Chapter -II

EVOLUTION OF MUNICIPAL GOVERNMENT IN INDIA

The concept of ‘Municipal Government’ in the shape of local government for the urban areas has a long history in India in as much as it has been in existence in India since the ancient times. Indeed, the institutions of municipal administration is not a new idea to the people of India as historical records give an evidence that organised urban life has been in existence in India since time immemorial. Although the municipal government has been in existence in ancient India, but municipal government in India of today owes very little to municipal government that existed in Ancient and Medieval India.

Municipal Government in Ancient and Medieval India:

The municipal administration in India has its origin in the Indus Valley Civilisation which was essentially urban in character. The excavations of Mohenjo-Daro and the Harappa of Indus Valley Civilisation bear the testimony to the existence of organised urban life in ancient times and they were amongst some of the oldest planned cities all over the world.¹

There are indications in the early literature especially in the Vedas, in the epics of Ramayana and Mahabharata, in the Upanishads and in the Jataka stories that there was a highly organized system of urban local government in Ancient India. Kautilya’s Arthasastra and Megasthenes too gave a vivid picture of local government of the Ancient India. It is mentioned in the Mahabharata that every town was manned by an officer and the officer was assisted by a team of his subordinates. In ‘Arthasastra’, Kautilya visualises a scheme of town administration specially designed to deal with the typical urban problems. Kautilya, in his scheme of city administration, mentions that the city administration was looked after by the mayor called ‘Nagaraka’ who was designated as the chief official of the city administration and he had to discharge many functions with regard to the day-to-day administration of city.

During the Gupta Period, the towns were gradually administered by a council called the ‘Parishad’ and there was a provision of having elected administrative officers who used to perform a pivotal role in the city administration.² Megasthenes, a Greek
writer, gave a description of the administration of a town in the third century before Christ. He gave an account of how the administration of cities like Pataliputra was administered. To him, the administration of the then cities like Pataliputra was administered by a ‘municipal board’ consisted of thirty members and divided into six committees. Each of these committees had five members to look after the city administration. The functions of these six committees\(^3\) are as under:

Firstly: The members of the first committee look after the development of craft and industries and fixed the wages of the workers and artisans and helped them, if need be;

Secondly: Those of the second attain to the entertainment of foreigners. To these they assign lodging and they keep watch over modes of life by means of those persons whom they assign to them for assistance. They escort them on the way when they leave the country, or in the event of their dying, forward their property to their relatives. They take care of them when they are sick, and if they die, bury them.

Thirdly: The third body consists of those who inquire when and how births and deaths occur, with the view not only of levying a tax, but also in order that births and deaths among both high and low may not escape the cognizance of government. In short, it keeps a record of births and deaths for the purpose of efficient administration and taxation;

Fourthly: The fourth class superintends trade and commerce. Its members have charge of checking weights and measures used by the traders and bringing the offenders to book. No one is allowed to deal in more than one kind of commodity unless he pays a double tax.

Fifthly: The fifth class supervises manufactured articles, which they sell by public notice. What is new is sold separately from what is old, and there is fine for mixing the together.

Sixthly: The sixth and last class consists of those who were responsible for collecting taxes on the sale of goods.
During Mughal rule also the system of local government was in existence in India. The administration of a town vested in an officer, called Kotwal, who had to perform many municipal functions besides exercising supreme authority in all magisterial, police and fiscal matters. The Kotwal was the city governor possessing powers and duties of the chief city police, magistrate and prefect of municipal administration. Abul Fazl’s [1551-1602] ‘Ain-i-Akbari’ gives an account of town life and administration of those days. “The appropriate person for this office should be vigorous, experienced, active, deliberate, patient, astute and humane. Through his watchfulness and night-patrolling the citizens should enjoy the repose of security, and the evil-disposed lie in the slough of non-existence. He should keep a register of houses and frequented roads and engage the citizens in a pledge of reciprocal assistance and bind them to a common participation of weal and woe. He should from a quarter by the union of a certain number of habitation, and name one of his intelligent subordinates for its superintendence and receive a daily report under his seal of those who enter or leave it and of whatever events therein occur. And he should appoint as a spy one among the obscure residents with whom the other should have no acquaintance, and keeping their reports in writing employ a heedful scrutiny. He should establish a separate Sarai and cause unknown arrivals to alight therein, and by the aid of diverse detectives take account of them. He should minutely observe the income and expenditure of the various classes of men and by a refined address make his vigilance reflect honour on his administration. Of every guild of artificers he should name one as guild master, and another as broker, by whose intelligence the business of purchase and sale should be conducted. From these also he should require frequent reports. He should see to the open thoroughfare of the streets and erect barriers at the entrances and secure freedom from defilement. When night is a little advanced, he should prohibit people from entering or leaving the city. He should set the idle to some handicraft. He should remove former grievances and forbid anyone from entering or leaving the city. He shall discover thieves and the goods they have stolen or be responsible for the loss. He should so direct that no one shall demand a tax or cess save on arms, elephants, horses, cattle, camels, sheep, goats and merchandise. In every subah a slight impost shall be levied at an appointed place. Old coin should be given in to be melted down or consigned to the treasury as bullion. He should suffer no alteration of value in the gold and silver coin of the realm, and its diminution by wear in circulation he shall recover to the amount of the deficiency. He should use his discretion in the
reduction of prices and not allow purchases to be made outside the city. The rich shall not take beyond what is necessary for their consumption. He shall examine the weights and make the seer not more or less than thirty dams. In the gaz hereinafter to be mentioned, he should permit neither decrease nor increase, and restrain the people from the making, the dispensing, the buying or selling of wine, but refrain from invading the privacy of domestic life. Of the property of a deceased or missing person who may have no heir, he shall take an inventory and keep it in his care. He should reserve separate ferries and wills for man and woman. He should appoint persons of respectable character to supply the public water courses, and prohibit women from riding on horseback. He should direct that no ox or buffalo, or horse or camel be slaughtered, and forbid the restriction of personal liberty and the selling of slaves. He should not suffer a woman to be burnt against her inclination, not a criminal deserving of death to be impaled, nor anyone to be circumcised under the age of twelve. Above this limit of age, the permission may be accorded. Religious enthusiasts, calendars and dishonest tradesmen he should expel or deter from their course of conduct; but he should be careful in this matter not a molest a good fearing recluse, or persecute barefooted wandering anchorites. He should allot separate quarters to butchers, hunters of animals, washers of the dead and sweepers, and restrain men from associating with such stony-hearted, gloomy-dispositional creatures. He shall amputate the hand of any who is the pot-companion of an executioner, and the finger of such as converse with his family. He should locate the cemetery outside of, and to the west, of the city."  

