack on the 'despotic and arbitrary tendencies' of the Simla Municipal Committee was launched by Allan Octavian Hume and some other house owners. Between 1876 to 1883 the strength of the Committee was same as reconstituted in the year 1876, Hume felt that an elected element in the Simla Municipal Committee would act as a break on such arbitrary tendencies. To achieve this, he organised a Reform Committee of which he was Secretary.

A Committee was formed to enquire about the desirability of having an elected Municipality. The Committee, by a majority decision, recommended a wholly elected Municipal Committee though Hume favoured a gradual process towards that aim.
Committee's recommendation were based, predictably, on the concept of enfranchising interests and classes rather than individuals. Difference arose on the extent to which these different groups should be given right to vote. The overriding idea was that votes were apportioned to house owners/proprietors and tenants not in proportion to their intelligence, but in proportion to the amount of taxes which they pay. Hume in his dissenting note, cautioned against the sudden introduction of a purely elective system, since successful institutions are generally the growth of time, they develop slowly—evolution is the law of entire universe. Hume preferred a committee of which only two-third was elected, raised to three-fifth of the total within five years.

Hume advocated enfranchising a mixed bag of six interests. These included the Government of India and Punjab as landlords and tenants, Europeans and Indian landlords and tenants; European professionals such as barristers, doctors, dentists, photographers, brewers, Indian Lawyers and traders including stall keepers and all clerks drawing salary upwards of thirty rupees per month. After careful reflection, he added to the list of magistrates of Jutogh Cantonment and Vakils of ruling princes whose territories adjoined Simla. The controversy affected another major interest—government officers resident in Simla. Thirty officials held a meeting to protest against the recommendations of the Reform Committee. The officers disliked the idea of playing at politics and submitting themselves to the indignity of the election. Charles Aitchison, the Lieutenant-Governor, was enthusiastic about local self government in Simla, and a nucleus of officials held a meeting to lend support to new constitution.
Ripon's Resolution of 18th May 1882, on local self-government paved the way to a fresh experiment in municipal government in Simla. Since Simla was considered an English town where the electors and municipal commissioners would largely be British; it was assumed that there were a few problems in actualising the ideal. In Simla, in June 1882, a memorandum of fourteen points spelled out the basis on which the new municipal constitution was framed. It included issues of membership, the manner of election or nomination, qualification for holding office, qualification for voters, conditions for voting if a voter had more than one vote, division of the town into wards for the purpose of election, the election and position of President, the role of elected municipality, and the special; precautions necessary to ensure representation and protection of interests of the government.

A seven member committee which included A.O. Hume, Edward Cullin, a lawyer and J. Elston, a house owner was appointed by the government to draft a suitable constitution for the Simla Municipal Committee. By September 1882, the committee had submitted its recommendations. Despite four dissenting notes, the Committee favoured a wholly elected Municipal Committee. The Municipal Committee was to consist of thirteen honorary members, including the President, who was elected by the Committee. Members of the committee had a three-year term, but one-third were to retire each year. All the voters had to be residents at Simla for five months.

There were two categories of voters: property owners and tenants. Different qualifications were prescribed for the Station and Bazar wards. The first consisted of house-owners: male or female; resident or non-resident. In Station ward they had one
vote for every 1,000 rupees of rent on which house tax had been paid. In Bazar ward, one vote was allotted for every twenty-five rupees of house tax or frontage tax paid. Male Tenants in Station Ward had one vote for every 500 rupees of bonafide rental paid and in the Bazar ward one vote for every quarter of it. A house owner living in his own house qualified for voting as both house owner and tenant. The government voting power in Simla was measured in proportion to the taxes it paid to the municipality as property owner or tenant. Such votes were exercised through persons nominated by Government from time to time on its behalf. Persons residing in government houses qualified as tenants. The Government vote was divided into three: the votes of the Government of India; the Punjab Government; and the Viceregal Establishment.

In 1882, for the purpose of the Municipal elections, the town was divided into two wards—Station ward and Bazar ward signifying not only the residential and commercial areas of Simla, but also the European and Indian. Bazar ward covered all the five bazars of Simla—Lower, Chhota, Boileauganj, Lakkar and Kainthu. Shops on the Mall were until 1900, included in Bazar ward, thereafter in Station Ward. The interest of each ward in municipal affairs was established on the basis of income they yielded to the municipality. The first elections held in 1883, changed the complexion of Municipal Committee. A.O. Hume was elected Vice President and James Walker a wealthy banker became Committee’s President.

