Chapter II

THE EVOLUTION OF LOCAL SELF-GOVERNMENT IN INDIA

In the Federal polity of India the term local government is meant the State Government, and the local-self government is meant the municipal government of a district city or town. Literally by the term local self-government is meant the governance of a town, in respect of certain functions, performed by the people of that area or by their representatives. It is in these above mentioned senses that the term local self-government has been used in the following pages.

It is said that the origin of local self-government had very deep roots in ancient India. On the basis of historical records, excavations and archeological investigations, it is believed that some form of local-self-government did exist in the remote past. In the Vedas and in the writings of Manu, Kautilya and others, and also the records of some travellers like Magasthne, the origin of local self-government can be traced back to the Buddhist period.¹

The Ramayana and the Mahabharata also point to the existence of several forms of local self-government such as

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Paura (guild), Naigama, Pauga and Gana, performing various administrative and legislative functions and raising levies from different sources.

Local self-government continued during the succeeding period of Hindu rule in the form of town committees, which were known as 'Goshthia' and 'Mahajan Samitees'. The representative character of these Samitees was respected by the rulers. These Mahajans sometimes delegated their functions to their representatives or to Panchakulas (committees of Five) who used to collect revenue on behalf of the state. In addition to Panchakulas, 'Talara', an officer of the state, supervised the local administration and policing with the help of the elected representatives.\(^1\)

In the Mauryan period, followed by the Gupta era and subsequently in the medieval period, the system of local self-government continued to be more or less the same. However, the system of local self-government was quite different in the Mughal period. The representative character was abolished and the whole administration of a city was placed in the charge of a nominated government official known as the 'Kotwal', who not only controlled the various municipal activities, but also performed certain magisterial functions, including the control over police and intelligence. Such a system gave no way to any degree of public or civil participation. There was no scope

\(^1\) Dashrath Sharma, Early Chauhan Dynasties from 800 BC to 1300 AD, Macmillan Co., London, pp. 203-204.
for the local people's either in policy making process or the actual administration of the city or town. The Ain-i-Akhari
of Abul Fazl (1600 A.D.) mentions, "Kotwal is the supreme
authority in every city, in all matters."

In the later period during the Mughal rule in India, the
system of local self-government suffered a marked decline, not
only were the urban areas maladministered, but most of them
lay unhealthy and unclean till the time the British came and
assumed authority. "Between the breakdown of Mughal rule and
the extension of control by the East India Company in the 17th
century, the country suffered a period of anarchy or military
despotism resulting in the breakdown of the social framework
and local institutions."2

Local self-government in the modern form was introduced in
India in 1687 when the Municipal Corporation was formed for the
city of Madras. The Corporation consisted of a Mayor, alderman
and the local people. This local body was authorized to collect
taxes for the maintenance and development of the city. The
Corporation was formed because the East India Company believed
that the people of India would willingly pay, "five shillings
for the public good, being taxed by themselves, than six pence
raised by our despotic power."3 In 1726, the Madras Municipal

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1 Imperial Gazetteer of India, Vol.IX (Oxford, 1909), Clarendon
Press, pp.282-283.
2 Samuel Humes and E.M. Martin, The structure of Local Government
Throughout the world, 1961, p. 379.
3 S.R. Maheshwari, Local Government in India (Orient Longmans,
Delhi, 1971, p.15.
Corporation was replaced by a Mayor's Court, which was by and large a judicial organisation. In 1793, the Charter Act was passed and the municipal administration was extended to the three towns of Bombay, Calcutta and Madras. It gave powers to the Governor-General of India to appoint Justices of Peace in these towns. The justices of peace were empowered to collect taxes of residential houses and lands, to provide for the construction of roads and other development works. The municipal administration was established in the district towns in Bengal in 1842, when the Bengal Act was passed. In 1850, the British Government passed another Act which was applicable to the whole of India. "The setting up of a municipality was still dependent on the wishes of the inhabitants; municipal functions included conservancy, road repairs, lighting, the framing of bye-laws and the enforcement of fines. Power of taxation included the levy of indirect taxes."1 However, this Act was used only in the North-Western Provinces and Bombay to a certain extent.

