To analyse the services of the Tuticorin Municipality

To make suggestions to improve the working of the Municipality of Tuticorin.

Methodology

This study is adopted historical and analytical method.

In this thesis, there are eight chapters including conclusion of the thesis. They are:

I. INTRODUCTION
II. DEVELOPMENT OF LOCAL GOVERNMENT IN INDIA
III. HISTORY OF TUTICORIN
IV. ORGANIZATION AND STRUCTURE OF TUTICORIN MUNICIPALITY
V. COUNCIL
VI. SERVICES RENDERED BY MUNICIPALITY
VII. FINANCE
VIII. CONCLUSIONS

CHAPTER TWO

DEVELOPMENT OF LOCAL GOVERNMENT IN INDIA

The local Government in Tamil Nadu is an age old institution. The Tamil ancient literature has portrayed as popular assemblies. Podhiyil and Oor is a common popular assembly present in all the villages. The towns are nothing but the extension of the village mechanism. The representatives of the people were
elected by the novel system of pot system, which is very popular in the Pallava, Chola period. Thereafter, the medieval time also followed that method. After the advent of Britishers in India they are very particular about their system of local government. The Municipal Government in India is a British creation. Panikkar holds that “what the British created in India was neither a city tradition, nor a city life, but civil Government under Municipal authorities.  

The Government of India expressed the view that “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 servicing both as a school for training in responsibility and a vital link in the chain of organisms that make up the Government of the country is a British creation” The view was endorsed by the Indian Statutory Commission (Simon Commission).

While the existence of elective city councils in ancient India cannot be categorically denied, there is no doubt that the foundations of modern system of Municipal Government and administration in India were laid by the British. The historical evolution of Municipal Government in India is as follows:

2. **The First Phase: 1687-1882**

Municipal Government was first introduced in India in the last quarter of the 17th century in the Presidency town of Madras. In 1687, the Court of Directors of the East India Company ordered that a corporation composed of Europeans and Indian members modeled on the Charter of Borough of Portsmouth should be formed for purposes of local taxation. The venture had a

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brief and unsuccessful trial. A Royal Charter of 1726 established a Mayor’s Court in each of the three Presidency towns of Madras, Bombay and Calcutta. These Courts were more judicial than administrative bodies. For the next 50 years no further mention of Municipal legislation is to be found in any presidency. The Regulating Act of 1773 empowered the Governor-General in Council to appoint the Justices of Peace for the presidency towns from among covenanted civilians and other British subjects, who were in turn invested with authority to provide for the sanitation and protection of Madras, Bombay and Calcutta. They were empowered to impose taxes on houses and lands to provide sanitation etc. But the principle of election was not recognized until 1845 in Bombay and 1847 in Calcutta. Act VI of 1845 established a Board of Conservancy in Bombay and empowered the Justices of Peace to elect 5 members. For Calcutta, Act XVI of 1847 set up a Board of 7 Commissioners for the improvement of the city of whom four were to be elected in accordance with a scheme agreed upon by the rate-payers and approved by the Government. In Madras no step towards the recognition of the elective principle was taken at that period. Two Acts XIV and XXV passed in 1856 and applied to all the three presidency towns, prescribed for them a uniform system of administration and defined the services of civic administration.

But between 1856 and 1858 the elective principle suffered a set-back. Acts were passed which created in each of the three presidency towns a body corporate consisting of 3 nominated salaried members in whose hands all Municipal services were concentrated; only in Bombay the J.Ps. were allowed to retain power to elect representatives, but the number was reduced from 5 to 2. Each presidency Government took advantage of the local legislative
independence granted by the Indian Councils Act of 1861 to remodel the system of Municipal administration in three presidency towns, but Madras also took power (which was never acted on) to allow election by rate-payers.