The project of the Town Hall was enthusiastically initiated by the newly elected municipality of 1883. The new Town Hall was planned in 1884 was to be completed by the summer of
1885. In September 1884, Government permitted the municipality to issue debentures bearing an interest of 6 percent per annum and repayable at periods varying between three to eighteen years, to part finance the project of Town Hall. It was to cover an area of 1602 square yards and cost 1,50,000 rupees. A tramway was laid from Lakkar Bazar to Sanjauli to carry away the rubble masonry. According to Act XIII of 1884 of the municipal bye laws the management, control and administration of every public institution maintained out of municipal funds vested in the Committee. In the year 1885, the Ripon Hospital was declared opened by Dufferin on 14th May 1885. The dominance of government interest in Simla mirrored in the subsequent reconstitution of the municipality, the elected municipality of the previous decade having been declared by official opinion to inadequate. The man who had conceived the constitution set-up in the Ripon era as a model of local self-government in India were no longer at the helm of affairs and many ardent supporters of the experiment had resigned or retired. There were sharp exchanges between officials and non-officials. There is a playing off of element against element, and when cliquism sets in, fraternity and with it, usefulness takes flight. For this, the constitution of the committee, combining officials and non-official members, was held mainly accountable; on the other hand a municipal committee dominated by the non-official British-estate agents, bankers, house owners and traders in a predominantly official town, seems untenable and unworkable.

In 1890, The Punjab Government after consulting the Government of India, vide Notification No. 1030, dated 18th December, 1890, decided to fix the number of the members of the
board at 10 instead of 13 and it was stated that in the future, out of those 10 members, 6 members to be elected and 4 nominated. The four nominated members were to represent the interest of government and one of these seats was to be reserved for civil surgeon and one for Executive Engineer, Simla Provincial Division. The other seats were reserved for the representative of Central Government. Out of six three were to represent the station ward and three the bazar ward.

In 1891, the committee was reconstituted to consist of four nominated and six elected members. Of the latter, the two wards were represented by three seats each. As before, the nominations of Government Officers and redistribution of seats tended to erode the influence of the British non-officials. The Indian representatives from Bazar ward were non-controversial, virtually ciphers who did not understand English. In 1883, the Municipal committee passed a resolution saying that, "with a view to the expeditious dispatch of business a majority of the committee shall decide what matter are proper and necessary to be explained in the vernacular to the Indian members. However, it seemed 'inexpedient' to appoint Indian members to a subcommittee even for the special inspection of the Bazar, and they were doubtless induced to cast their votes in favour of Government resolutions with such a composition it was possible for Government to effectively control municipal functioning.

The 1880's had however laid a precedent, the committee met weekly to confirm proceedings and take fresh decisions. In 1884, two permanent sub committees, one for finance and the other for executive and general affairs, were appointed. From time to time various adhoc committees were set up to inquire into complaints, the construction of large buildings, etc. Each Municipal Commissioner was given field duties,
one of the four wards into which town is divided. The ward commissioners were authorised to grant permission on the spot for routine or trivial matters, reporting them for formal confirmation by the Municipal Committee.

Subsequently during 1900, the elected seats were reduced to five and again in 1907 it was reconstituted with just seven members. Its fortunes never looked up and it remained dominated by the government officials since then. The nominations were also made on pick and choose basis and managed a large number of services. In 1908, the facade of elections was removed and for reasons affecting the Public interest’ the Municipal Committee was reconstituted to consist of seven nominated members, of whom only four were ex-officio Government nominees. The Deputy Commissioner served as President. Three ‘interests’, those of house owners, traders and the Indian communities were represented by three nominated members. Each municipal commissioner was given field duties, one of the four wards into which town was divided. The Ward Commissioners were authorised to grant permission on the spot for routine or trivial matters, reporting them for formal confirmation by Municipal Committee. The experiment with a whole elected municipality bequeathed a lasting mistrust of democratisation.

Several representations were received by the government regarding the insatisfactory constitution of the committee. Suffice it to say that as a result of prolonged parley, it was decided that Municipal Committee should consists of 12 members including the President, all of whom were to be elected. The right of election of President was given to the members of the committee alone.