The Royal Army Sanitary Commission presented its report in 1863, which again speeded up the growth of the local bodies. The report made clear reference to the dirty condition of the Indian towns. As a result several Acts were passed in different provinces and several new municipalities were established in order to perform the functions of public health. Furthermore,

1 Hugh, Tinker, The Foundation of local government in India, Pakistan and Burma (Lalwani Publishing House, Bombay), 1959, p. 29.
the Governor-General, Lord Lawrence's Resolution granted more taxation powers to any town that should pay for the police, and authorized that "surplus funds after meeting the cost of town police, can be devoted to education and local improvement works."\(^1\)

This system was self governing only in appearance. Election of representatives was not adopted and the local administrators were mostly nominated. During the rule of East India Company, the basic interests of the British were trade and commerce. Bombay, Calcutta and Madras were the important trading centres in India which performed the trade between India and England. The main purpose of the British to introduce local self-government in India was to serve their own interests rather than introduce local self governing bodies. By 1870, every important town of India had a municipality but these municipalities were put under the District Magistrates. The local people were inducted only for raising funds for the police and development works.

In 1870, Lord Mayo's Resolution came into force. In this Resolution emphasis was given on the decentralization from the Centre to the Provinces. It was also stated that Indians should be associated in the administration, and the municipal government was best for that purpose. This plan of Lord Mayo, for decentralisation desired that "the central government should be

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relieved of its responsibility for providing funds for local purposes but its operative provisions made it necessary to develop municipal institutions."1 Thus it can be said that the representative local self-government in India was established by the British rulers with two main considerations, firstly, to provide on the spot solution to administrative problems faced due to the large size of the country and secondly, to provide finances to imperial authority. The purpose of Mayo's reform was to lessen the burden on imperial finances. The provincial governments were short of funds so far as the transferred subjects were concerned. Furthermore, the main object of the Mayo's resolution was to promote the education, public health, sanitation, medical relief and local civic works and also given facilities to self-government for strengthening municipal institutions. To make success of Lord Mayo's Resolution several new municipal Acts were passed in various provinces.

Till 1882, local self-government was functioning without the participation of Indians and therefore, it was neither 'local' nor 'self-government'. Political feelings were gradually spreading among Indians when Lord Ripon was appointed Governor-General of India. He gave his personal attention to the problems of the local self-government. His Resolution of 1882 is regarded as Magna Carta of local self-government in India. According to

Lord Ripon, local self-government was "an instrument of political and popular education."¹

Lord Ripon's Resolution introduced a new era in the constitution, powers and functions of the municipal bodies which were greatly changed. The system of election for the municipal bodies was introduced, with a limited franchise. Although the chairmanship was open to non-officials according to his resolution, this part of the resolution was not implemented and an official remained ex-officio chairman. Thus the local self-government failed to make any satisfactory progress as was intended by Lord Ripon's Resolution.

In 1909, Royal Commission on decentralization submitted its report in which it clearly remarked that the local self-government has so far been a failure. The Commission remarked that "local bodies should not only have the non-official majority and elected chairman, but genuinely elected members too. Regarding finances of local bodies which were inadequate and had no freedom to shape their own budgets."² It was also suggested that some independence should be granted to local bodies to collect their own taxes, subject to the approval of the government for any change in the taxation system and policies. The government control over the local borrowings still continued. The commission also remarked that the local bodies should be more

¹ S.R. Maheshwari, op. cit., p. 17.
representative of the people and in the local affairs. Their authority should be real and not nominal. Furthermore, they should not be subjected to unnecessary control, and should learn by making mistakes.

The recommendations of the Decentralization Commission 1909, were not implemented due to some unknown reasons and were only implemented at the time when the Montague Chelmsford Reforms of 1919 gave a measure of autonomy to the provincial legislatures. The administration of local self-government was taken out of the hands of the district officers and placed under a department which was controlled by a popular minister. Furthermore, the franchise for election to local bodies was also enlarged.