2.1 Municipal Government Outside Presidency Towns

The history of Municipal Government in urban areas outside the three presidency towns did not begin until the forties of the 19th century. Acts were passed, for Bengal in 1842 (Act X of 1842) and for the whole of British India in 1850 (Act XXVI of 1850) permitting the formation on the application of the inhabitants of local committees to make better provision for purpose connected with public health and convenience and to raise taxes in pursuance of the object. The Bengal Act failed completely. The Act of 1850 worked with some success in the N.W. Province and in Bombay. It had no effect in Madras and Bengal.

In 1863 the report of the Royal Army Sanitary Commission prominently directed attention to the unhealthy conditions of towns. Actions were taken by the different local (provincial) governments by Bombay in 1862, by Madras in 1865.

In short between the years 1842 and 1868 a series of legislative enactments was passed for the setting up of Municipal institutions in moffusil towns. In the first place the inhabitants of Municipal areas were given the option of instituting of Municipal councils, and later when little advantage had been taken of that, the provincial Governments were empowered to do so of their own motion. During the period, although the principle of election was actually recognized, it was little applied except in the Central Provinces. As a measure of local self-government these Acts did not proceed far, but they were of considerable service in improving
the sanitary conditions of the towns. By 1870 there were 200 Municipalities in Bombay; 44 in Madras; 65 in Bengal; 67 in N.W. Province, 127 in Punjab and 40 in Central Provinces.

2.2 Lord Mayo’s Resolution of 1870

The next step forward was taken in 1870 by the publication of Lord Mayo’s Resolution on provincial finance which, in providing for a measure of decentralization from the Centre to the provinces, emphasized the ideal of the increased association of Indians in the administration and indicated the extension of Municipal self-government as the most promising field for its attainment. The Resolution encouraged the general application of the principle of election, with the avowed object of developing Self-Government.

The Resolution declared, “Local interest, supervision and care are necessary to successes in the management of funds devoted to education, sanitation, medical relief and public works. The operation of this Resolution in its full meaning and integrity will afford opportunities for the development of self-government, for strengthening Municipal institution and for the association of Natives and Europeans to a greater extent than heretofore in the administration of affairs”.

The result was considerable legislative activity. In the presidency towns to Bombay, Bombay Act III of 1872 fixed the number of members to be elected to the corporation at one-half of the total; Act IV of 1876 fixed the corresponding proportion for Calcutta at 2/3rds. By Act V of 1878 the rate-payers of Madras were empowered to elect one-half of the Municipal commissioners. Bombay allowed the corporation to elect its own Chairman, while in Madras and Calcutta
the power of nominating that serviceary was reserved to Government. For each presidency town the qualifications for electors were prescribed as (a) attainment of majority – 21 years; and (b) payment of a minimum sum annually in Municipal taxes. The amounts were Rs. 30 in Bombay and Rs. 25 in Calcutta and Madras. In Bombay fellowship of the University also constituted a qualification.

Outside presidency towns the Resolution was responsible for inclusion of election in the Municipal law of provinces where the system was not already recognized. In Madras power was taken under Act III of 1871 to allow the rate-payers to elect non-official members.

The Resolution marked the beginnings of the system of local finance; local self-government as a conscious process of administrative devolution dates from that Resolution. Though the Resolution emphasized the principle of election actually it was introduced in a few urban areas. In Madras it was introduced in 4 towns.

The growth of Municipal government during the first phase was succinctly summed up by Lord Hobart, Governor of Madras in 1874 thus: “The Population of a Municipality does not in any sense govern itself, except that some of the leading men, nominated by Government are placed that body. The government of a Municipality is in fact an oligarchy dependent on a superior power which may control its action to almost any conceivable extent”.22 Although there was considerable association of the local people with the officials there was little responsible Municipal government. For the committees were largely nominated by officials. The Municipal system had just a democratic facade; otherwise it was

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official-ridden. Indeed its most outstanding feature was the predominance of official control so that it left little scope for local initiative. The accent was on the local rather than on the ‘self-government’ aspects or local self-government.

