CHAPTER - II

EMERGENCE OF MUNICIPAL GOVERNMENT IN INDIA
The conception of governmental structures and organizations which have been the focus of political administrative dichotomy has been resulted from the institutional approach to the contemporary administrative system. The duties, responsibilities, activities and functions of individuals and groups are directed towards these structures and organizations and in turn public policy is the determined and implemented by these organizations. Political Science is the study of these structures and institutions and equally significant among them are the local bodies or local self-governments.\(^1\) Strictly speaking, a policy does not become a public policy until and unless it is adopted, implemented and enforced by some governmental institutions. The main objective of local self-governments make public policies with the essence of democracy with development for the promotion of the best to the people.

The Local Self-Government institutions including the third world countries have been provided the modern administrative structure in the world with a principal objective of taking these under developed and developing countries to the destination of progress and prosperity on the axle of democracy and the wheel of development. The individual national government at the apex level is regarded as the first tier of the structure of administrative system. Whereas the constituent units are called states or provinces are the second tier for the local self-government. The third tier at the bottom is the local-government which is created by National and State enactments and functions within a limited jurisdiction as provided by various statutes.\(^2\) Local government is widely interpreted as local
self-government in India as this term was originated when our country was under British colonial administration and did not enjoy any provision of local self-government either at the Central or State levels. But today the term self-government has obtained its significance as the country enjoys Self-Government both at the central and state levels in fact, in the Constitution of India the term used is Local self-government.

LOCAL SELF-GOVERNMENTS—FROM A HISTORICAL PERSPECTIVE

The local self-government institutions are not new to India. “These have flourished in India since times immemorial, the panchayats or village governments as they were called ancient institutions and were themselves small republics.”3 In Rigveda, the people used to solve their problems with collective approach. K.P. Jayaswal, a notable historian in his book “Hindu Policy” stated that in ancient times national life and activities were performed with the will of Public assemblies and organizations. Writing about these village communities in 1830, Sir Charles Met Cafe stated that, “They seem to last where nothing else lasts. Dynasty after dynasty tumbles down; revolution succeeds revolution Hindu, Pathan, Moghal, Marata, Sikh, English are all matters in turn; but the village communities remain the same. In times of trouble they arm and fortify themselves; a hostile army passes through the country; the village communities collect their cattle within their walls and let the enemy pass unprovoked.”4
Coming in particular, Municipal Government in India has its roots in pre-historic times. The epoch-making excavations at Harappa and Mohenjodaro reveal that a highly developed urban civilization existed in the Past. The cities had their councils which were elected bodies. The Administrative Council of the city was modelled upon that of village communities and it may be assumed that like the latter, it certain matters were reserved for the control of imperial officials.

India can thus rightly be a claimant of the hoariest traditions of local self-government in the world. Frank moraes, a biographer, supports this contention he writes, “Democracy was no exotic growth in India and centuries before the advent of Moghal and British rule the stress was on self-governing institutions and a corporate life.” Coming to the period of Moghal rule in India the system of local self-government was also in existence. The administration of a town vested in an officer called kotwal who performed many municipal functions besides exercising supreme authority.

LOCAL SELF-GOVERNMENT - A BRITISH CREATION

Though the existence of elective city councils in ancient India can not be denied, yet there is no doubt that the foundations of modern system of Municipal government were laid by the British which received representative character. Thus local self-government in India, as a representative organization was a creation of British, 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.

A beginning of the local self-government said to have been made in 1687 when for the first time a local governing body—a Municipal Corporation was set up for the city of Madras. Local self-government is thus slightly less than three Centuries old in India. Broadly, it may be divided into the following four periods and each period characterized by a definite aim and purpose.

Table 2.1

GROWTH OF LOCAL SELF - GOVERNMENT IN INDIA

<table>
<thead>
<tr>
<th>S.NO.</th>
<th>PERIOD FROM-TO</th>
<th>NATURE OF GROWTH</th>
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<tr>
<td>1.</td>
<td>1687-1881</td>
<td>Local government was viewed to ease central and provincial finances and thus to subserve imperial needs.</td>
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<td>2.</td>
<td>1882-1919</td>
<td>Local government began to be viewed as Self-Government.</td>
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<td>3.</td>
<td>1920—1947</td>
<td>Local government came within the jurisdiction of provinces and further was transferred to popular control and Local self-government was in state of repair and reconstruction.</td>
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<td>4.</td>
<td>1947-Present Day</td>
<td>Local self-government has been keyed to the requirements of the constitution.</td>
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Source: Development administration – Rural perspective, Kanishka publishing, New Delhi, 1993, P.3
After the formation of Municipal Corporation, the next development was passing of charter Act in 1793 which established Municipal administration in the three presidency towns they are, Madras, Bombay and Calcutta. The Bengal Act of 1842 extended to the district towns in Bengal the power to set up town committee for sanitary purposes upon applications made by two-thirds of house holders in a town.9