Municipal Government in British India:

Local government, though an old concept for Indians, in its present structure and style of functioning, it owes existence to the British rule in India. Neither the system of village self-government that prevailed in earlier times, nor the method of town government which was then in existence visualised the type of periodically elected representative government responsible to the electorate that had evolved in the west and was planted in India by the British Government. "Local self-government in India , in the sense of a representative organization, responsible to a body of electors, enjoying wide powers of administration and taxation and functioning both as a school for training in responsibility and as a vital link in the chain of organisms that make up the government of the country, is a British creation. The ancient village communities were constituted on a
narrow basis of hereditary privilege or caste closely restricted in the scope of their duties-
collection of revenue and protection of life and property were their main functions-and
were neither conscious instruments of political education nor important parts of the
administrative system." Local government in its modern structure and style of
functioning is more than three centuries old in India. It was in 1687, when, for the first
time in India, a municipal corporation was set up for the city of Madras. Though exotic,
the local government in India has a chequered history. Dr. S.R Maheshwari, in his book
"History of local government of India" has admirably summed up the history of the
evolution of local self-government in India during the British period. The book contains a
clear and concise account of local self-government in India. Dr. Maheshwari has
furnished a scheme of five periods of local self-government on the basis of certain aims
and purposes.

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Period</th>
<th>Aims and purposes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1687-1881</td>
<td>Local government was viewed and utilized to ease central and provincial finances and thus, to subserve imperial needs.</td>
</tr>
<tr>
<td>2</td>
<td>1882-1919</td>
<td>Local government began to be viewed as self-government.</td>
</tr>
<tr>
<td>3</td>
<td>1920-1937</td>
<td>Local government came within the jurisdiction of provinces and, further, was transferred to popular control.</td>
</tr>
<tr>
<td>4</td>
<td>1938-1949</td>
<td>Local government was in a state of repair and reconstruction.</td>
</tr>
<tr>
<td>5</td>
<td>1950-present day</td>
<td>Local government has been keyed to the requirements of the constitution.</td>
</tr>
</tbody>
</table>

**Table: 2.1**

**Showing the Periods along with Aims and Purposes in the Evolution of Municipal Government in India**

**Period-I [1687 – 1881]:**

The first stage in the evolution of municipal government in India commenced in
1687 and continued up to 1881, that is, the stage covers a long period of around 200
years. This stage began with the setting up of a municipal corporation in Madras in 1687. Madras was the first city to have a local government set up under a Charter, dated December, 30, 1687 issued by the Company. It was modelled after similar institutions
then in vogue in Britain and clothed with the power to levy specified taxes. The corporation consisted of a mayor, alderman, and burgesses who were empowered to levy taxes for constructing a guildhall, a jail and a building for a school, for such further ornaments and edifices as shall be thought convenient for the honour, interest, ornaments, security and defence of the corporation and inhabitants and for the payments of salaries of the municipal personnel including a school master. The municipal corporation was set up because the East India Company believed that the people would willingly pay “five shilling for the public good, being taxed by themselves, than six pence raised by our despotical power.” The people, however, resisted taxation to the utmost. In 1726, the municipal corporation replaced by a mayor’s court, which was more a judicial body than an administrative one. The evolution of local government in India had to wait until 1793 when it acquired a statutory base. The charter Act of 1793, established municipal administration in the three presidency towns of Madras, Calcutta and Bombay, by authorizing the Governor-General of India to appoint Justices of the Peace in these three towns. These Justices of Peace were authorized to levy taxes on houses and lands to provide for scavenging, police and maintenance of roads. The municipal administration was extended to the district towns in Bengal in 1842 when the Bengal Act was passed, which enabled the setting up of a town committee for sanitary purposes upon applications made by two-thirds of house-holders in a town. This Act, however, proved to be an abortive attempt. As the taxation was to be direct, it encountered resistance everywhere. As the setting up of a municipality was an entirely voluntary, no town came forward to ask for it.

“The Bengal Act of 1842 was far in advance of the times. Based upon the voluntary principle, it could take effect in no place except on the application of two-thirds of the house-holders and the taxation enforceable under it was of a direct character, the law nowhere met with popular acceptance. It was only introduced into one town, and there the inhabitants, when called on to pay the tax, not only refused, but prosecuted the collector for trespass when he attempted to levy it.” 8 In 1850, an Act was passed for the entire country and it, unlike the earlier statutes, provided for indirect taxation to which people had been accustomed since times immemorial.
A fresh impetus to the growth of local government came in 1863 when the Royal Army Sanitary Commission expressed its concern, among others, over the filthy conditions of towns in India. As a result, a series of Acts were passed, which extended municipal administration to the various parts of the country. Voluntarism which was hitherto the basic principle in setting up local government in India was now abandoned when the provincial governments were empowered to constitute municipal committees charged with the responsibility for sanitation, lighting and water supply.

