CHAPTER - III

LEGAL STRUCTURE

The evolution of urban government in the present form can be attributed to different phases of constitutional and administrative developments. The urban local institutions in our country has been in existence for long time. That in Ancient and Medieval India municipal institutions existed and flourished is accepted by historians. By the time the Britishers appeared on the scene, no municipal institutions worth its name existed. The earliest attempts to introduce municipal government were made in the three presidency towns of Madras, Bombay and Calcutta.

Lord Rippon's regime was the most important landmark in the history of local government under British Raj. He announced a new policy in 1882 and established local self government on a liberal basis. Paragraph 5 of the Rippon resolution laid down the main purpose of this reform, "It is not primarily with a view to improvement in administration that the measure was put forward and supported. It was chiefly designed as an instrument of political and popular education." As a consequence of Lord Rippon's resolution marks the first step in bestowing some real powers to self-governing institutions. The new scheme laid great emphasis on the manner of

securing people's representation. The municipal boards constituted for a three year term, consisted of both elected and nominated members. The system of 'rotation' and division of the town into municipal wards was affected. The term of municipal Chairman and Vice-chairman was three years and one year respectively. Till Ist World War the Municipal Governments were politically dominated by the upper classes. The limited franchise helped the upper classes to participate actively in municipal affairs. Popular interest and participation increased after the War, specially after the Montague-Chelmsford reforms.

Montague-Chelmsford Reforms of 1919:

"As part of the Montague-Chelmsford reforms which brought the system of dyarchy to the Indian provinces (in which, local self government was one of the untransferred subjects i.e., under Indian control). The government of India set out to democratize local self-government by the extension of the franchise, the replacement of official chairman by non-officials and expansion in the proportion of elected members."^3

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In 1920s double-member constituencies were in existence, with seats reserved for Muslims. The Muslim separatist movement was emphasizing the unity of the community over the preservation of minority interests. The proposals were also included an expansion in the powers of taxation and the control of services for which the local authority was paying. All of this was seen as a further step on the road to responsible self-government, with the bodies local/as training grounds for political leaders. After an initial period of boycotting the reforms, the Congress in the mid 1920s co-operated with them in some instance, with the idea of wrecking them by obstructionist tactics, once they were elected. In the early 1920s active nationalist leaders such as Jawaharlal Nehru, Vallabhai Patel, Rajendra Prasad, C.R. Das, Pheroz Shah Mehta, served on municipal councils.

The focus of political activity after 1928 shifted to the national scene. Men like Jawaharlal Nehru took up national issues once again while municipal politics were linked to national movements especially/the Congress.

As Philip Oldenburg has said "The implementation of the Government of India Act 1935, which permitted provincial ministries to aspiring political leaders. The municipal arena became one of many formal arenas." Municipal Government provided the base to initiate self-government in the urban areas and the working of contemporary urban bodies in some ways reflects the old traditions built up during the day of nationalist and democratic control over local bodies.

In the first decade of the present century an attempt was made in the management of municipal councils, non-official element from amongst leading castes and communities were nominated. Though the Board was permitted to have an elected president, he did not possess any statutory powers and in actual practice acted as a nominated official. In all the municipalities, the Chairman of the Board was a nominated official. Thus before Independence, generally speaking, municipal institutions were dominated by the officials and performed very limited functions.

**Constitution of Meerut Municipal Board:**

Meerut Municipal Board is one of the oldest in Uttar Pradesh having been first set up in 1864, under the Improvement

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in Towns Act of 1850. Up to 1868 the Chaukidari Act was in force in Meerut city and since then the Municipal Act came into existence. Various institutional arrangements introduced at different times and places were assimilated into the North West Provinces Act (XV) of 1873, further strengthened by the Act of 1883, which "provided for all municipalities election by rate payers of the three fourths of the members and of the chairmen and vice-chairmen, by the municipal committees". Yet, neither the professional man nor the "independent trades' man" was likely to be content with the executive powers conferred to the localities by the regulations under the Act of 1883. Rules for municipal elections and appointment of municipal members were made in August 1884 and the first elections were held on September 4, 1884. The municipal area was divided into 5 municipal wards, each of which was represented by 3 members. One of these members retired in order of rotation under the triennial rule. Under the system of extremely limited franchise, out of the 15 elected members in 1890, ten were Hindus. The population of Meerut city had 53 per cent of Hindus and 43 per cent of Muslims in 1901. And it was under