The Government of India Act of 1919 came into force in 1920. By this Act responsible government was established in the provinces by introducing the system of dyarchy or dual government. Certain functions like cooperation, agriculture and local self-government were handed over to the popularly elected ministers who were responsible to the legislature. In this period a large number of amending Acts were passed on local self-government in every province. The restrictions which were imposed on local bodies in respect of the preparation of budget, and the executive control were transferred to the elected members of the public. It can be said that the local self-government was marching in the direction of democracy. With the democratization of the local self-government, one finds a
gradual decline in the efficiency of the administration of local affairs. Corruption, nepotism and favouratism increased in every province and the local civil services came under the influence of local politicians. Jawaharlal Nehru, when he was the Chairman of Allahabad Municipal Board in 1924 and 1925, wrote the following about his experiences of the working of local self-government in India. "Year after year government resolutions and officials and some newspapers criticised municipalities and local boards and pointed out to their many failings. And from this it may be inferred that democratic institutions were 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 the cross between the two, and has the disadvantages of both."

In 1930, the Simon Commission made a thorough study of the problems of local self-government in India. The Commission came to this conclusion that efficiency of the local self-government depends upon the control or pressure which is exercised by the provincial government. It is concluded that the financial resources of the local bodies are too inadequate to produce a trained personnel for the local bodies.

The Government of India Act 1935 came into force in 1936, which replaced the dyarchical system of government and the

system of provincial autonomy was introduced. In April 1937, the provincial autonomy was inaugurated. The popularly elected members were drawn into the affairs of the provincial governments. The provision were made under this Act, that the provincial governments were empowered to enlarge their resources of revenue. Terminal taxes were transferred to the centre from the province. Furthermore, so many provisions were made in this Act, so that identity of interest could be maintained between the provincial and local administration.

When the popularly elected ministries came in power in 1946, the problems of local self-government were studied afresh and the recommendations of the various committees were constituted in order to improve the structure and working of local bodies. But the recommendations of various committees could not be implemented due to the resignation of popular ministries, and the Second World War hampered the growth and development of local self-government in India.

In 1947, when the country achieved independence, a new period started in the history of local self-government. With the end of the British rule there was self-government at all the levels — Central, State and Local. After achieving independence a new chapter opened in the socio-political reforms which resulted in the establishment of a federal system of administration in the country. The universal adult suffrage was introduced. India was to be a welfare state having a socialistic pattern of society. Amending legislations were
passed in all the States of India in order to democratize the Constitution for widening the functions and powers to raise finances of local bodies. The planning and implementation work based upon democratic pattern and popular initiative was provided in the Constitution. However, great importance has been attached to laying down a smooth and strong system of local self-government in the rural areas. Article 40 of the Constitution of India clearly lays down, "State shall take steps to organize village Panchayats and to endow them to function as a unit of self-government",¹ but this provision was opposed by Dr. Ambedkar himself and was provided with great difficulty.

The Janapada Scheme for rural areas in the Central Provinces was an unique creation of the first order. It anticipates the Balwantary pattern of local self-government. It brings government closer to the people by the adoption of tehsil as the unit of government, thus there was shifting emphasis from the district to the smaller area of tehsil. The Janapada scheme was implemented in 1948. In spite of short comings it had a historical role to play in the development of local self-government in the Central Provinces. In the new set up the three tier system of local self-government for the rural areas has great advantages.

With the coming of the present Constitution into force in 1950, the local self-government entered a new phase. The

¹ Constitution of India, Article 40.
Constitution of India has allotted the local self-government to the State list of functions. Since independence much important legislation for reshaping the local self-government has been passed in many States of India. The constitutions of local bodies were democratized by the introduction of adult suffrage and the abolition of communal representation.

The main features of these legislative measures are as follows:

(a) Adult Franchise replaced limited franchise in local bodies in all the States.

(b) The U.P. Amendment Act of 1952 and the Madhya Bharat Act of 1954, had given facilities for the election of the President of the municipal boards directly. This experiment, however, failed and the States bent back to the old pattern of the Chairman or President being elected by councillors.