The year 1870 marks a further improvement in the evolution of local government. In that year Lord Mayo’s Famous resolution which advocated a measure of decentralization from the centre of the provinces, emphasized the desirability of associating Indians in administration, and indicated the municipal government as the most promising field for this purpose. The resolution said that it will afford opportunities for the development of self-government, for strengthening municipal institutions and for the association of natives and Europeans to greater extent than here-to-fore in the administration of affairs. The resolution embodies the first systematic attempt to make provincial governments responsible for the management of their own local finances. It was hoped that the operation of this resolution in its full meaning and integrity would afford opportunities for the development of self-government, for strengthening municipal institutions for the association of natives and Europeans to greater extent than here forth in the administration of local affairs. The main features of this period are:

1. Local government in India was introduced primarily to serve the British interests rather than promote self-governing bodies in the country. The Taxation Enquiry Commission [1953-54] correctly points out: “It was the need for the association of Indians with administration [in order, for one thing, that taxes could be more readily imposed and collected] that prompted the early British Indian administration to embark on the introduction of local self-governing institutions in this country. The resolution of Lord Mayo [1870] on financial decentralization also visualised the development of local self-government institutions; but this was subordinate to the need for tapping local sources of revenue and of effecting economy by decentralized administration.”

9
Chapter –II

Evolution of Municipal....

2. Local government institutions were dominated by the British and, thus, most of the Indian population remained deprived of participation in their functioning.

3. The dominant motive behind the institution of local government in India was to give relief to the Imperial finances.

4. Election as the basic of membership of local bodies was not introduced except in the (old) Central provinces. It may be pointed out that in 1881, four out of every five municipalities were wholly nominated bodies.

Period-II [1882-1919]:

The second stage begins in the year 1882 and continues up to 1919. This stage marks a new era in the development of municipal government in India. Because, previous to 1882, on the one hand the institution of local government was basically development as a convenient device to effect improvements in administration and on the other hand, it was developed to raise necessary resources to finance the local services. In fact, previous to 1882, local government was totally non-Indian and had languished in default of active sympathy from above and therefore, from the Indian points of view, local government was, to a great extent, neither ‘local’ nor ‘self-government’. Meanwhile, political consciousness was gradually spreading among Indians, giving rise to new aspirations.

What with his innate liberalism and what with to satisfy public opinion, Lord Ripon, [1880-1884] who succeeded Lord Mayo [1869-1872] as the Governor-General in India, resolved in 1882 to make local government self-governing. He was eager to associate non-official Indians with administration. The measures adopted by him led to the establishment of district boards. To him, local government was predominantly, ‘an instrument of political and popular education.’ The resolution embodying this doctrine has been hailed as the Magna Charta and Lord Ripon, its author, as the father of local self-government in India. A document of such historic importance is worth quoting.

“In advocating the extension of local self-government and the adoption of this principle in the management of many branches of local affairs, the Governor-General in Council does not suppose that the work will be, in the first instance, better done than it is remained in the sole hands of the government district officers. It is not primarily with a
view to improvement in administration that this measure is put forward and supported. It is chiefly desirable as an instrument of political and popular education. His Excellency-in-council has himself no doubt that in course of time, as local knowledge and local interest are brought to bear more freely upon local administration, improved efficiency will in fact follow. But at starting, there will doubtless be many failures, calculated to discourage exaggerated hopes, and even in some cases, to cast, apparent discredit upon the practice of self-government itself. If, however, the officers of government only set themselves, as the Governor-General in Council believes they will, to foster sedulously the small beginnings of the independent political life, if they accept loyally and as their own the policy of the government and if they come to realise that the system really opens to them fairer field for the autocratic system which it supersedes, then it may be hoped that the period of failures will be short and that real and substantial progress will very soon become manifest.”

Lord Ripon sought to revolutionise the basic approach to local self-government. The visionary Viceroy deprecated the earlier approach and instead, advocated the extension of the local self-government, primarily as an institution of political and popular education. Lord Ripon’s resolution published on May 18 of 1882 enunciated the following principles which were henceforth to inform and guide local government in India:

1. Local bodies should have mostly elected non-governmental members and chairman.

2. The state control over local bodies should be indirect rather than direct.

3. These bodies must be endowed with adequate financial resources to carry out their functions. To this end, certain sources of local revenue should be made available to the local bodies which should also receive suitable grants from the provincial budget.

4. Local government personnel should operate under the administrative control of the local bodies. The government personnel who are deputed to the local government must be treated as employees of the local government and subject to its control.
5. The resolution of 1882 should be interpreted by the provincial governments according to the local conditions prevalent in the provinces.

6. The implementation of the recommendation should be according to local needs.

Surendranath Banerjea, the doyen of Indian nationalism commented in 1882 “I regard the concession of local self-government as the prelude, the precursor of national imperial self-government.”¹¹ This resolution led to the passage of new acts in various provinces. But the bureaucracy was too strong and well entrenched; and it succeeded admirably in frustrating Ripon’s intentions. The reforms proposed by Lord Ripon were significantly whittled down by the provinces which enjoyed the freedom to interpret the resolution according to local conditions. Also, Lord Ripon was succeeded by viceroys who locked his liberalism and who were not prepared to put political education above administrative efficiency.

Lord Ripon’s Resolution of 1882 was the first sincere effort to indianise the local self-government. The Viceroy recognised that the new freedom would mean a sacrifice of efficiency, but he believed that this need not be permanent: he emphasised that the cooperation of the official world was essential in fostering the growth of a responsible spirit in local bodies. He was no doctrinaire disciple of the ballot box, he was desirous in fact to revive and extend the indigenous system of the country and to make full use of what remains of the village system. Lord Ripon regarded the reform and rejuvenation of the local self-government as the greatest achievement of his viceroyalty. But even in this sphere he was not able entirely to press through his plans to a successful conclusion. The actual implementation was only half-hearted and achieved little success. The reason for the poor progress of local government even after the resolution of Lord Ripon may be elucidated as under:

➢ **Hostile Bureaucracy:**

The attitude of the British bureaucracy was hostile to the proposals for strengthening the local government institutions. Lord Ripon fully understood the attitude of the bureaucracy, for he wrote to Gladstone, “India is governed by a bureaucracy which though I sincerely believe it to be the best that the world has never seen, has still the faults and dangers which belong to every institution of that kind; among these faults are
Chapter –II

Evolution of Municipal….

conspicuously a jealously of allowing non-officials to interfere in any way whatever, with any portion, however restricted, of the administration of the country”.