Local self-government was introduced in India by British rulers not as a matter of deliberate policy to confer local autonomy on the people. They were primarily actuated by the motive for administrative and financial decentralization. The development of local self-governing institutions contemplated in Lord Mayo’s Resolution was subordinate to the need for tapping local sources of revenue and of effecting economy by decentralized administration.

On the 18th May, 1882 Lord Ripon’s Government issued their historic resolution on local self-government. The mechanical objects of the policy laid down in the resolution were two-fold: It was desired that local(provincial) government should apply to their financial relations with local bodies under them the principle of financial decentralization which Lord Mayo had introduced; and it because necessary to consider what steps were necessary to render local bodies more efficient and better suited to discharge the duties with which it was proposed to entrust them.

But the main object was to make local self-government “an instrument of political and popular education”. “It is not primarily with a view to improvement in administration that the measure is put forward and supported. It is chiefly designed as an instrument of political and popular education”. Three broad principles were laid down for the guidance of provincial governments: that they should maintain and extend throughout the country a net work of local government institutions; that they should introduce into these bodies a large
preponderance of non-official members – the number of official members being not more than 1/3 rd of the whole; and they should exercise control over these bodies from without and not from within i.e., they should revise and check their acts rather than dictate to them. The wish was accordingly expressed that, wherever practicable, these bodies should have non-official chairman.

As regards the method of choosing members, Lord Ripon’s Government preferred election wherever possible and a variety of systems of election to rigid uniformity. The result of the resolution was a series of provincial Acts passed between 1883 and 1885, providing for election of members of Municipal bodies to the number of half or more in each case, and for the grant to them number of half or more in each case, and for the grant to them of the privilege in many cases, of electing their own President or Vice-President. These acts greatly enlarged the constitution, powers and services of Municipal bodies. Steps were also taken to increase their financial resources. Municipal revenues were relieved of the charges for the maintenance of town police in most provinces, on the understanding that they were to incur an equivalent expenditure on education, medical relief and local public works.\textsuperscript{23} The Madras Act IV of 1884 empowered Government to permit the election of ¾ this of the number of Municipal commissioners by rate-payers. During the period 1880-1 to 1890-1 percentage of elected members rose form 22:5 to 53:1; Municipal income shot up from Rs.1.28

\textsuperscript{23} Government of India, \textit{Finance Department Notification} No.3622 dated 13.10.81.
crores to Rs.2.05 crores while expenditure increased from Rs.1.26 crores to Rs.2.06 crores.\textsuperscript{24}

\subsection*{2.3 Government of India’s Resolution of 1896}

In 1896 the Government of India reviewed the results of legislation passed in regard to Municipalities in 1883-5. But the resolution did not make any change in principle or advance in policy. It is mainly useful as showing that the income and expenditure of Municipal bodies had increased; that in the bulk of the provinces, Municipal expenditure on objects of public utility such as water supply and drainage, conservancy, public works and education represented a substantial proportion of the total. The verdict regarding these bodies was “that much useful work was done by them and that they had made substantial progress in the work of administration”. The resolution bore the stamp of conservatism. It laid down no guidelines for the future development of Municipal government.

Lord Curzon’s Viceroyalty (1899-1904) marked a reverse gear in Municipal government policy. His three fold creed was: administrative efficiency, officialization and centralization, “Lord Ripon’s ideal was to secure, by slow degrees, autonomy for the Indian People. Lord Curzon’s is to secure it for the Indian Government”\textsuperscript{25}. Lord Curzon in fact believed that Lord Ripon’s reform was premature at the time, and for more than a quarter of a century was attended in India with only most sparse success.\textsuperscript{26} He did not believe as Lord Ripon did in educating Indians for local self-government. His policy attenuated further Lord

\textsuperscript{24} \textit{Imperial Gazetteer}, Vol.IV, p.306.