**LORD MAYO’S RESOLUTION**

The policy of decentralisation which started during 1860-70 found full expression in Lord Mayo’s resolution in 1870. This resolution embodied the first systematic attempt to make provincial governments responsible for the management of their own local finances. Due to this policy several amendments were taken for the extension of the elective system and got good administrative devolution dates from this resolution.

**LORD RIPPON’S RESOLUTION**

On 18th of May, 1882 Lord Rippon who succeeded Lord Mayo as the Governor General of India who is acknowledged as the Father of Local Self-Government in India issued a historic resolution. To him local self-government was pre-dominantly an instrument of political popular education.10 The resolution embodying this doctrine has been hailed as the ‘Magna Carta’. The underlying intention of the resolution was evidently to give the people a more real and meaningful share in the management of local affairs.
ROYAL COMMISSION ON DECENTRALISATION

The most important stage in the history of local self-government was the publication of the Report of the Royal Commission on Decentralisation in 1909. The main recommendations made by the commission were:

a) Municipalities should be constituted in urban areas.

b) The municipality should elect its own president but the district Collector should continue to be the president of the district local board.

c) Municipalities should be given the necessary authority to determine the taxes and to prepare their budgets after keeping a minimum reserve fund.

d) The village should be regarded as the basic unit of local self-government institutions and every village should have a panchayat.

e) There should be substantial majority of elected members in the local bodies.

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

g) The responsibility of 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.11

h) Municipal executive should be strengthened by competent chief officers, and

i) Larger municipalities should be given greater powers.12
These recommendations were given consideration by Lord Harding's Government, which issued a resolution in 1915, favouring changes in the structure and functions of local bodies.

THE RESOLUTION OF 1918

The authors of the Montford Report (which embodied Montague-Chelmsford Reforms) were guided by the principle that 'there should be as far as possible complete popular control in local bodies and the largest possible independence for them from outside control'. In pursuance of this principle, the government of India issued a comprehensive resolution. It embodied certain basic principles calculated to establish whenever possible, complete popular control over local bodies, democratization of the electorates and the composition of local bodies and a measure of emancipation from outside control as warranted by the local circumstances.

GOVERNMENT OF INDIA ACT OF 1919

With the introduction of diarchy after the passage of the Government of India Act of 1919, the local self-government department was transferred from bureaucratic hands to those of an elected minister in all provinces. As a result, the overall responsibility for the functioning of the local bodies was no longer to rest with the District officers and they ceased to be the chairman, though they still retained general supervisory control over them. The popularly elected ministers established elected councils and gave executive authority to the elected chairman.
Thus, the approach was more liberal and there was a deliberate attempt to give the local bodies greater freedom from outside control.\textsuperscript{15}

**PROVINCIAL AUTONOMY AND AFTER**

The Inauguration of provincial autonomy on April 1, 1937, under the Government of India Act of 1935, gave further impetus to the municipal government, though temporarily. Diarchy was replaced by provincial autonomy. But conspiracy of circumstances and the resignation of ministers in the congress dominated provinces it gave a set back to the development of local self-government both in the urban and rural areas.

**INDEPENDENCE AND AFTER**

With the dawn of independent era and the establishment of a democratic constitution, new hopes were pinned on the Indian leadership for establishing popularly elected governments at the local level. The changes that occurred during the post independent era not only affected the structural and functional aspects of local bodies in rural areas but also touched the urban local bodies.

In 1948, the ministers of local self-government in the provinces met under the chairmanship of the Central Minister for Health to exchange ideas with regard to various problems facing local authorities. It was inaugurated by Pandit Jawaharlal Nehru. In his speech he reiterated that "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."17

In January 26, 1950 the Constitution of India was came into existence. It made local self-government as State subject. Most significant aspect in the progress of local self-government was as compared to the dramatic changes in this fields, the rural areas have been involved in national planning and development but the urban areas have been kept out of the main stream of the development process. In fact, the development of urban local self-government has been slow to the extent of being unimpressive. It is only of late that the urban local self-government has attracted the attention of the government.