- **Poor enthusiasm by the Provincial Governments:**

  Both the central government and the provincial governments were not enthusiastic towards the implementation of the Lord Ripon’s Resolution. Provincial government lacked the spirit of liberalism shown by Ripon. “The proposals were thought to be in advance of the time and the provincial government whittled them down in the course of giving legislative effect to them. In day-to-day administration, the district officers and their subordinates whittled them still further”.

- **Disinterested Successors of Ripon:**

  A big reason of the poor progress of the local self-government after Lord Ripon is considered to be the lukewarm attitude of the viceroys. Men like Lord Curzon, who came after Ripon, were the enemies of local self-government and hence goodwill of Ripon could not improve situation. According to another view, ‘most of the proposals remained in cold storage, because the successors of Lord Ripon considered them too radical to be implemented’.

- **Unfruitful election system:**

  Elections to the municipalities, whenever introduced, failed to attract capable and responsible persons. The system of election further suffered due to the non-adoption of the system of secret ballot. Moreover, at places, the elections took the communal turn. Thus, the unfruitful and defective election system led to the failure of Lord Ripon’s Resolution of 1882.

- **Paucity of Finances:**

  Apart from the indifferent attitude of bureaucracy and government, adequate finances were not placed at the disposal of local bodies. This was one of the biggest hurdles in the way of healthy growth of local bodies in India. In this connection, even the direct orders of Ripon met with great fiasco. The finances disposed for civic amenities or welfare functions were either nil or negligible.
Chapter -II

Evolution of Municipal....

➤ Strict Government control:

The local bodies always worked under the strict and rigid control from the above. Government exercised full control over the budget and finances of these bodies. It also had full authority to suspend or supersede the local bodies or to suspend their resolution. Moreover, in their day-to-day functioning, there was rigorous control and interference of the official element. The district officer had the tendency to reign and never spared these institutions.

As far as the positive implementation is concerned, local bodies came to be established throughout the country. But as was expected, these bodies too functioned as agencies of the higher government. The district officer was everywhere the dominant factor and it would not be exaggerated to say that up to 1914, the bodies were ruled by revenue considerations rather than the needs of the people. But, on the whole, it can be said that in spite of its poor implementation, the resolution passed by Lord Ripon opened new vistas. The most significant features of this policy was the remarkable shift in the approach to the problem and which provided a strong foundation for the development of local self-government in India. Ripon’s resolution continued to light the path for the development of local self-government in India till 1947.

Another significant factor in the history of the development of the local government in India was the publication of the report of Royal commission upon Decentralisation in 1909. The Commission was appointed on September, 1907 and was presided over by C. E. H. Hobhouse, submitted its report in 1909. The Commission attributed the weak progress of local institutions to the excessive official control, narrow franchise, meagre resources, lack of education and training and shortage of capable and committed persons. The commission recommended that the municipal chairman should be an elected non-official. With an eye to increasing devolution of power and gradual democratisation of the local bodies, the Commission made the following principal recommendations:

1. The village should be regarded as the basic unit of local self-government institutions and every village should have a panchayat.
2. Municipalities should be constituted in urban areas-classified on population basis; while larger municipalities to have greater powers, the small ones should be administered on same lines and might be styled as town-panhayats.

3. There should be a substantial majority of elected members in the local bodies.

4. The municipality should elect its own president, but the district collector should continue to be the president of the district local board.

5. Municipalities should be given the necessary authority to determine the taxes and to prepare their budgets after keeping a minimum reserve fund. The government should give grants for public works like water-supply, drainage schemes, etc.

6. The bigger cities should have the services of a full-time nominated officer. Local bodies should enjoy full control over the employees, keeping certain minimum safeguards for the security of service.

7. Control over municipalities should be positive and limited only to advice, suggestions and audit. However, control over municipalities, power to raising local loans should continue as that over sale of municipal property.

8. The government control over the municipal powers of raising local loan should continue and the prior sanction of the government should be obtained for lease or sale of municipal properties.

9. The responsibility for primary education should rest with the municipality and, if it so desires and, if resources permit, it may spend some amount on secondary schools also.

Major recommendations of the Commission were accepted in principle by the Government of India. Despite, during the next few years not much was done for strengthening of the local government institutions, particularly due to the outbreak of the First Great War. The period following the World War is marked by the passing of another
resolution, that is, Government of India Resolution of 1918. The Government of India Resolution was very close to the Ripon’s Resolution in its character and contents. The Resolution reads: “The duties of local bodies cover most of the activities upon which the essential welfare of the country depends. In the development of these interests, the self-government of the country will secure a very real and important advance, and it is on the increased experience to be gained in administration of local civic affairs that the country must, to a large degree, rely for the expansion of its self-dependence in the sphere of Central Government”. The resolution re-affirmed that the object of self-government is to train the people in the management of their own local affairs and the political education of this sort must in the main take precedence on consideration of departmental efficiency. It follows from this that local bodies should be as representative as possible of the people whose affairs they are called upon to administer, that their authority in the matter entrusted should be real and not nominal and that they should not be subjected to unnecessary control, should learn by making mistakes and profiting by them. The Resolution, thus, contained the following points:

1. Panchayats should be revived in the villages;

2. Local bodies should contain a large elective majority and the chairman should be non-official;

3. Local government should be made broad – based by suitably extending the franchise;

4. The president of the local body should be a member of the public and elective, rather than nominated;

5. Local bodies should be allowed freedom in the preparation of the budget, the imposition of taxes and sanction of works; and

6. In larger municipalities and district boards, appointment of special executive officer was recommended.
Period-III [1920-1937]:

The national movement for independence started gaining momentum causing anxiety to both Government in Britain and India. With the outbreak of the first Great War [1914-18], the British Government felt it necessary to gain support and co-operation from the people in India. The British Government ultimately came out with the historic announcement to seek increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India. This announcement marked the end of one epoch in India and the beginning of a new one. The Government of India Act of 1919 was enforced in 1920 to lead the country towards this goal. A beginning in responsible government was made in the provinces by introducing a dyarchical system of government. Certain functions which were of developmental nature like local self-government, co-operation agriculture, etc. were transferred to the control of the popularly elected ministers who were responsible to the legislature and elected on a wider franchise. The Government of India Act of 1919, thus, inaugurated an era of new interest and activity in the field of local government. This period witnessed a series of amending Acts on local government in every province. The practise of having a civil servant as the president disappeared from all municipal bodies and from a number, though not from all, of district or local boards. The franchise was further democratized; the local bodies were freed from many restrictions in respect of preparation of budget; and, finally, the executive direction passed into the hands of the elected members of the public. Men like Jawaharlal Nehru, Sardar Vallabhbhai Patel and Purshottam Das Tendon entered the municipal councils and gained insight into the functioning of democratic institutions.

