CHAPTER - II

MUNICIPAL GOVERNMENTS: EVOLUTION AND GROWTH

The people of the Indus valley had the distinction of giving to the world its earliest cities, urban civilization and the earliest city government.¹ Some of the oldest cities of India were Lothal, Bhagatpur, Hastinapur, Rajgrih, Mahismati, Varanasi (Kashi), Vaishali, Kushinagar and Kapilvastu. Though the village was the basic unit of a State in ancient India yet there was no clear dividing line between a village (grama) and a town (Nagara). City culture gradually developed reaching its peak in the Mauryan and the Gupta periods. The famous cities of Pataliputra, Ujjain, Vidisha and Takshasila provide ample evidence of developed city life during the period of the Mauryas. At the end of 6th Century A.D. Vijayanagar emerged as large and handsome as the contemporary Rome.

PATALIPUTRA AND ITS ADMINISTRATION

Megalasthenes has given a graphic account of the municipal administration of Pataliputra. The city administration was under the city council which consisted of 30 members divided into six committees of five members each. The city council administered general civic affairs such as sanitation, water supply and maintenance
of public buildings etc. and imposed fines upon persons causing damage to public roads or reservoirs or those polluting public places.

Jayaswal has identified city government in the Pataliputra with the Paura organization of Hindu India. The Paura was a community organization vested with the powers of municipal government of the capital. The presiding officer of Paura (the Mayor) was called Sreshthin. During the Gupta period the mayor was called the Purapala or the Nagararakshaka. The governance of city was vested in the Municipal Council called Parishad. Under the Chola Empire of the South India the Nagar more or less corresponded to Paura. Thus there exist unimpeachable evidences of a well established tradition of civic autonomy in ancient India. Cities were governed by elected councils vested with a complex of different powers and functions.

MEDIAEVAL PERIOD

The Sultanate of Delhi was a highly centralized monarchy and the administration of a city was vested in Muhtasib. The latter had to perform multifarious functions e.g. looking after public utilities such as water supply and wells; provision of amenities for travellers; looking after thorough fares; maintenance of public buildings; controlling the height of new buildings to ensure privacy to neighbours; demolition of houses likely to collapse; stopping of actions likely to cause annoyance or discomfort; supervising
the markets; inspection of weights and measures; and prevention of adulteration of food.  

The cities symbolised power and authority and their civil administration was vested in the Kotwal. The Ain-i-Akbari, contains detail description of the multifarious functions of a Kotwal. The Kotwal used to appoint Mir Muhalla in every ward of the city. The latter maintained a register of houses and roads, regulated the location of slaughter houses, cemeteries and sweeper colonies. He imposed local taxation and market duties.

During the monarchial rule there did not exist the local autonomy for the city council. Municipal self-government, a tradition of ancient India, simply withered away under the military despotism of the Sultanate of Delhi and the Mughal Empire.

MODERN MUNICIPAL GOVERNMENT

The British created in India a civil Government under municipal authorities. In fact, the local self-governance in India has witnessed a process of constant evolution. One can better understand the process of evolution of modern municipal governments through the following periods:

1. The Pre 1882 period;
2. Developments between 1882 and 1919;
3. The period between 1919 and 1935;
4. The period between 1935 and 1947; and

1. THE PRE 1882 PERIOD

The salient features of pre 1882 developments may be summarised under the following six sub-heads - (i) 1726 Mayor's Court; (ii) Provisions of 1793 Act; (iii) 1842 Act; (iv) The Municipal Act of 1850; (v) Lawrence Resolution; and (vi) Mayo's Reform.

1726 Mayor's Court

The first local self-government was established in 1687 in Madras for raising local taxation. The Mayor's Courts were established in Calcutta and Bombay in 1726. However, relevant records are not available to throw light on the civil administration of these cities during the early British period.