\textsuperscript{25} “New India” of Aug. 20, 1903, q. in \textit{The Life of Lord Curzon}, by Earl of Ronaldshay, V.II, London, 1928, on page 421.

\textsuperscript{26} Lord Curzon, \textit{British Government in India}, V.II, London, 1926, p.243
Ripon’s policy of ‘political and popular education’ and buttressed the position of the Deputy Commissioner, of district officers and departmental experts. Illustratively, the number of Municipalities rose from 739 in 1890-1 to 742 in 1900-1 but the percentage of elected numbers dropped from 53.1 to 50.4 over the same period.\textsuperscript{27} In 1909 the percentage of official members in Madras 31\% and Chairmen were officials; G.K. Gokhale remarked in 1906 that local government “still remains all over the country where it was placed by Lord Ripon a quarter of a century ago, and in some places it has been pushed back”\textsuperscript{28}.

2.4 Local self government and the Report of the Royal Commission on Decentralization

In 1907-09 the subject of local self-government was considered by the Royal Commission on Decentralization. The Commission submitted its report in 1909. It did not embody and forward-looking Municipal policy. The main recommendation of the Commission regarding development of Municipal government were: the chairman should be an elective non-official; a majority of the members should be elected non-official; Municipal bodies should have freedom to increase any branch of taxation and have full control over their budgets subjects to maintenance of prescribed minimum balance; they should be relieved of non-local duties like famine relief, town police, up-keep of district headquarters hospitals; Municipal executive should be strengthened by competent have Executive Officers; all towns with population of 20,000 and above should have qualified Health Officers; the appointment of a Municipal

\textsuperscript{27} Imperial Gazetteer, op.cit.p.306.

\textsuperscript{28} Collected Speeches of Hon.G.K. Gokhale (Madras), n.d., Appendix, p.149.
Engineer was also recommended; and larger Municipalities should be given greater powers.

In a statement submitted to the Commission the Hon. G.K. Gokhale said: “Local and Municipal boards must be made really popular bodies and larger resources than they can command at present made available to them”\(^{29}\). He did not plead for wholly elective Municipal bodies endowed with undivided responsibility without which these institutions will become efficient instruments of local administration, nor will they will fulfill the higher purpose of serving as seminaries of the people in the art of self-government”. The Commission unfortunately were not forward looking enough to pay heed to the sound and sagacious opinion of the worthy elder\(^ {30}\) statesman.

### 2.5 Introduction of Communal Electorates

The Government of India Act, 1909 and the regulations made under it introduced communal electorates for Muslims in all provinces except the Punjab for Legislative Councils. The introduction of communal electorates in Municipal government became a great impediment to its healthy development. The Montagu-Chelmsford Report rightly regarded the system of communal electorates as “a very serious hindrance to the development of self-governing principles”.\(^ {31}\) The Simon Commission observed that communal dissensions had impaired the efficiency of local bodies. “It is clearly the greatest obstacle to the development of a sense of common citizenship, which is the necessary basis for


\(^{31}\) M/C Report, Calcutta, 1918, paras 227-32.
healthy civic life’\textsuperscript{32}. It was a negation of democracy, ‘a flagrant breach of democratic principle’.

In short, the resolution had no material impact on the progress of Municipal government. “Altogether neither Decentralization Report of 1909 nor the Government of India, Resolution of 1915 had stimulated any radical reform in the world of local government; almost everywhere the old hierarchy of control remained intact”\textsuperscript{33}

As pointed out by the Simon Commission, (in 1933) no real and substantial progress was made in political and popular education in the art of self-government. In the vast majority of the districts “local self-government continued to be, as in the past, one of the many services of the District Officer. No real attempt was made to inaugurate a separate system amendable to the will of the local inhabitants. Even in many towns, the Municipality continued to confine its activities to approving the decisions of the official chairman and where duties were entrusted to the vice-chairman; he generally merely followed the instruction of the official”\textsuperscript{34}.