Thus, the local government was set to move in the direction of democracy. Simultaneously with a measure of democratization of local government there occurred a gradual but unmistakable decline in efficiency in administration of local affairs. Corruption increased, favouritism and nepotism became rather rampant, the local civil service came under the influence of the local politicians and even started working for them and as a consequence jobbery in municipal appointments increased. Jawaharlal Nehru, who was chairman of the Allahabad municipal board in 1924 and 1925 thus wrote about his experiences of the working of local government in India: "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.”

He continues: “whatever the reasons, the fact remains that our local bodies are
not, as a rule, shining examples of success and efficiency though they might, even so,
compare with some municipalities in advanced democratic countries. They are not usually
corrupt, they are just inefficient and their weak point is nepotism, and their perspectives
are all wrong. All this is natural enough; for democracy, to be successful, must have a
background of informed public opinion and a sense of responsibility. Instead, we have an
all-pervading atmosphere of authoritarianism, and the accompaniments of democracy are
lacking. There is no mass educational system, no effort to build up public opinion based
on knowledge. Inevitably public attention turns to personal or communal or other petty
issues.”

A most penetrating analysis of the functioning of this first experiment in self-government
in India was also made by the Indian statutory Commission [the Simon-Commission] in
1930.

Period-IV [1937-1949] :

The inauguration of Provincial Autonomy under the Government of India Act of
1935 gave further impetus to the development of municipal government in India. In other
words, with the enforcement [only the provincial part was enforced] in 1937, of
Government of India Act 1935, the dyarchic system of government at the provincial level
was replaced by provincial autonomy. The Act abolished the system of diarchy and
introduced popular governments in the provinces. The national movement for
independence was also reaching new proportions. With the growing strength of the
national movement and the achievement of the provincial autonomy, the local
government in India ceased to be a mere experimental station of self-government , it
became, indeed , the constituent part of self-government for the country as a whole .
Although the local government succeeded in acquiring by now a new and stable base, the
deficiencies and drawbacks from which it was suffering were too vivid and serious to
remain unidentified, undiagnosed and even unverified. During this period provinces
launched investigations into local government bodies with a view to making them apt
institutions for conducting local affairs. The central provinces set up an enquiry committee in 1935, the United Provinces in 1938 and Bombay in 1939. Although the recommendations of the municipal enquiry committees were unevenly carried out in various provinces, there was a definite trend towards democratization of local government—

(a) by further lowering of the franchise and abolition of the system of nominations;
and
(b) by the separation of deliberative functions from executive ones.

The independence of the country in 1947 ushered in a new period in the history of local government in India. With the termination of alien rule there was self-government at all the levels, namely: central, provincial and local. The local government was, thus, enabled to function for the first time under an atmosphere of national independence. In 1948 the ministers of local self-government in the provinces met under the chairmanship of the Central Minister for Health. This was the first meeting of its kind. Amrit Kaur, the minister for Health, and chairman of the conference, observed: “I believe this is the first time that the government of India has called a conference...Apparently, no conference of those responsible for local self-government has been called so far because the subject falls entirely within the provincial sphere. At the same time the subject of local self-government is of such vital importance to the general well-being of the people that I felt it would be definitely beneficial if a forum could be provided where those responsible for this important arm of the administration all over India could meet together periodically, exchange ideas and discuss problems of common interest.” Jawaharlal Nehru who inaugurated the conference expounded the vital role of local government in free India. He remarked: “Local self-government is and must be the basis of any true system of democracy. We have got rather into the habit of thinking of democracy at the top and not so much below. Democracy at the top may not be a success unless you build on this foundation from below.”
Central Provinces Scheme of Local Government:

An account of local government of this period should contain a description of the scheme of local government formulated, originally in 1937 and implemented, in a modified from, in 1948 in the Central Provinces. The architect of this scheme was D.P. Mishra who was the minister of local self-government at that time. This scheme was a bold, even revolutionary attempt at the reconstruction of local government in the province. It sought to do away with one stroke the duality of the administrative system – one district administration and another, local government with its two independent entities of rural local government and urban local government – by extending the sphere of activity of the district board to the whole of the district administration and making the district collector the chief executive officer of the district board and the district staff as its own. The powers of the district board varied from being merely advisory to being final and binding and to this end, all powers were grouped under four classes, namely:

- Class I included subjects which must as a rule be placed before the district board but the district collector had the right to either accept or reject the board’s advice;
- Class II comprised matters on which the final decision lay with provincial government but which, all the same, were to be discussed and voted upon by the district board;
- Class III consisted of subjects which could be acted upon only when both the board and the collector were in agreement; and
- Finally, Class IV contained those items on which the district board enjoyed complete sovereignty and the district collector had no option but to carry out the decision of the board.

This scheme of local government claimed three advantages: “In the first place it would secure for the district board an efficient executive and administrative staff made up of the collector and his subordinates without any additional cost. Secondly, it would mitigate the bureaucratic character of the district administration. Thirdly and lastly, it would add to the importance of local self-government in the eyes of the people and would thus stimulate their interest in it.”15
This scheme, with its radical contents, met with severe criticism, particularly at the hands of the government of the central provinces. As a result, it was stalled at the time. It could be revived only after India attained independence in 1947. In a modified form, this scheme, known now as the janapada scheme of the local government, was adopted in 1948 by the central provinces legislative assembly by its enactment of the central provinces and Berar Government Act, 1948.