Provisions of 1793 Act

Under the Charter Act of 1793, the Governor General-in-Council was empowered to appoint person to act as justice of peace and to carry on municipal administration of the city. The first municipal act was passed in Bengal Presidency which enabled the inhabitants of the Presidency, except within the town of Calcutta, to make better provision for public convenience. However, the scheme applied only in Bengal on voluntary basis with support of two-thirds of the inhabitants. The Act could not become popular because of direct taxation. Therefore, "It was introduced only in Calcutta."
The inhabitants of this town were called upon to pay the tax. But they did not only refuse rather prosecuted the tax collector for trespass whenever he attempted to levy it.\(^8\)

**The Municipal Act of 1850**

Improvement of Town Act No. XXVI was enacted in 1850. It provided for the constitution of Town Committees enabling them to levy certain indirect taxes. The main functions of municipal committees were to better maintain public streets, roads, drains, and tanks and to better improve the town and its suburb in all possible ways. These were also empowered to raise necessary money by levying house tax or otherwise. This Act was introduced in four towns in lower Bengal, four in Punjab and about twenty towns in Uttar Pradesh (the then North-Western Provinces and Oudh). The Act remained in operative in the Presidency of Madras.

**Laurence Resolution**

The Royal Army Sanitary Commission of 1863 drew attention towards the appalling dirt and disease in many Indian towns. The Resolution issued by Lord Laurence's Government in August 1864 proved to be much more effective in initiating municipal activities in this direction than all other earlier actions of the Government. The municipalities were constituted to promote better sanitation in the towns. The councillors were entirely nominated. Richards wrote "The whole system is far in advance of the times; it is a crude and premature effort to engraf the ideas of western civili-
zation.... Half a century hence .... municipal institutions might not be out of place."9

Mayo's Reforms

The famous resolution on financial decentralisation was issued during the vice royalty of Lord Mayo. The Resolution of 1870 used the term "Local Self Government" for the first time and stressed the need for promoting municipal institutions. This resolution emphasised local supervision to ensure successful management of funds.

The resolution provided opportunities for the development of self-government and strengthening municipal institutions. It offered an opportunity for the association of local population and Europeans to a greater extent. In pursuance of this resolution, Municipal Acts were passed in various provinces extending the elective system and greatly widening the sphere of municipal activities.10

Madras Town Development Act (1871) allowed the Collector to continue as the ex-officio member and President and the election of commissioners by rate-payers. The term of office was increased to three years.11 Provincial Government was empowered to formulate rules and regulations and restrictions with regard to the utilization of municipal funds.12 The Government of Bombay Act (1873) left the creation and constitution of municipalities to the Government. The Act made distinction between the town (less than 2,000 population) and the city (2,000-1,00,000 population) municipalities.
The Act also provided for the custody, control and use of municipal property and funds and inter-alia, authorised the levy of taxes and tolls.\textsuperscript{13}

Similar Acts were passed in Bengal (VI of 1876), Central Provinces (IV of 1873), the Punjab (XI of 1873) and the United Provinces (XV of 1873) introducing the elective system and authorising the municipalities to exercise more powers and to bear additional responsibilities. However, elections could not be held in many places. In Madras, the election could take place in four municipalities. In N.W. Provinces, the experiment was tried in several municipalities but could achieve only a moderate success. In Central Provinces the experiment could achieve a good degree of success wherein popular representation was generally and successfully introduced.\textsuperscript{14}

**Inter-Provincial Disparities**

There appeared a remarkable inequality among the various provinces in the organisation and working of local institutions. Even in the Bombay Presidency, where the greatest advance was made, it left much to be desired.\textsuperscript{15} The Resolution of 1881 claimed that "Considerable progress--- had been made since 1870. Municipalities had also increased in number and usefulness. But there was still a greater inequality of progress in different parts of country than varying local circumstances seemed to warrant."\textsuperscript{16} Lord Ripon provided much needed impetus to local self government.
By 1880 the local self government was put in Calcutta and Bombay and in a few towns of Central and North-Western provinces. Elsewhere, control was firmly in the hands of the government. Much of the mechanism of modern English local government was evolved in India in the 1880's which also saw the dawn of representative local institutions.