Local Government made the following rules:

1. Every adult rate payer who resided in Simla for 5 months, had not been convicted of a non-bailable offences and
was not under contract as regards work to be done for the municipality was eligible for the office of the members of the committee;

2. There were two classes of voters ‘A’ and ‘B’.

Class-A:

House proprietors, male or female, residents or non-residents, shall have, for houses outside the bazaars, one vote for every Rs.1000/- of rent on which house tax is bonafide paid by them and within bazar limits the vote for every Rs. 25/- of house tax paid by them.

Class-B:

Male tenants outside the bazar shall have one vote for every Rs.500/- of bonafide rental value paid and within bazaar limits one vote for every Rs.125/- of rent paid. Votes of these scales may be given for each house by either one or more bonafide tenants, shops or offices and partly for other such purposes, shall the total votes for any house shall not exceed the number allowed on the gross rental on which house tax is paid by proprietor.

By the Punjab government Notification No.9 dated the 4th June 1908, the constitution of Simla Municipal Board, was again changed and it was declared that the seven members, all of whom were to be nominated by the Notification No. 11468 dated the 14th June 1917, the number of the members of Municipal Committee, Simla was raised from 7 to 8 all of whom to be appointed. A letter No. 27531 Local Self-Government dated the 8th November, 1922 was constituted as per table given below:
Table No 1.1

<table>
<thead>
<tr>
<th>Total</th>
<th>Ex-officio</th>
<th>Nominated by government</th>
<th>Nominated non-officials</th>
<th>Elected</th>
</tr>
</thead>
<tbody>
<tr>
<td>: 10</td>
<td>: 03 (Deputy Commissioner, Health Officer, and Provincial Executive Engineer)</td>
<td>: 02 (One of whom might be the Superintending Engineer, Imperial Circle)</td>
<td>: 03</td>
<td>: 02 (One by upper ward and one by Lower ward)</td>
</tr>
</tbody>
</table>

The Punjab Government vide Notification No. 4326-8-36/38695, dated the 9th December, 1936 increased the number of members to 12, of whom three to be elected and nine appointed by name or office. Out of these, four members continued to be ex-office, which are following:

Table No. 1.2

1. Deputy Commissioner, Simla;
2. Executive Engineer, Simla Provincial Division;
3. Executive Engineer, Simla Central Division; and
4. Civil Surgeon, Simla.

This system continued up to 1953. Elections during 1953 to 1960 were held on the basis of this system. During 1962 the Punjab Government raised the number of members to 19 (13 Single and 3 Double members constituencies) according to the population of the town. Out of these 19 members three members were to be from scheduled caste.

The general elections to the Municipal Committee, Simla were held on 6th November, 1960 and notified by the Punjab Government vide Notification No.LB-42(153)-60/63866 dated 25-11-1960. The committee took oath of allegiance on 8th December 1960, following member were elected:

Table No. 1.3

1. Shri. Amar Nath Dogra;
2. Shri. Sant Ram;
3. Shri Som Nath;
4. Shri Om Prakash;
5. Shri Sushil Kumar Khanna;
6. Shri Chhabil Dass;
7. Shri Bir Singh;
8. Shri Shankar lal Paul;
9. Shri Suraj Prakash;
10. Shri Koshalya Nand;
11. Shri Gur Prashad Khanna;
12. Shri Asha Ram;
13. Shri Tilak Raj Sharma;
14. Shri Brij Lal;
15. Shri Kishori Lal; and
16. Shri Sunder Lal.

Following were appointed as advisors to Municipal Committee, Simla vide Punjab Government notification No. 2999 C(8cl)-61/14536 dated 15.11.1960

Table No 1.4

1. Civil Surgeon, Shimla;
2. Executive Engineer, Simla Central Division;
3. Executive Engineer, Simla Provincial, Division;
4. Adjutant General Western Command, Simla.

No.4, however, substituted by the Station Officer, Station Head Quarters, Simla vide Punjab government Notification no. 5396-C (8Cl)-61/24280 dated the 4th June 1961.

As a result of reorganisation of Punjab with effect from 1st November, 1966, Simla along with other hilly areas was merged in Himachal Pradesh and became permanent capital of the Himachal Pradesh. The development of this town and its sub-urbs and for
management of municipal affairs therefore, engaged the attention of Himachal Pradesh Government. The Government felt that the concrete steps were necessary and this could only be done if there was a separate legislation for this purpose. As a result of the same the Capital of Himachal Pradesh (Development and Regulations) Act was passed by Himachal Pradesh Legislative Assembly, which was later received the assent of the President of India on 20th June, 1969.