The Janapada scheme of the central provinces was an innovation of the first order. In practice, it anticipates the Balvantrai pattern of rural local government and even outshines the latter in many respects. It broke new ground in many matters, namely:

- Firstly, it took government closer to the people by adoption of tahsil as the unit of government, thus shifting emphasis from the district to the smaller area of a tahsil. In short, by making tahsil the unit of administration, it decentralized administration. This new level of tahsil was named Janapada—a term of common usage in ancient India, standing for a group of villages constituting a single unit for purpose of administration.

- Secondly, it sought an integration of the rural and urban local government operating in the Janapada by bringing both these arms of local government under a degree of control of the Janapada sabha. The gram panchayats and municipalities had each its individual existence and separate sphere of functions but the Janapada sabha was endowed with certain well-defined functions and powers over the whole area of the sabha. The municipalities in the Janapada were required to make contributions to the funds of the sabha.

- Thirdly, it visualized the tahasil-called Janapada—as a self-contained, integrated unit of administration. The personnel of all the state departments located in the Janapada were put under the administrative control of the Chief-Executive Officer of the Janapada sabha.

The Janapada scheme was implemented in 1948. Despite its shortcomings, it had a historical role to play in the evolution of local government in the Central Provinces.
Rural Local Self-Government Committee, set up in 1957 by Madhya-Pradesh, observed in its report submitted in 1958: “Although the ‘Janapada sabhah’ achievements have fallen short of expectations......we feel that the existence of these institutions......has not been altogether without any advantages. We have, as a result, people available with experience of work of local bodies to man new bodies. We have also a body of people who are accustomed to pay taxes, organise special development or welfare activities and carry out generally other works of public utility; for instance, it is through their agency that wells are constructed in each district on public participation basis. In the new set-up of the three-tier system that we are now proposing, use could be made with great benefit of the people so experienced particularly at the block level institutions.”¹⁶

**Municipal Government in Post- Independence India [Period V {1950---present day}]:**

India got freedom from the yoke of the British rule on the 15ᵗʰ August of 1947 and the Constitution of independent India was enacted by the Constituent Assembly of India on the 26ᵗʰ November of 1949. The present constitution of India came into force on the 26ᵗʰ January of 1950 and as a result the concept of local government in India may be said to have entered a new phase in that year. The constitution of India directs the State through its Article 40, to organise panchayats and to empower them adequately so that they become viable units of self-government. But it neither gives a corresponding duty to the state with regard to the creation of urban bodies nor contains counterpart provision for urban settlements. In other words, although the Constitution makes it obligatory for the State to ensure the working of village panchayats, but there is no specific corresponding mandate as to urban local bodies. The only reference to urban self-government is to be found in two entries:

- [i] Entry 5 of List II of the Seventh Schedule, viz., the State List says: “Local Government, that is to say, the constitution and powers of Municipal Corporations, Improvement Trusts, District Boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration.”
• [ii] Entry 20 of the List III, that is, the Concurrent List reads: “Economy and Social Planning, Urban Planning would fall within the ambit of both Entry 5 of the state List and Entry 20 of the Concurrent List.”

The Five-Year plans also periodically highlighted the problems of the municipal bodies and the inability of these bodies to meet the growing demands of urbanisation. The central Government has, from time to time, showed its concern for the need to improve the urban bodies by appointing several commissions and committees. The most important ones and their contributions are:

1. The Local Finance Enquiry Committee [1949-51] chiefly suggested the widening of the sphere of taxation of urban bodies.

2. The Taxation Enquiry Commission [1953-54] recommended the segregation of certain taxes for exclusive utilisation by or for local government.

3. The Committee on the Training of Municipal Employees [1963] emphasized that training institutes be set up both at the central and the state levels, to train municipal personnel.

4. The Rural-Urban Relationship Committee [1963-66] submitted a most comprehensive report on the subject and enquired into all aspects of municipal administration such as personnel, planning and taxation and dwelt upon interdependence between the towns and its surrounding villages.

5. The Committee of Ministers on Augmentation of Financial Resources of Urban Local Bodies [1963] pointed out that the urban bodies were not levying taxes even in the fields earmarked for them and urged the local bodies to set up statutory urban development boards to undertake town development.

6. The Committee on Service Conditions of Municipal Employees [1965-68] recommended the constitution of a state-wide cadre of municipal employees.

It is pertinent to mention here that between 1949 and 1988, several committees and commissions are appointed by the Central Government to augment the functioning of urban local bodies in India. The names of the committees and commissions appointed by the Central Government are mentioned in a chronological order along with the names of their chairman in the table 2.2.

### Table 2.2
Showing the Names of Committees along with the Names of their Chairman

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the Committees/Commissions</th>
<th>Year</th>
<th>Name of Chairman</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Local Finance Enquiry Committee</td>
<td>1949-1951</td>
<td>P.K. Wattal</td>
</tr>
<tr>
<td>2</td>
<td>Taxation Enquiry Commission</td>
<td>1953-1954</td>
<td>John Mathai</td>
</tr>
<tr>
<td>3</td>
<td>Committee on the Training of Municipal Employees</td>
<td>1963-1965</td>
<td>Nur-Ud-din Ahmed</td>
</tr>
<tr>
<td>4</td>
<td>Rural-Urban Relationship Committee</td>
<td>1963-1966</td>
<td>A.P. Jain</td>
</tr>
<tr>
<td>5</td>
<td>Committee of Ministers on Augmentation of Financial Resources of Urban Local Bodies</td>
<td>1963</td>
<td>Rafiq Zakaria</td>
</tr>
<tr>
<td>6</td>
<td>Committee on Service Conditions of Municipal Employees</td>
<td>1965-1968</td>
<td>-</td>
</tr>
<tr>
<td>7</td>
<td>Committee on the Budgetary Reform in Municipal Administration</td>
<td>1974</td>
<td>Girijapati Mukherjee</td>
</tr>
<tr>
<td>9</td>
<td>National Commission on Urbanization</td>
<td>1985-1988</td>
<td>C.M. Correa</td>
</tr>
</tbody>
</table>

### Urban Development Policy

As compared to the fast place of changes in rural local government, the development of urban local government in India has been slow to the extent of being
unimpressive. Most other developing countries in the world also suffer from the same lacuna, but that is no consolation to the second most populous country in the world.