2. DEVELOPMENTS BETWEEN 1882 AND 1919

This period was marked by the devolution of powers to the provinces and the local bodies. It was marked by Lord Ripons Resolution, recommendation of the Decentralization Commission and the constitutional reforms of 1915. In order to better comprehend the nature of these developments it is essential to discuss them under the following sub-heads: (1) Ripon's Resolution; (2) Reform Measures of 1896-97; (3) Montague Chelmsford Reforms; (4) Necessity for the Devolution of Powers; (5) Recommendations of Decentralization Commission; (6) 1915 Resolution; and (7) Reiterating Ripon's Policy.

Ripon's Resolution

Lord Ripon regarded the reform and rejuvenation of local government as the greatest achievement of his Vice-royalty. He is regarded as the father of local self-government. The general principles of local representative institutions were set out in Lord Ripon's Resolutions (May 18, 1882) on Local Self Government. The resolution was primarily intended as an instrument of political and popular education. Lord Ripon was of the view that as local knowledge
and local interests were brought to bear more freely upon local administration, improved efficiency was sure to follow. In order to get rid of increasing burden and over-work in government departments he induced the people to undertake the management of their own affairs and to develop or create, if need be, a capacity for self-help in respect of all those matters that were not to be retained by the Government.

The Local Boards were to be developed throughout the country. The smallest administrative unit (taluka or tehsil) was suggested as the area of their jurisdiction. The District Boards were to be set up with certain controlling powers. The Resolution laid down that in no case the official members should be more than one-third of the total. As regards the selection of non-official members, the Governor-General recommended the adoption of a system of election. Non-official persons were to act as Chairmen of Local Boards. Though the Government was empowered to revise and check the act of local bodies, nevertheless it could not dictate them.

The Resolution, the Magna Carta of municipal administration in India, indicated the sincerity and determination on the part of Lord Ripon to carry out the objective in view. It clearly pointed out the nature of obstacles to be faced in the practical application of the principle and suggested methods for overcoming them. Nothing substantial could be added through resolutions and pronouncements issued latter on.
Many Acts were passed in various provinces to give effect to the policy. Every municipal council was permitted to elect non-official chairman and members. Arrangements were made to increase the financial resources and responsibilities of the councils. All the same, the executive control was still retained by the government.

Reform Measures of 1896–97

During the Vice-royalty of Lord Elgin, the Government of India again reviewed the working of the legislation regarding the municipal administration. Two resolutions were passed: one on October 24, 1896 and the other on August 20, 1897 in order to improve the general functioning of the municipalities.

The Moral and Material Progress Report of 1890 observed “Municipalities do more for the benefit of their citizens under the heads water supply, hospital, vaccination, drainage etc. than was done before by government offices. The committees evince diligence and public spirit in the performance of their duties." The Government of India Resolution, 1918, underlined the fact that there was little enthusiasm about further development of the system and the progress on the whole, was slow. It was rapid in the great towns, but lagged behind over the country at large.

The principles enunciated by Lord Ripon were thought to be ahead of time. The provincial Governments whittled them
down and the district officers and their subordinates whittled them
down still further. Election was introduced but without universal
franchise. In practice, the official Chairmen were still retained.
Financial autonomy was not conceded to the local bodies. Hence
the policy of local self government started by Lord Ripon did not
achieve the requisite success.

Montague - Chelmsford Reforms

The Montague Chelmsford Report, 1918 concluded that the
hopes reposed in these bodies were not fulfilled. The avowed policy
of directing the growth of local self government, from without,
was sacrificed. The presence of an official element on the boards
was prolonged beyond the necessary time limit and this impeded
the growth of local initiative and responsibility. Chelmsford
and Montague observed, "the educative principle has been subordinated
to the desire for more immediate results. The broad facts remain
that over thirty years the progress in developing a genuine local
self-government was adequate in the greater part of India." 23

Indian Statutory Commission observed further that the custom
of the country, together with natural reluctance of an over-worked
official combined to prevent real and substantial progress being
made in political and popular education in the art of self-government. 24

The Resolution of Lord Ripon and his reforms "were accorded
a warm welcome by the stratum of Indian society. Leaders of the
eminence of S.N. Banerjee, G.K. Gokhale, Phirozeshah Mehta and Raja Pari Mohan Mukerji were in full agreement with a policy of approaching national self government through the education of Indian electorate."