(c) Provisions were made to strengthen the position of the Chief Executive by giving him specific powers under the Act by providing for appointment of Executive Officer where there were none.

(d) Provisions were made to regulate the appointments, promotion and disciplinary control of municipal staff and to adopt the practice of making certain appointments on the recommendations of Public Service Commission.

The subject of local self-government have been exclusively assigned to the State. These local bodies are facing now the political, administrative, financial and technical problems of
great magnitude. An attempt has been made to present all these factors in their proper perspective and to suggest certain measures of reform.

Before independence, there were only three municipal corporations in India. But after independence a tremendous increase in existence of municipal corporations came and at present the number of corporations has increased upto thirty-three.

The history of Municipal Corporation in Uttar Pradesh starts from 1938, when the committee on local self-government gave its recommendation that those municipalities which had a population of 1\(\frac{1}{2}\) lakh or above and their annual income exceeded not below 15 lakh rupees per annum, should be declared as Corporations. Their powers and privileges were to be defined by the State government. In July 1953, the U.P. Government took a decision to set up Municipal Corporations in five big cities. There was a continuous demand for a reformation of municipal administration in these cities. The demand of better

1 A 'lakh' is 1,00,000.


3 V.N. Sharma (Minister for Local Self-Government), "Our Nagar Mahapalikas: Major steps towards better civic rule", Northern India Patrika (Supplement), February 1, 1960.

4 Kanpur, Agra, Varanasi, Allahabad and Lucknow, popularly known as KAVAl Towns.
civic amenities enlarged the scope of municipal administration. The U.P. Municipalities Act, 1916, could not endorse the demands of the people for their requirements and complexities of the new situation. In this Act, there was not a well defined division between the deliberative and the executive power and functions. The municipal council had the power to perform these functions alone. The administration was run through the Committees. Their powers, composition and the number were different from board to board. The executive authority was divided between the committees and officers, which made it a weak executive; especially in big cities where specialised administration was needed with expert handling.

In big cities, beside the Municipal Board, Improvement Trusts (or the Development Board in the case of Kanpur), were also functioning for developmental works. To avoid the duplication of efforts and to remove the conflicts of functions between the two bodies a demand for unified system of civic administration was made in the KAVAL towns. Thus we have the

2 Section 104, U.P. Municipalities Act, 1916, gave power to the Municipal Boards to create as many committees as was necessary.
3 In Kanpur and Banaras, for instance, there were 11 and 8 Committees respectively; Sharma, M.P., Local Self-Government and Finance in Uttar Pradesh (Kitab Mahal, Allahabad, 1954), p. 59.
origin of the Municipal Corporations in Uttar Pradesh. The U.P. Municipalities Act, 1916, the U.P. Town Improvement Act 1919 and the Kanpur Urban Area Development Act, 1945, were modified and some new improvements were made which may be applied to the KAVAL towns.

It was assumed before the introduction of corporation system of Local Self-Government that the appointment of administrator for one year or so, is necessary for the smooth functioning of the local bodies. The administrators were only responsible for the government without the fear of municipal politics of the KAVAL towns. The draft bill for enforcement was ready in 1953, but, owing to some political reasons, it could not put forth before the legislature till April, 1957. Consequently, the administrators had a long term.

After the first perusal the bill was sent to the Joint Select Committee of the House. The Select Committee made certain changes in the bill in connection with the composition and tenure of the Corporation; the electoral qualification


2 The Bill was published in the Gazette Extra Ordinary, April 16, 1957.

3 Report of the Joint Select Committee on the U.P. Municipal Corporation Bill 1957. The Committee held its sitting in the Secretariat at Naini Tal on June 12, 13, 17, 18, 19, 20, 20, 22, 24, 25, 26 and at Vidhan Bhavan, Lucknow, on July 17, 18, 26, 27, 29, 30 and August 5, 22, 28, 1957.
and the powers of the Mayor; the term of the powers of
Deputy Mayor, the Municipal Chief Auditor and the Medical
Officer of Health; and the powers of the State Government
to suppression and dissolution of the elected members (Councillors)
of the Corporation. The Select Committee also fixed the
maximum numbers of Councillor to 90 in a corporation and the
number of aldermen at 1/3 of the total number of the Councillors.
The bill was passed on September 15, 1958\(^1\) by the State
Legislature Assembly and on December 17, 1958, by the State
Legislative Council.\(^2\) The Bill received the sanction of the
President\(^3\) on January 22, 1959.