A number of task forces, committees and commissions, appointed by the government of India, have examined the problems of urban development in India. The task force on planning and Development of small and medium Towns and cities [1975], the study group on strategy of urban Development [1982], four Tasks Forces on Housing and Urban Development [1982], four Task Forces on Housing and urban development [1983] and others have made useful recommendations on streamlining urban development in India. In August 1988, the Government set up the National commission on urbanisation [NCU] with the purpose of reviewing and analysing the Urbanisation process and formulating policies for integrated urban development. The commission examined several issues and problems relating to urban government. Some of the recommendations of the commission are:

1. The ministry of urban development be restructured to make it the nodal ministry to deal with urbanisation.

2. A national urbanisation council [NUC] be set up to formulate urbanisation polices and monitor and evaluate the implementation of polices.

3. An Indian council for citizens’ Action [ICCA] be created to encourage citizens through organised voluntary effort.

4. Every town, with a population of more than 50,000 be provided with an urban community development department, through which development programmes be implemented.

The year 1985 proved be a landmark year as, during that year, a separate Ministry of urban development was set up at the union level.
In 1989, the Central Government under the Prime Ministership of Sri Rajib Gandhi presented the Sixty-Fifth Constitutional Amendment Bill before the Parliament. In fact, the Government of India under the late Prime Ministership of Sri Rajib Gandhi showed its sincerity with an eye to providing constitutional status to the urban local bodies throughout the country through the Sixty-Fifth Constitutional Amendment Bill of 1989. Although the Bill was passed in the Lower House of Parliament, but was defeated in the Upper House in the month of October of 1989 and afterwards, it was lapsed and could not enter into effect. The major features of the Act could be summarised through the following ways:

- To strengthen, revamp and revitalise the municipal bodies by conferring a constitutional status on them.
- To ensure that municipal bodies were invested with necessary powers and authority to enable them to function effectively as units of local government.
- The Amendment Bill envisaged three types of nagarpalikas, namely-nagar panchayats for population between 10,000 and 20,000; municipal council for urban areas with a population between 20,000 and 30,000; and municipal corporations for urban areas with a population exceeding 3,00,000.
- The Governor was empowered to declare the existing corporations with a population of less than 3,00,000 as municipal corporations.
- It made a provision for creating elected ward committees and for constituting zonal committees comprising chairpersons of ward committees, as an intermediate stage between the ward committees and the corporations.
- It provided adequate representation for the scheduled castes, scheduled tribes and women in the civic bodies.
- It provided provision for the devolution by the state legislatures of powers and responsibilities upon the nagarpalikas, wards committees and zonal committees with respect to the preparation of economic development and social justice and for implementation of development schemes.
- Seats in nagarpalikas and wards committees were to be filled by direct election.
It envisaged that the Comptroller and Auditor General of India was to audit the accounts of the nagarpalikas, ward committees and zonal committees.

- There was a provision of a committee at the district level for harmonising and consolidating the plans of the nagarpalikas and the panchayats.

The Revised Nagarpalikas Bill of 1990

The National Front Government headed by the then Prime Minister, V.P. Singh assumed power at the centre and during his tenure the provisions of the Sixty-Fifth Constitutional Amendment Bill of 1989 were reviewed. Thus, the revised Nagarpalik Bill was introduced in the Lok Sabha in September, 1990. But the Bill was not passed and finally lapsed due to the dissolution of the then Lok Sabha.

The Constitution 74th Amendment Act, 1992

P.V. Narasimha Rao’s government took charge in 1991 and it introduced the modified Municipalities Bill in the Lok Sabha on 16th September, 1991. With a few modifications, it was essentially based on the 65th Amendment Bill of 1989, it was passed by both the Houses of Indian Parliament in December, 1992. The bill has since been ratified by a resolution of at least half the number of state legislatures. It received the assent of the president on 20 April 1993 and was published in the gazette on the same day as the Constitution 74th Amendment Act, 1992.

The Act aims at revitalising and strengthening the urban governments so that they function effectively as units of local government. The Act has added a new part, namely, Part IX-A, to the Constitution of India. It is entitled as ‘The Municipalities’ and consists of provisions from Articles 243(P)-243(ZG). Besides, the Act has also added 12th Schedule to the Constitution of India. The Schedule contains 18 functional items of municipalities and deals with Article 243(W). The Act has given constitutional status to the municipalities and it has brought them under the preview of justiciable part of the Constitution. In accordance with the provisions of the Act, State governments are under the Constitutional obligation to adopt the new system of municipalities. The Act deals
Chapter –II

Evolution of Municipalities….

with issues relating to municipalities such as their structure and composition, reservation of seats, elections, powers and functions, finances, and some miscellaneous provisions. There has been a change in the typology of municipalities after the enactment of the 74th Amendment Act.

### Table 2.3

**Showing the changes in the Pattern of Municipalities before 1992 and after 1992**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Municipal Corporation</td>
<td>1</td>
<td>Municipal Corporation</td>
</tr>
<tr>
<td>2</td>
<td>Municipal Committee/Council</td>
<td>2</td>
<td>Municipal Council</td>
</tr>
<tr>
<td>3</td>
<td>City Board</td>
<td>3</td>
<td>Nagar Panchayat</td>
</tr>
<tr>
<td>4</td>
<td>Notified Area Committee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Town Area Committee</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The provisions of the act apply to the states as well as the union territories. However, in relation to the matter, the President of India can make certain reservation and modification. The provisions do not apply to the scheduled areas and tribal areas governed by article 244 [1] and [2] of the Constitution. All elected bodies in municipalities existing immediately before the commencement of the Act, shall continue till the expiry of their elected duration, unless they are dissolved earlier by the state legislature. In order to provide time to allow changes to be made in the existing laws which are inconsistent with the provisions of the 74th Amendment Act, a transition period of one year was allowed. After the 74th Amendment Act of our Constitution, elections to urban local self-government bodies have taken place in many states, and municipalities have started functioning under the new law. This Amendment Act is not applicable to Jammu and Kashmir, Meghalaya, Mizoram, Nagaland, and National Capital Territory of Delhi. To top all these, the 74th Constitutional Amendment Act of 1992 has marked a new avenue in the history of urban local self-government throughout the country.