Necessity for the Devolution of Powers

Towards the end of 19th century the progress in municipal self government suffered a serious set-back. Lord Curzon had preference for excessive centralisation. He discouraged the schemes of local self-government and did not like to "sacrifice efficiency in the present for efficiency and freedom in future." The Royal Commission was appointed in 1907. Popularly known as Decentralisation Commission, its report was published in 1908. Gokhale observed "The only remedy lies in carrying a substantial measure of decentralisation down to villages and in building up local self-government from there. Village Panchayat must be created. Local and municipal boards must be made really popular bodies and large resources than they command at present made available to them."

The Calcutta Congress (1906) resolution read as "Powers of local and municipal bodies should be extended and official control over them should not be more than what is exercised by local government board in England over similar bodies."

Recommendations of Decentralisation Commission

Some of the most important recommendations of the Commission regarding the municipal government were:
(1) Village should be made the basic unit of local self-government structure;

(2) Establishment of sub-district boards (one in each taluka and tehsil) with their own resources and clearcut sphere of duty was emphasised;

(3) A Municipal Council should ordinarily contain a significant elected majority, nominees being only in sufficient proportion to provide for due representation of minorities and official experience,

(4) Municipalities should be given full powers in regard to taxation within limits of specific laws and should have complete control over their budgets; and

(5) Outside control over local bodies should be in the form of advice and encouragement rather than dictation.

After a long period of 6 years Lord Hardinge's Government issued a resolution on 28th April 1915 accepting the main proposals of the Commission. 29

The 1915 Resolution

This Resolution stated that the results on the whole justified the policy out of which local self-government arose. The degree of success varied from province to province. There was definite and satisfactory evidence of growth and a feeling of good citizenship. 30 However, the obstacles in the way of realising the ideals were by no means inconsiderable. These were 31
(a) Smallness and inelasticity of local revenues;
(b) Difficulty of devising newer forms of taxation;
(c) Indifference towards public life;
(d) Unwillingness to submit to the troubles, expenses and inconveniences of education; and others.

Hence, the Government of India favoured a general policy of further progress and laid down that the municipal boards should:

(i) ordinarily be constituted on the basis of substantial elective majority;
(ii) usually have an elected non-official chairman;
(iii) tax within the limits fixed by law;
(iv) have a free hand on their budgets; and
(v) have a relaxed outside control over their establishments.32

However, the policy and proposals enunciated in the 1915 Resolution became outdated because of swift pace of political events. On August 20, 1917, the House of Commons resolved that "the policy of His Majesty's Government, was that of increasing the association of Indians in the every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire."33
Reiterating Ripon's Policy

The Government of India issued fresh resolution (May 16, 1918) reiterating Lord Ripon's policy that the object of local self-government is to retain the people in the management of their own local affairs and that political education of this sort must, in the main, take precedence to the consideration of departmental efficiency. The Resolution made the following proposals:

(i) There should be substantial elective majority both in municipalities and rural board; (ii) The electorate should be increased by lowering the franchise qualifications considerably so as to make the boards really representative of the body of rate payers; (iii) The Chairman should be elected non-official; (iv) The powers of taxation as suggested by the Decentralisation Commission were generally accepted; (v) In case a municipal or rural board had to pay for a service it should control it. The services controlled by the government were made provincial; (vi) The authorities should retain the powers of superseding the resolution taking necessary action in default or even dissolving the local body in certain cases; (vii) The resolution favoured the establishment of village Panchayats on the lines suggested by the Decentralisation Commission; and (viii) That except with regard to the principal executive or expert officers, outside their control, the local government should lay down general rules in respect of leave, allowances and salaries.
The Resolution reflected the view that responsible institutions will not be viable and firmly rooted until they are broad based and that the best school of political education is the intelligent exercise of the vote and efficient use of administrative power in the field of local self-government. 36