The Select Committee on the Legislature criticised the
weak position of the Mayor and the maximum State control over
the Municipal Corporations. It was suggested that some
executive authority should be given to the Mayor; he must not
be a figure head and his term of office may also be extended
which was for one year according to the Bill. The power of
the State Government over Municipal Commissioner to call upon
him at any time for getting information, reports, explanation
or statistics consultation about municipal corporations was

\(^1\) U.P. Legislative Assembly Proceedings, Vol. 198, No.4,
September 15, 1958.

\(^2\) U.P. Legislative Council Proceedings, Vol. 62, No. 13,
December 17, 1958.

\(^3\) The Act was published in the U.P. Gazette Extra-Ordinary,
January 24, 1959.
also criticised.1

After receiving the sanction of the President, the preparations were made to set up the Corporations in the KAVAL towns. The composition of each Municipal Corporation (Nagar Mahapalika) was defined by the State Government.2 The term of each Nagar Mahapalika was for five years with provision for next one year extension, and in an emergency for another one year.3 In Uttar Pradesh, the elections for the five municipal corporations were held on October 25, 1959.4

The Corporations were constituted on February 1, 1960, and the first term of the five KAVAL Corporations expired on 31st January 1965, but the State Government extended their term for next one year. And after that no further extension was granted to the five KAVAL Corporations in the State. Consequently, they were dissolved by an Ordinance issued by the State Government on January 25, 1966.5

1 The powers of the State Government to this effect were contained in Clause 527, Sub-clause (2) of the Bill, and they were incorporated in Section 531, Sub-clause(2) of the U.P. Nagar Mahapalika Adhiniyam, 1959.

2 Sharma, V.N., Minister for Local Self-Government, "Our Nagar Mahapalika, major steps towards better civic rule," Northern India Patrika (Supplement), February 1, 1960.

3 U.P. Nagar Mahapalika Adhiniyam, 1959 (U.P. Act II of 1959), Section 8.

4 Civic Affairs (Kanpur), Vol. 7, November 1959, p. 84.

5 Ibid., Vol. 13, No. 7, February 1966. The Ordinance was called 'The Uttar Pradesh Nagar Mahapalika (Alpkalika Vyavastha) Adhyadesh, 1966.'
Elections for the Office of the Deputy Mayor were held in February, 1960. The elections for the Mayor were held in December 1959, January 1961, April 1962, April 1963, April 1964, and April 1965.

Municipal Corporations in Uttar Pradesh have been functioning since February 1, 1960, after passing the U.P. Nagarpalika Adhiniyam 1959, which was passed by the State Legislature. Under this Act, the Municipal Corporations were set up in five big towns of Uttar Pradesh, which are generally and collectively known as KAVAN towns. Municipal Corporation is the topmost pinnacle of urban local bodies. The main objects in setting up of these Corporations was to strengthen their financial resources so that they could provide better civic services and amenities to the people. The Municipal Corporations were over-populated, spread over a larger area and had immense problems to settle.

Municipal corporations exercise authority over other forms

4. Ibid., Vol. 9, No. 10, May 1962, p. 117.
7. Ibid., Vol. 12, No. 10, May 1965, pp. 63-65; Also see National Herald (Lucknow), June 26, 1965.
of urban government. In our country, urban local government is not hierarchical in character like rural local government. The Corporation form of urban government is meant essentially for bigger cities where civic problems assume a high degree of complexity. The different States adopt different criteria in establishing the Municipal Corporations. As supposed, Corporation vary considerably both in terms of populations and resources. In functions, a Municipal Corporation is different from other of urban body. A Municipal Corporation has more powers and functions, almost identical with those of other local bodies, and divided into obligatory and optional categories. A Municipal Corporation enjoys power of having direct dealings with the State Government whereas the other local bodies comes under the control of the Collector and the Divisional Commissioner.¹