Consequently the erstwhile Municipal Committee, Simla was dissolved on 27th June, 1969 and replaced by a Corporation consisting of one administrator and ten nominated members, out of which, one was to be a woman and one scheduled caste. Upto the constitution of the Corporation, the Deputy Commissioner, Mahasu, was appointed as Officer-in-Charge to perform the functions of the corporation from 27th June, 1969. The Municipal Corporation came into being from first September 1970 vide Himachal Pradesh Government Notification No. 2-1/69 LSG dated the 1st September, 1970. Shri R.K. Anand, I.A.S was appointed as Administrator and following ten members were nominated:

**Table No. 1.5**

1. Mrs. V.G Bhan (woman);
2. Shri Sunder Singh Sethi (Scheduled caste);
3. Director of Tourism;
4. Inspector General of Police;
5. Director, Health Services;
6. Chief Engineer, P.W.D (B&R);
7. Chief Engineer, M.P.P & Power;
8. Chief Conservator of Forest;
9. Liaison Officer, Western Command; and
10. Under Secretary (LSG).
MUNICIPAL WARDS
BEFORE 74th CONSTITUTION AMENDMENT
MAP NO 1.3
No. 7 was later on substituted by the Superintending Engineer, H.P. State Electricity Board;
No.3 was substituted by Managing Director, H.P. Tourism Development Corporation;
No.9 was substituted by Director, Re-Settlement and Employment Western Command; and
No. 1 & 2 are from amongst the public.

Shimla Municipal Corporation had its election after 25 years on May 14, 1986. These elections were held due to the judgement of Supreme Court, to hold elections. On the petition filed by Shri Om Prakash Sood and Shri Yoginder Lal Sharma, the enlightened citizens of Shimla, Municipal Corporation, Shimla, shall have to wait for no less than twenty five years in Independent India to have an affected and elected body. This too was done on the intervention of courts. The election were held in 1986 after successive Governments avoided to get themselves involved in the institution of local self-government.

The Himachal Pradesh Government vide its Notification No. 4-1/84 ELN dated 10-12-1985 divided Municipal Corporation Shimla into twenty one wards (# Map No. 1.3) and of which three wards were reserved for scheduled castes. Himachal Pradesh Government on April 3rd, 1986 decided to hold election to Municipal Corporation, Shimla on May 14th, 1986. The last date of filing nominations was April 23rd, 1986, withdrawal and scrutiny April 28, 1986 and April 26, 1986 respectively.

The Governor of Himachal Government under sub-section (3) of section 4 of Himachal Pradesh Municipal Corporation Act, 1979, vide Notification No. LSG -A(3)-6/86 notified the name of elected councillors from various wards of Municipal Corporation, Shimla which are shown in Table No. 1.6
Table No. 1.6

(1) Shri Shiv Kumar Dogra;
(2) Shri Rohitash Chander;
(3) Shri Nand Kishore Mehta;
(4) Shri Kuldeep Kumar;
(5) Shri Rakesh Singha;
(6) Shri Romesh Chand;
(7) Shri Amar Singh;
(8) Shri Ganesh Dutt;
(9) Shri Adarsh Kumar;
(10) Shri Jagiri Ram;
(11) Shri Kuldeep Kumar;
(12) Shri Jaswant Rai;
(13) Shri Krishan Chand;
(14) Shri Manoj Kumar;
(15) Smt. Kamal Walia;
(16) Shri Rajinder Prashad;
(17) Shri Tilak Raj;
(18) Shri Yashpal Gupta;
(19) Shri Kuldeep Singh Patial;
(20) Shri Vijay Chauhan; and
(21) Shri Narinder Singh Thakur.

Shri Harbhajan Singh, M.L.A., was coopted Associated member.


The Governor of Himachal Pradesh vide Notification No. LSG-A(3)-2/86 appointed Divisional Commissioner, Shimla for swearing-in-ceremony and election of the Mayor and Deputy Mayor. The Government of
Himachal Pradesh vide its notification No. 8-19/80 Elec. dated June 12, 1986 for the election of Shri Adarsh Kumar as Mayor and Shri N.S. Thakur as Deputy Mayor.

The government of Himachal Pradesh under subsection (2) of Himachal Pradesh Municipal Corporation Act, 1979 (Ordinance No. 2 of 1986) nominated following to the Municipal Corporation, Shimla.

**Table No. 1.7**

(1) Brig Samuel Joseph Mukand (Retd.), Headmaster Bishop Cotton School, Shimla.