3. THE PERIOD BETWEEN 1919 AND 1935

The Government of India Act 1919 provided partial autonomy to the provinces. The new enactments made the local bodies entirely elective. The chairmanship was restricted to non-official. Greater powers and autonomy was conferred on them. The provinces were left entirely free in the sphere of local government administration. Undoubtedly, this resulted in diverse enactments in the provinces but all followed a common pattern as far as constitution, functions and powers were concerned. There was more specific demarcation and reservation of tax powers.

The Government of India Act 1919 laid down the schedule of taxes. This had not merely enlarged the effective sphere of taxation, but enabled the local bodies to feel relatively independent. 37

The Provincial Municipal Acts

Assam Municipal Act, 1923, brought the municipal administration of the province in line with that prevailing in other parts of the country. In Bengal Local Statutory Rules and Orders (1924) introduced some additional changes in elective principles and enlarge-
ment of powers provided in Bengal Act (1914). Bengal Municipal Act (1932) made provision for appointment of executive officers in a municipality when required by the Government. In Bombay in 1920, the provincial government liberalised the constitution of municipalities to the extent possible under the provision of District Municipal Act 1901.

The Government of Bombay passed executive orders to take the following measures:

(a) enfranchisement of considerably large portion of the population by reducing the qualifying tax;
(b) increase in the number of councillors;
(c) nominated councillors to be one-fifth of the total members;
(d) adoption, as far as local conditions permit, of the system of multiple seated constituencies with a cumulative right of voting;
(d) empowering the municipalities to elect their own presidents.

Bombay City Municipalities Act (1925) proved to be a definite advancement in the development of municipal administration.

In Bihar and Orissa, the Bengal Municipal Act 1884 was replaced by Bihar and Orissa Municipal Act 1922. The Act provided for the recall of a municipal member, if three-fourths of the registered electors of any ward submitted representation to the Provincial Governments.
The Madras Act V of 1920 extended the franchise to all rate payers including women. The councils were free to choose their chairmen and to prepare their budgets. Amendment Act 1920 abolished the system of nomination but seats were reserved for minority communities. The Amendment Act 1933 empowered the Government to appoint commissioners as executive officers in big municipalities and in other municipalities as well if found desirable.

Central Provinces and Berar Municipalities Act 1922 made provision for the election of one-fifth of the members by rate payers and for the selection of another one-fifth by the elected and nominated members. Elections were to be held every fifth year. The Punjab Municipal Act (1911) was amended in 1920. Franchise was lowered and powers of the council were increased. The U.P. Municipalities Act (1916) liberalised the Municipal constitution, made provision for community representation—relaxed the governmental control over municipal finances and budgets, and made certain minor changes in numerous matters of routine.

Thus the period of reformation witnessed several provincial municipal legislations. In Madras, upto 1925, ten official and six non-official bills relating to both rural and urban local bodies were introduced. The figures for Bombay were sixteen and thirteen respectively for the same period. The Bengal legislature deliberated upon four official and fifteen non-official bills during 1924-26. As many as 211 questions were raised in M.P. legislature during 1921-27 on matters relating to local bodies.
The people evinced keen interests both in election to local bodies and in the work performed by them. Pt. Nehru, writing about the working of municipal boards, said, "The main interest of the government in municipal administration is that 'politics' should be kept out. Any resolution of sympathy with national movement is frowned upon, text books which might have a nationalist flavour are not permitted in municipal schools, even pictures of national leaders are not allowed there."\(^{44}\)