The most important feature of this period is the emergence of various associations which have attracted the attention of the government and of the masses to the problems of local bodies. The Central Council of Local Self-Government which was set up on the recommendations of the second local self-government ministers conference in 1954, is the most important of such associations. Besides, a number of Central Committees and commissions have been set up from time to time to suggest ways for streamlining the local self-government structure in the country. These included

a) The Local Finance Enquiry Committee, 1949
b) The Taxation Enquiry Commission, 1953 and
c) The Rural Urban Relationship Committee, 1963
In the states also various committees and commissions were appointed for looking into the problems of municipal administration and recommending measures for its improvement.

Another significant development was the separation of rural local self-governments from urban local self-governments. The Government of India to this effect left necessary legislation to establish the above urban local bodies by the states for urban development. In particular the municipal councils which come under urban local self-governments are placed in state list and governed by the Municipal acts of respective states. Most of these acts were enacted during the early twenties and thirties of this Century. Local self-government was one of the earliest fields thrown open to Indians by the British as a part of their philosophy to impart political education to Indians. In 1901, the Bombay District Municipalities Act was passed which was followed by the Punjab Municipal act of 1911, The United Provinces Municipalities Act of 1916, The Madras District Municipalities act of 1920, The Bihar and Orissa Municipal Brought act of 1925 and the Bengal Municipal act of 1932. The period immediately following the reorganization of states in 1956 was characterized by enactments of Municipal acts in several states. In view of this reorganization their acts. Prominent among them were Jammu and Kashmir, 1951, Rajasthan, 1959, Kerala, 1956, Assam, 1960, Karnataka, 1964, Madhya Pradesh, 1961, Gujarath, 1963 and Maharashtra, 1965. The State of Andhra Pradesh responded properly to the signals of the Government of India and exacted Andhra Pradesh Municipalities Act in 1965 to establish municipalities in the state.
MUNICIPALITIES AND EDUCATION

The history of primary education was invariably connected with the growth of local self-government commencing from Hunter’s Commission on Education on 1882 added with Lord Rippon’s Resolution of the same year local bodies were put in charge of primary education for effective administering primary education and were also levying rates for educational purposes. In due course, education was transferred to the municipal administration too in urban areas and were permitted to assign funds for educational purpose.

The Government of India Act, 1919 made ‘education and local self-government’ as Transferred Subjects and as a result they came under the direct control of the Indian Ministers. In the opinion of Gopala Krishna Gokhale compulsory primary education as the responsibility of the local bodies. Primary education, spread of adult literacy and administering primary education were primarily entrusted to local administration. In 1928 in view of drawing attention of the authorities to the problems of education under local bodies by Hartog committee there were attempts to withdraw powers for the local bodies in respect of administration of education. The Sargent Commission in its report issued in 1944 entitled ‘postwar education development in India’ dealt at length all the stages of and various aspects of education and finally recommended for the withdrawal of powers from local bodies. However, the local bodies and Municipal Boards continued to administer education even after independence.
The importance of the role of the local administration in educational endeavours was rightly recognized by the Kothari Education Commission, 1964-66 which aptly suggested for the creation of District School Boards and Municipal School Boards as local educational authorities enabling the association of local committees in the educational enterprises. Since then, municipalities in urban areas are administering primary and secondary educational institutions till to date including in Andhra Pradesh.
CONCLUSION

After the attainment of Independence, the principal feature of local self-government in India is formulating public policies generally and in respect of educational administration in particular at urban local level. These local self-governments faced a series of ups and downs in their present stage but still require additional fillip to raise and enhance to the expectation of people in making public policies. It is noteworthy that primary and secondary education in urban areas is being organized and administered by municipalities for the development of its people. Education at the primary and secondary levels is to be strengthened in urban areas, the urban local bodies and municipalities will also to be strengthened keeping this idea in view the evolution, growth, organization and working of municipalities from central level to local level is dealt in the preceding chapter.
REFERENCE


4) Elphinstone., History of India, London, John Murray, 1905, P.68


7) Morace Frank, Jawaharlal Nehru-A Biography, New York, 1956, P.407


11) Ibid., P.18-19.


14) India Edn. Resolution No. 41 of May 16, 1918, Para 3.