(2) Mumtaz Ahmed Kazmi of Tilak Nagar, Shimla.

(3) Sardar Nirmal Singh, President District Beopar Mandall, Shimla.


Elections scheduled for 1963 did not take place, and in 1966, the Punjab Government superseded the Committee on the charge of incompetence, misappropriation of powers and nepotism. A court order reinstated the Committee in 1976, however fresh elections were not held as the Capital of Himachal Pradesh (Development and Regulations Act, 1968), was passed and the Committee was converted into Corporation totally manned by nominated members. In 1986, elections were again held, and a band of councillors with a mayor, shared power with the Corporation, does not enjoy a majority support.

After the expiry of first term of Shri Adarsh Kumar and Shri Narinder Singh Thakur as the Mayor and the Deputy Mayor respectively. Shri Adarsh Kumar was again elected as Mayor and Shri Shiv Kumar
Dogra replaced Shri Narinder Singh Thakur as Deputy Mayor for the second term of two years and six months.

Election to the next Municipal Corporation was due by the month of May, 1991. However, the Government could not conduct the election on schedule Citizen forum on 24th May, 1991, thus approached the Hon'ble High Court, Shimla to ask the Government of Himachal Pradesh to conduct the election. The Hon'ble High Court ordered the Government of Himachal Pradesh to conduct the election by 30th November, 1991. Government of Himachal Pradesh wanted some more time for the revision of elected rolls and for delimitation of the wards in view of new census figures. Ultimately the High Court ordered for the conduct of election by May, 1992. As a result of this order of Hon'ble High Court, the elections to the Municipal Corporation, Shimla were held on 24th May 1992. The election was conducted in 20 wards only. In one ward i.e. ward No. 6, the election could not be conducted due to the death of one of the candidate. Three wards were reserved for scheduled Castes. The Government of Himachal Pradesh under sub section (3) of section 4 of Himachal Pradesh Municipal Corporation Act, 1979, vide notification No. 4-13/86-E.L.N. notified the name of elected councillors from various wards of Municipal Corporation, Shimla, which were as follows:

**Table No. 1.8**

1. Shri Yadupati Sood;
2. Shri Durga Singh Verma;
3. Shri Nand Kishore Mehta;
4. Smt Jenny Prem;
5. Shri Ravinder Thakur;
6. -- Vacant--;
7. Shri Amar Singh Kaushal;
Shri Adarsh Kumar and Smt Kamal Walia were elected the Mayor and the Deputy Mayor for two and a half years. But due to the death of Smt Kamal Walia in the year 1993, the post of Deputy Mayor fell vacant to which Smt Jenny Prem was elected for remaining term. After the expiry of first term of the Mayor and the Deputy Mayor, Shri Adarsh Kumar and Smt Jenny Prem were again elected as the Mayor and the Deputy Mayor. As in the month of August 1996, Shri Adarsh Kumar was elected as M.L.A. to Himachal Pradesh Legislative Assembly, he resigned from the post of Mayor, then Shri Manoj Kumar was elected the Mayor of the Municipal Corporation, Shimla in the month October, 1996 for remaining term of Shri Adarsh Kumar.

The Government of Himachal Pradesh under section 6 of Himachal Pradesh Municipal Corporation Act, 1979 nominated Shri Umer Abdullah Khan, Shri Shadi Ram and S. Kesar Singh to the Municipal Corporation,
MUNICIPAL WARD
(AFTER 74TH CONSTITUTION AMENDMENT)

MAP NO 1.4

Legend:
WARD BOUNDARY
MUNICIPAL BOUNDARY
Shimla. After death of S. Kesar Singh, the Himachal Pradesh Government nominated S. Nirmal Singh in his place.

In the year 1996, the government of Himachal Pradesh extended the municipal limits to adjoining rural areas, which includes Tara devi, Chakker, Ghora Chowki, Tutoo, Dhalli, Kasumpati, Vikas nagar, New Shimla, etc in order to provide better civic amenities and planned development. After delimitation of wards and area of the Municipal Corporation, Shimla, the number of wards was increased to 25 from 21 (Map No. 1.4). The old Himachal Pradesh Municipal Corporation, Act 1979, was replaced by new Himachal Pradesh Municipal Corporation Act, 1994 after the enforcement of 74th Constitutional Amendment, came into force on the 30th day of May, 1994.