**Urban Local self-Government in Tripura:**

Tripura had a system of self-administration among the tribals since time immemorial. The statutory urban local government institution of municipality was first introduced in Tripura in 1871. During the period from 1871 to 1961, several attempts
had been made to develop a municipal at Agartala. The first attempt for creation of an urban organisation at the capital town was made by Maharaja Birchanda Manikya (1862-1896) in 1871 by establishing a Municipal Committee under the chairmanship of the British Political agent Mr. Power. In 1874, that is, after three years, he passed an Act for the establishment of the Municipality at Agartala with a committee of nominated members dividing the town into eight wards. In 1912, Maharaja Birendrakisor Manikya Bahadur (1909-1923) passed the Second Act, which recommended a seven member Committee including three non-officials, all nominated. In 1937, Maharaja Bir Bikram Kisor Manikya Bahadur (1923-1947) issued an order by which the number of Wards was reduced to six. The modern framework of Municipal organisations was given by Maharaja Bir Bikram Kisor Manikya Bahadur who passed the Municipal Act of Tripura in 1937. In other words, on 15 October 1937, the King announced municipal reforms on the basis of popular franchise and accordingly an act was passed. The Act provided for Municipalities in the towns of Tripura, but nowhere had it been established as yet except at Agartala. It was in 1937 that a provision was made, through an order of King Bir Bikram, for six elected commissioners based on restricted franchise and for six nominated commissioners, to represent six wards into which Agartala was divided by the order. Thus, each of the Wards became a double member constituency for this purpose. Tripura was economically non-viable, politically tumultuous, strategically vulnerable, socially a divided house and administratively anarchic during the critical days of 1947-48. Hence, the farsighted king, Maharaja Bir Bikram opted for joining the federation of India. This king’s decision was executed by the Regent Maharani and Tripura merged with the centre on the basis of an agreement signed on the 9th September of 1949 and thus, the administration of Tripura was taken over by the government of India on the 15th October of 1949. After accession to Indian Union, the wards were converted into 3-members constituency in 1951 and election of the municipality was held on the 5th November, 1951 which was published in a local paper called Chiniha. In 1961, the Government of India extended the Bengal Municipal Act, 1932 to Tripura As per provision of Bengal Municipal Act of 1932, nine sub-divisions towns in Tripura namely Dharmanagar, Kailashahar, Udaipur, Belonia, Kamalpur, Khowai, Sonamura, Ampur and Subroom were declared as Notified areas in the year 1978. Teliamura and Kumarghat were declared as Notified areas during 1979 and Ranirbazar town was declared as the Notified area during the year 1992.
Later, following the passing of the Constitution (74\textsuperscript{th} Amendment) Act, 1992, and in conformity with it, Tripura enacted the Municipal Act, 1994. The Act provides for a ‘Nagar Panchayat’ for a transitional municipal area, a ‘Municipal Council’ for a smaller urban Municipal area and a ‘Municipal Corporation’ for a large urban municipal area. The Act also provides that ‘a Nagar Panchayat, a Municipal Council or a Municipal Corporation shall be the authority of the Municipal Government in the respective Municipal Area’. Prior to 1995, Agartala was the only urban body covered under Municipal Act. There were some ‘notified urban areas’. Later on all the Notified areas were declared as Nagar Panchayats in 1995. During the year 2009, the three new urban centres namely, Bishalgarh, Ambassa and Santirbazar were declared as Nagar Panchayat. Previous to 2014, there were as many as 16 urban local bodies in the State of Tripura. Of these 16 Municipal Governments, one was Municipal Council, Agartala Municipal Council and the rest 15 were Nagar Panchayats.

It is pertinent to mention here that in the recent past, four new municipalities have been set up in Tripura. Out of the newly established four municipalities, two are Municipal Councils and two are Nagar Panchayats. The old eight Nagar Panchayats have been upgraded to Municipal Council and Agartala Municipal Council has been upgraded to Agartala Municipal Corporation. In this connection, a notification was made to the public on the 6\textsuperscript{th} December of 2013 and the declaration has entered into force on the 21\textsuperscript{st} January of 2014 (the day when Tripura attained the status of full-fledged statehood). On 21\textsuperscript{st} January, 2014, Agartala Municipal Council has been upgraded to Agartala Municipal Corporation and 10-Nagar Panchayats at Dharmanagar, Kailashahar, Ambassa, Khowai, Teliamura, Mohanpur, Bishalgarh, Melagarh, Udaiapur and Belonia have been upgraded as Municipal Council.\textsuperscript{20} Again, in May, 2015, three Nagar Panchayats, namely- Kumarghat NP, Ranirbazar NP and Satirbazar NP have been upgraded as Municipal Council.\textsuperscript{21} Now, the State of Tripura has one Municipal Corporation, thirteen Municipal Councils at Dharmanagar, Kailashahar, Ambassa, Khowai, Teliamura, Mohanpur, Bishalgarh, Melagarh, Udaiapur, Belonia, Kumarghat, Ranirbazar and Satirbazar and remaining six towns namely- Panisagar, Kamalpur, Jirania, Sonamura, Amarpur and Sabroom are Nagar Panchayats. Total area of the Tripura State is 10491.69 sq. Km. and total urban area is 241.985 sq. km. (urban area has been expanded from 177.93 sq.km to 241.985 sq. km in 2015 A.D.), that is, 2.31 percent of the total area of the State. Total population of the
Chapter –II

Evolution of Municipal... 

State is 36, 73,917 and the total number of urban population is 7, 73, 279, that is, 21.05 percent as compared to the total population of the state of Tripura.

Notes & References:
4. Kotwal was a generalist administrator who had to look after police and civil functions as well.
Chapter -II

Evolution of Municipal....