The Government and the British officials made efforts to foster municipal institutions but later on became indifferent. Pt. Nehru wrote, "Year after year Government resolutions and officials and some newspapers criticise municipalities and local boards and point out their many failings. And from this the moral is drawn that democratic institutions are not suited to India. Their failings are obvious enough but little attention is paid to the framework within which they have to function. This framework is neither democratic nor autocratic. It is a cross between the two, and has the disadvantages of both."\(^{45}\) The observations made by the Local Self Government Committee appointed by U.P. Government in 1939 to review the working of municipal boards from 1916 to 1936 seem to be quite pertinent in this respect. "We do not deny that record of non-official boards in many respects have been comparatively better and more creditable than of boards during official regime. At the same time we have to admit that owing to the inherent defects of the constitution under which local bodies have been forced to work, the latter have not attained the required standard of
efficiency, with the result that in many cases the working of municipal and district boards have become synonymous with intrigue, incompetence and bankruptcy. 45

4. THE PERIOD BETWEEN 1935-1947

The Government of India Act, 1935 and the Provincial Autonomy in 1937 provided new impetus to the local self-government both in urban and rural spheres. Municipal Acts were amended and State governments appointed committees to enquire into the working of municipal institutions and gave effect to their recommendations. Local Self Government Committees were appointed in M.P. (1935), in Bombay (1939) and in the United Provinces (1939) to examine the whole structure and to make recommendations for reforms. Subsequently changes were made in the municipal laws of various provinces. Quite a few Amendment Acts were passed in order to improve the constitution, functions and finance of municipal boards.

The Bengal Municipal Act (1932) was amended in 1936 and 1947. Bihar and Orissa Municipal Act (1922) was amended in 1930, 1933, 1936 and 1939. The Bombay Act (1901) was amended in 1932, 1933 and 1939. The Bombay Borough Municipalities Act (1925) was also amended in 1938, 1939, 1944 and 1947. The abolition of nominations, reservation of seats for women and backward classes and giving the option to Muslims to decline themselves in favour of electorates formed the cardinal features of the Acts. The Madras Acts (1930 and 1933) abolished the nominations and enlarged powers
of the councils. Minor amendments were affected in 1945 and 1947. Amendment Acts were enacted in M.P. in 1934, 1939, 1941, 1945 and 1947.

These amendments resulted in significant improvements. President was directly elected and became the Chief Executive Officer. In United Provinces, Amendment Acts were passed in 1932, 1933, 1934, 1935, 1936, 1937, 1939, 1940, 1942, 1943, 1945 and 1949. The last one provided for adult franchise, direct election of the President and better representation of minority communities. The Government was given powers to levy tax hitherto not imposed.

The progress of local self-government slowed down during the 1940's till the return of popular ministers in 1946. Abolition of nominations, extension of franchise, direct election of the chairman, representation to minorities may be taken as significant developments during this period.

5. DEVELOPMENT OF MUNICIPAL GOVERNMENT AFTER INDEPENDENCE

After Independence there was rapid increase in urban population due to rural-urban transfer and displaced persons from Pakistan. The local bodies had to provide urban amenities to a much larger population. However, there is no mention of the local self-government in the constitution. Some of the items which belong to the local bodies are included in the second list. The schedule of taxes
recommended under the Mantague Chelmsford Reforms is included in the State list of the constitution.

Wattal Committee

The Government of India appointed the Local Finance Enquiry Committee under the chairmanship of P.K. Wattal. The Committee recommended that the following taxes be given to local bodies: Taxes on lands, buildings and mineral rights; Terminal taxes on goods and passengers and road tax; Electricity tax; Advertisement and entertainment taxes; Taxes on vehicles, animals and boats; Employment and establishment tax; and capitation tax; and toll.