The foregoing principles aimed at democratisation of the electorates and the composition of local bodies, and at as complete a measure of emancipation from outside control as local circumstances and considerations of prudence seemed to warrant. Control, in fact, it was sought to limit to taxation, and

borrowing, and to interference in the extent of grave default or dereliction of duty.

The importance of the resolution, says Prof. Rushbrook Williams, lay in the fact that it placed in the forefront of the objects of local Self-Government, the training of the people in the management of their own affairs, and laid down in a clear-cut form the doctrine that political education must take precedence over departmental efficiency.\(^{35}\)

### 2.6 The Government of India Act, 1919

The Government of India Act was passed in 1919. The new provincial legislatures were constituted at the end of 1920 and, with the transfer of local Self-Government to the popular Ministers answerable to them, became responsible for the future destinies of local bodies. From 1921, therefore the practical application of the policy and principles formulated in the resolution of May, 1918 fell to popular Ministers.

### 2.7 Results of Resolution of 1918

The result of resolution of 1918 was fresh legislation to implement the principles enunciated in it. The general trend of legislative enactments was in the most provinces the same. Almost all aimed at lowering the franchise, at increasing the elected element in local bodies to the extent of marking it “the unquestioned immediate arbiter of policy” in local affairs, and at passing executive direction into non-official hands.

\(^{35}\) India in 1920, Calcutta, 1921, p.191.
Writing in 1921, Prof. Rushbrook Williams, remarked, “upto the present it is not unfair to say that Municipalities and district boards have proved themselves apathetic because the powers entrusted to them have been as a rule, insignificant. These powers have been insignificant because of apathy and lack of public interest. A vicious circle has thus been created which has only been broken down within the last three or four years through a determination on the part of the Government to entrust larger powers to these institutions and confer upon them a larger degree of responsibility which must necessarily rouse them from the apathy in which they have long remained”\textsuperscript{36}. The Municipal councils empowered to elect their own chairman; the Municipal councils authorized to prepare their own budgets; provision for reduction of external control to the minimum; enfranchisement of all rate-payers, including women and conferment of the right on them to stand for councillorship. Subsequent amendments to Act V of 1920, provided for: election of all councilors and the abolition of the system of nomination with reservation of seats for (a) Muslims (b) Indian Christians (c) Adi Dravids (d) Europeans (e) Anglo-Indians and (f) women. In determining the number of seats to be reserved for the communities mentioned in clauses (a) to (e), due regard was to be had to their population and importance in the Municipality; provincialization of any class of Municipal officers and servants with the consent of a majority of the councils; appointment by Government of an executive authority, designated as “commissioner” for specified Municipal councils; appointment by the Provincial Government of the health officer, the Municipal engineer, in any Municipality or class of Municipalities.

2.8 Working of Municipal Authorities, 1919-1937

\textsuperscript{36} India in 1920, Calcutta, 1921, p.188.
The working of Municipal bodies during the period of Dyarchy presents neither a picture of un-relieved failure nor of unqualified success. “In every province, while a few local bodies have discharged their responsibilities with undoubted success and others have been equally conspicuous failures, the bulk lies between these extremes”\(^{37}\). Increase of non-official membership and control resulted in a quickening of civic consciousness as witnessed in a steady growth of the percentage of voters who cast their votes in contested elections. Illustratively: In Madras, the figure was 58.3% in 1920-21 while in 1925-26 it was over 70%.

Communal and caste dissensions had a very marked impact on Municipal administration: they impaired the efficiency of Municipal bodies, tended to prevent the employment of the fittest persons in administrative posts and became the greatest obstacle to the development of a sense of common citizenship which is the necessary basis for healthy civic life. The wide-spread adoption of communal representation had a baneful effect as it turned Municipal bodies into cockpits of communal strife. Local officials did not play their role well. Instead of acting as guides and friends of local bodies they assumed the role of critics.