Under the provision of section 10 of Himachal Pradesh Municipal Corporation Act, 1994, it is made mandatory to reserve the wards for scheduled castes, scheduled tribes and women. One third out of total number of seats, reserved for women and scheduled castes and scheduled tribes. The seats reserved for women, scheduled castes and scheduled tribes shall be allocated by rotation.

According to the section 36(l) of Himachal Pradesh Municipal Corporation Act, 1994, that during the duration of the Corporation, the office of the Mayor shall be reserved for the scheduled castes, scheduled tribes and women; by rotation or by lots in the manner prescribed, and its term shall be one year.

The latest election of the Corporation were held on 22 May 1997 and notified vide Notification No. Shimla L.F.(300)196-111-110, under section 69 of Himachal Pradesh Municipal Corporation Election Rules, 1996, (refer to Annexure-i) The following were elected councillors from various wards of Municipal Corporation, Shimla:-
Table No. 1.9

(1) Shri Yadupati Sood;
(2) Shri Manoj Kumar;
(3) Smt Chanchal Mehta
(4) Smt Jenny Prem;
(5) Shri Ravinder Singh Thakur;
(6) Smt Nirmal Bhardwaj;
(7) Shri Inder Dutt Lakhanpal;
(8) Smt Uma Kaushal;
(9) Shri Shashish Shekhar;
(10) Shri Roop Chand;
(11) Shri Sohan Lal;
(12) Ms. Sulakshana Arya;
(13) Shri Ashok Sood;
(14) Smt Mala Singh;
(15) Shri Narendra Kataria;
(16) Shri Vijay Chauhan;
(17) Shri Durga Singh Verma;
(18) Shri Satish Kumar;
(19) Shri Sanjay Sharma;
(20) Shri Hari Krishan Thakur;
(21) Smt Sushma Chauhan;
(22) Shri Sukhvinder Singh;
(23) Smt Sunita Kashyap;
(24) Smt Kusum Mehta; and
(25) Shri Varinder Singh Shandil;

The Governor of Himachal Pradesh under section 4 sub-section 3 of Himachal Pradesh Municipal Corporation Act, 1994 nominated Shri Adarsh Kumar, M.L.A. from Shimla assembly constituency and Shri
STUDY ZONE
MAP NO 1:5

POTTER'S HILL
PROSPECT HILL
KEONTHAL
KOTI
Charanjiv Lal Kashyap, M.L.A. from Kasumpti assembly constituency as associated members of the Municipal Corporation, Shimla, and later on when the new assembly was constituted in year 1998, they were replaced by new M.L.A’s. Shri Narinder Bragta and Shri Roop Dass Kashyap, new M.L.A’s from Shimla and Kasumpti respectively were nominated to the Municipal Corporation, Shimla, by the Governor of Himachal Pradesh under section 4 sub-section 3 of Himachal Pradesh Municipal Corporation Act, 1994. (Refer to Annexure-ii)

The Governor of Himachal Pradesh under section 4 sub-section 3 of Himachal Pradesh Municipal Corporation Act, 1994 nominated Shri Deepak Sharma, S. Baldev Singh and Smt Bimla Kashyap, as Councillors and has no voting right, to Municipal Corporation, Shimla, vide notification No LSG-B(15)-4/75-IV, dated 26th August, 1998. (Refer to Annexure-iii)

The Government of Himachal Pradesh vide notification No. LSG (15)4/75 dated 26/6/97 under sub rule (6) of Rule 6 and 7 of Himachal Pradesh Municipal Corporation (Reservation and Election to the office of Mayors and Deputy Mayor) 1994 notified the election of Shri Manoj Kumar and Shri Durga Singh Verma as the Mayor and the Deputy Mayor of Municipal Corporation, Shimla respectively.

**Statement of Problem:**

Thus after discussing administration, urban local bodies, Municipal Corporation, Shimla, (# Map No. 1.5) the present study can be stated as follows:-

“A STUDY OF ADMINISTRATION OF MUNICIPAL CORPORATION SHIMLA WITH SPECIAL REFERENCE TO 74TH AMENDMENT”.
Notes and References:


9. Ibid., p.75.

10. Ibid., p.75.


15. Ibid., p.101.


27. Ibid., p. 16.


32. Edward Buck, op. cit., pp. 144-146.


35. Act-XXVI of 1850 of Punjab Government


37. Pamela Kanwar, op. cit., p. 112.


43. Vipin Pubby, op. cit., p. 119.