The Rural-Urban Relationship Committee (1966) recommended a corporation form of government only for those cities which have a population not less than 5,00,000 and annual income of not less than 10,00,000 rupees. Broadly speaking, the following criteria may be considered for setting up a Municipal Corporation for a city:

1. Existence of thickly populated area.

2. Existing development of the Municipality and its future prospects of the development.

¹ Report of the Rural-Urban Relationship Committee (1966), op. cit., p. 11
3. Financial position of the municipality.

4. Ability of the people to bear the burden of increased taxation.

5. Public opinion in favour of a Corporation.

6. Modern amenities such as tarmacked roads, mass media, quick transport, etc.

A Municipal Corporation comprises the Council, Councillors, Aldermen, Mayor, Deputy Mayor and Committees. The official appointed by the State Government known as Commissioner or Mukhya Nagar Adhikari. The Council is the constituent unit of the Municipal Corporation. It comprises members, called Councillors. The Councillor are elected on the basis of adult franchise for a period varying from 3 to 5 years. In U.P., they are elected for a period of 5 years. For the purpose of Councillor's election, the city is divided into as many wards as there are members or seats in the Council. The Council is regarded as the Legislative Assembly of the Corporation. Some corporations, like Bombay, are consist of only elective element, others include aldermen also. The aldermen are elected by the Councillors and enjoy all the privileges of the elected Councillors.

The Mayor is first citizen of the city. He presides over the meetings of the Council. He is elected by the Councillors including aldermen by a secret ballot. In U.P. he is elected in accordance with the system of proportional representation by means of single transferable vote. His period of office is one
year, which is renewable. He is a nominal and ceremonial Head. In KAVAL towns, the Mayor need not be a member of the Council. The Mayor exercises administrative control over the Council. He has the power to call an emergency meeting of the Council. In U.P., the Mayor recruits the people for the various posts carrying a monthly salary of Rs. 500.00 and above with the consultation of the State Public Service Commission. The one year term of the Mayor was subject to many objections. Firstly, it is too short, so that the Mayor could not help in planning on a large term basis and he does not acquire insight into the problems of Municipal Administration. Secondly, it strengthens bureaucracy, headed by the Municipal Commissioners. Thirdly, if a period of one year is provided, he finds himself in tight corner. The period of the Mayor needs to be strengthened to enable its incumbent to emerge as the leader of a self-reliant, self-governing and self-respecting community. The following suggestions, if implemented, would go a long way in solving the problems:

1. The term of the Mayor should be made co-terminus with that of the Council; and

2. The Mayor should be consulted by the State Government while making appointment for the Commission for the Corporation.

The Deputy Mayor is elected by the Councillors from amongst and the tenure of his office is of one year in all the Corporations except in U.P. In U.P. his tenure is continuous with that of the Mahapalika (i.e., five years).
The Committees set up by the Councils may be divided into two categories — Statutory and Non-statutory. A Statutory Committee is one which has been constituted by the Statute in KAVAL towns of U.P. Each has two Statutory Committees — Executive Committee and Development Committee. The Executive Committee whose Chairman was the Deputy Mayor, was elected for a five-year term. Both the Committees, having divided from original intentions, they were later abolished by an Amendment of the Statute and in their places a Standing Committee has been set up.
BROAD ORGANISATIONAL SET-UP OF THE MUNICIPAL CORPORATIONS
IN UTTAR PRADESH

MAHAPALIKA
(General Body)

Deliberative Wing
Mayor
Deputy Mayor

Executive Wing
Political Executive
Permanent Executive

Executive Committee
Development Committee

Mukhya Nagar Adhikari
Up Nagar Adhikari
Sahayak Nagar Adhikari
Superintendent
Assistant Superintendent
Other Staff

Nagar Adhipanta
Sahayak Nagar Adhipanta
Overseers
Other Staff

Other Staff