After 1930 the weapon of super session was freely used and that had the effect of making Municipal bodies more amendable to the suggestions of government in later years. The number of Municipal bodies suppressed in Madras are 9. National politics in 1920’s and 30’s also threw a spanner into the works of Municipal Government. Instead of being schools of political education Municipal bodies became handmaids of national politics. The two absolute requisites of

successful local Government, a high sense of duty among elected members, and a proper civic spirit among those who elect them were more often absent than present.\textsuperscript{38} Difficulties inherent in the system of diarchy had never operated in any effective sense and in which none European or Indian had any real belief also had an adverse impact on Municipal progress. There was little scope for expenditure on national building in any form; the popular Ministers had only a limited control over their Officials and they could always defy them.\textsuperscript{39}

Many of the failings of Municipal bodies were due to the hybrid framework within which they had to service. It was neither democratic nor autocratic. It was a cross between the two and had the disadvantages of both.\textsuperscript{40} Lack of administrative experience in elective members coupled with woeful want of expert guidance and trained managerial personnel also contributed to these failings.

2.9 Further development (1937 – 1947)

The inauguration of Provincial autonomy on the 1\textsuperscript{st} April, 1937 under the Government of India Act, 1935 gave further impetus to the development of Municipal Government in India. The Act abolished the system of dyarchy. ‘Local Government’ was classified as a Provincial subject. Three factors conspired to impede the Municipal progress during the decade of provincial autonomy: constitutional conflict between the forces of nationalism and the British authorities, the Second World War and its aftermath, and the heavy rise in prices.

\textsuperscript{38} Keith, A.B.-\textit{A Constitutional History of India} (2\textsuperscript{nd} ed) London, 1937, p.279.
\textsuperscript{39} Ibid., p.286.
No taxes were earmarked for local bodies under the Government of India Act, 1935. Taxes which could be imposed by them were included in the Provincial List (7th Schedule to the Act) without any indication as to the taxes reserved for local bodies. “The change has proved rather unfavourable for local authorities, as State Governments have in certain cases, utilized, what were previously recognized to be purely local taxes, for their own purposes”.  

In Madras by Acts XVIII of 1938, XI of 1939, VIII of 1944 and XX of 1945, Government assumed control over Municipal electrical undertakings; Municipal franchise was made co-extensive with franchise for the Legislative Assembly; the levy of a duty on transfer of property was made obligatory on every Municipal council and government assumed power to require a council to levy property tax at a specified rate.

2.10 The Phase in 1947

The advent of independence in India in August, 1947 opened a new chapter in the growth of Municipal government. India adopted a new constitution in 1950 based on the ideals of justice, liberty and equality and wedded to the evolution of a welfare State under the Constitution ‘local self-government’ became a state subject so that the State Legislature has the exclusive powers to make laws with respect of ‘local self-government’. Local self-government acquired new significance, a new status and a new role to play as the chief architect of community making and the base of the pyramid of democratic setup in the country.

41 L.F.E.C., Report 1951, p.61.
42 7th Schedule, List II – State List Entry 5.
2.11 The 74th Constitutional Amendment Act

The 1992 Act provided for the Twelfth Schedule which listed the services of urban local units, along with their planning, regulation and development powers. It made provision for ward committees in areas exceeding 300,000 and the specification of the powers and responsibilities of Municipal units and the ward committees. There is a requirement made therein for the holding of timely periodical elections and for the reconstitution of a Municipal government within six months, should it be dissolved for any reason.

Sources of Municipal finance and their periodic review by a statutorily constituted State Finance Commission were also provided for by the Act, which also made it obligatory for the Central Finance Commission to recommend steps to support state resources for the assistance of Municipal governments. The Act also provided for reservation of one-third of the seats for women and scheduled castes in Municipal bodies. State Governments were to adopt the 74th Constitutional Amendment Act with reference to their respective Municipal bodies to affect its purpose within their jurisdictions.