The First Taxation Enquiry Commission (1953-54) recommended utilisation of some taxes by local bodies. In addition the Commission recommended a new tax on transfer of property along with the stamp duty collected by the State Government. The Commission recommended grants-in-aid to local bodies rather than share in taxes. The proceeds from motor vehicle tax and land revenue were allowed to be shared. Not less than one-fourth of the proceeds from the motor vehicle tax was to be distributed to the local bodies, specially Municipalities and District Boards.47

The Central Council

The Central Council of Local Self Government with the Union Minister for Health as Chairman and State Ministers of Local
Self Government and Panchayat as members was constituted in 1954. Its functions are inter-alia to consider and recommend the policy guidelines in matters related to local self government and to draw up common programme of action and to coordinate information on local self government matters.

Thus it can be concluded that the institutions somewhat similar to modern municipalities existed in ancient India. The tradition endured through the Mauryan and the Gupta periods of Indian history but dwindled later on. Though Britishers tried to evolve the municipalities on the English pattern yet failed in their earlier attempts. Ripon's resolution marked the first real step forward in the experiment of grafting upon Indian soil a thoroughly European form of local self government. Early municipal boards were wholly nominated bodies. The system of election was introduced gradually in stages.

Financial resources commanded by the municipal boards differed from one province to another. An attempt was made to earmark definite sources of revenue to the municipal boards in 1919, but the position was reversed by the Government of India Act 1935. One can conclude that an effective system of municipal government has not yet emerged in the country. The overall picture is one of confusion even after four decades of the Republic. There is lack of coordination, multiplicity of municipal governments, meagre financial resources and ineffective implementation.
MUNICIPALITIES IN U.P.

The municipal administration in U.P. evolved on identical lines as in the rest of the country during the ancient and mediaeval periods. Although municipalities were set up in Mussorie and Nainital in 1842 and 1845 respectively under the Municipalities Act 1842, yet the real municipal government began with the introduction of Municipalities Act, 1850. It took seventeen years to organise municipalities in Dehradun, Kanpur, Allahabad, Agra, Lucknow, Meerut and Varanasi. The Lucknow Municipal Act, (1864), The Punjab Act (1867), The N.W.P. Municipal Act (1873), N.W.P. and Oudh Municipalities Act are applicable to U.P. and have been introduced in the functioning, control and composition of municipal bodies.

As much as 80.7 percent of the total income of U.P. municipalities in 1894-95 came from taxes. Municipal properties (14.2%), special acts (2.0%), grant-in-aid (1.9%), miscellaneous and other means (1.2%) were the additional sources of income. Octroi constituted 81.6% of the total income. The per-capita incidence of municipal taxes was Rs.1.04. Water supply (25.5%), conservancy (19.7%), public safety (13.1%), public works (12.0%), general administration (10.6%) and public instruction (3.0%) were the main heads of expenditure.

The Oudh Municipalities Act (1900) introduced 'Notified Areas' for smaller towns and as a result the number of municipalities decreased from 103 in 1894-95 to 89 in 1907. The Account Code brought about order in the municipal accounts, streamlined octroi
administration and dispensed with police maintenance. Some changes were introduced by amendments in 1901 and 1907. The Committee appointed by the U.P. Govt. in 1907 recommended abolition of octroi and imposition of occupational as well as direct taxation in case of bigger municipalities.

The execution of trust deed by the municipalities of Lucknow, Allahabad and Kanpur in 1909 was another remarkable development. The U.P. Government carried out investigations into the sanitary conditions of the towns in 1908 and each municipality was provided with grants for acquiring land and implementing development plans.

The U.P. Municipalities Act (1916) was passed incorporating the recommendations of the Royal Commission on Decentralisation (1909) and the Resolution of Lord Hardinge's Government (1915). The Act, with certain amendments, continues to be the legal framework governing the municipalities in the State. This act incorporated the provisions of various earlier acts, and introduced many changes, such as an elected majority in every municipality, institution of a non-official chairman, separate representation for Hindus and Muslims, division of executive functions among the Board, its chairman and executive officers and nomination of not more than one-fifth of total members to represent special classes. The Board had a term of three years. Municipalities were made financially self-sufficient, progressive and efficient. The municipal board could levy, abolish or alter a tax with the sanction of the provincial govt.
The Government however, reserved the right of directing any board to impose a new tax or to modify or abolish any tax. A municipality could raise loans in the open market with the sanction of the government.

The Act came into force on July 1, 1916 allowing the boards to elect their chairman and relieving them of official control. Improvement Trusts Act (1919) and the appointment of A.G. Kher Committee (1937) had much impact on the municipal administration in U.P. Under the former, semi-autonomous Improvement Trusts were established in Kanpur and Lucknow (1919) and Allahabad (1920) for implementing schemes of city development.

The Kher Committee recommended inter alia, empowering the municipal boards to levy certain additional taxes. Its recommendations could not be implemented owing to the resignation of the Congress Ministry (1937) and intervention of the World War (1939).

The municipal administration did not improve and "unhealthy party frations, personal quarrels and intrigues continued to mar the administration" of some boards. The general standard in providing civic amenities continued to be lamentably low. Several municipal boards were put under supersession e.g. Agra (1943) and Lucknow (1945). In other KAVAL towns, voluntary resignations of presidents and members were secured. The U.P. Municipalities (Amended) Act (1949) put the KAVAL towns under official administrators. An idea of the number and composition of municipalities
and the pattern of their finances during 1899-1900 and 1946-47 may be had from Tables 1 to 5 (Appendix I-A).

After independence the number of municipalities in the province increased. The U.P. Municipalities Act (1916) was extended to Agra and Varanasi and corporations were established in five KAVAL towns. The Act (1949) incorporated some of the recommendations of Kher Committee and provided for adult suffrage, direct election of the president and enlarged functions of municipalities.

MUNICIPAL CORPORATIONS (MAHAPALIKAS) IN U.P.

In order to improve the local self-government administration in the state the Government of Uttar Pradesh replaced the municipal boards, improvement trusts and development boards (only in Kanpur) functioning in the KAVAL towns by the Mahapalikas in Feb. 1960. The Mahapalikas were given more financial powers to enable them to shoulder greater responsibilities and provide better civic amenities. The Corporation Draft Bill was passed by the state legislature in 1958 and received the assent of the President of India on January 22, 1959. The elections were held on 25th October, 1959 in all the KAVAL towns. The Act was amended from time to time and certain minor changes were introduced in respect of rights and responsibilities of various authorities of the corporation.

The area, number of wards and Sabhasads (members) has increased in these cities. The Act provides for permanent executives and elected office bearers to look after the work of the
corporations. The former includes Mukhya Nagar Adhikari, Upa-Nagar Adhikari, Sahayak Nagar Adhikari and Mukhya Lekha Prakshak while the latter includes Nagar Pramukh, Upa-Nagar Pramukh and Sabhasads. Purely discretionary powers of tax levying under the U.P. Municipalities Act (1916) have been made compulsory under the present Act. The activities of the Improvement Trusts have been entrusted to the development section of the corporation. The latter has been made responsible for the execution and implementation of general improvement, slum clearance, rehousing, street improvement, housing accommodation, city administration etc.  

The corporations have been empowered to levy some new taxes, viz., betterment tax, tax on transfer deeds of properties, theatre tax and advertisement tax. Their borrowing powers have also been enlarged. However, the working of the corporations has satisfied neither the employees nor the public. Kanpur Corporation could not pay salaries to its employees for eight months. Lucknow Corporation was declared bankrupt. Allahabad and Agra were facing financial crisis and Varanasi Corporation was living hand to mouth. As a result, the Government of U.P. dissolved the elected corporations with effect from Feb. 1, 1966 and appointed administrators. The elected representatives took over the administration of the corporations from the government appointed administrators in July 1968. These corporations were again dissolved with effect from July 1, 1973 and administrators were appointed by the government. This arrangement continued till the first week of Feb., 1989, when
elected representatives again took over the administration of the corporation from the government appointed administrator.

In the next chapter an attempt has been made to discuss the organisation and constitution of the Varanasi Municipal Corporation, its deliberate and executive wings as well as the obligatory and discretionary functions.