these circumstances H. F. Oppenheim the English Chairman of the Meerut Municipality stressed the necessity of "doing something to secure the representation of minorities". This was achieved by the Uttar Pradesh Municipalities Act II of 1916, which provided for separate representation to Muslims, out of 17 members of the Meerut Municipality, the distribution of Hindus and Muslims was fixed at 9 and 8 respectively. This Act also provided specifically for the election of a nonofficial Chairman. For the first time an Indian was elected as municipal Chairman of Meerut municipality in 1917.

The Local Self Government Committees appointed by Uttar Pradesh Government in 1938, reviewing the working of the 1916 Act said "There can be no two opinions that the existing arrangement of local bodies have given rise to a very large dissatisfaction in the public mind. In many cases the working of municipal boards have become synonymous with intrigue, incompetence, and bankruptcy." Since 1919, the municipal elections were held very irregularly. The triennial elections of municipal boards which would ordinarily have been held in March 1921, were postponed to March 1923.

The 1923 municipal elections showed quite encouraging results in which 76 per cent of the total electorate participated. The reason was that franchise was increased and the Non-Co-operation Movement by the Congress Party brought a new political consciousness among the people.\textsuperscript{13}

In 1923 the total number of members of Meerut municipal board was fixed at 18. 15 members were elected and 3 were nominated.\textsuperscript{14} Under the Uttar Pradesh Municipalities Act II of 1916, the Muslims were given separate and weighted representation. It was decided that the Muslims should be given 33 per cent of the seats on municipal boards and they should be elected by only Muslim electors.\textsuperscript{15} This brought greater complications. The 1928 Report pointed out that "instead of patching up the differences between the sister communities, only made each one of them more self conscious of its separate interests and existence, so much so, that local bodies today have become hotbeds of communalism and everything that follows from it."\textsuperscript{16} The number of members in Meerut municipal board in 1931 continued to be 18. Out of 18 members, for the first time a woman member was included in the municipal board of Meerut city.\textsuperscript{17} The population in

\begin{itemize}
\item \textsuperscript{13} Annual Report of Meerut Municipality, 1923-24.
\item \textsuperscript{14} Ibid.
\item \textsuperscript{15} Report of the Municipal Administration and Finance, in the United Provinces, 1933, p. 3.
\item \textsuperscript{16} Ibid., p. 3.
\item \textsuperscript{17} Annual Report of Meerut Municipality, 1930-31.
\end{itemize}
municipal limits in 1931 was 77,711. Persons and the number of voters increased from 2,599 in 1910 to 6,720 in 1931, by about 11 per cent. 18

The total number of board members however remained 18, 17 elected and 1 nominated in the 1936 municipal elections. 19 Since then elections were postponed due to the out-break of the Second World War.

1944 Municipal Elections:

Ordinary general elections were held in November 1944 and the same Municipal Board members continued up to October 1953. 17 members were elected and 1 member was nominated. 20 The total number of voters did not increase much.

1953 Municipal Elections:

In October 1953 direct elections for municipal Chairman were conducted in the 15 wards of the city. Three members were to be elected from each ward, thus bringing the total membership to 45. The directly elected municipal chairman was the 46th member.

In 1953 the population in Meerut city was 1,60,140. The total number of voters increased to 1,06,760 because of the introduction of the adult franchise. 21 The number of voters in the municipal constituencies and the Legislative Assembly constituency was the same. The provision for

18. Ibid.
reservation of seats for Scheduled Castes was also made in 1953. The scheduled caste population was 9,502, and 2 seats were reserved for them.

Direct elections of the municipal chairman did not prove fruitful and consequently by an Amendment in 1953 the government again went back to the original process of indirect election of the municipal chairman.

1957 Municipal Elections:

The next municipal elections were held in 1957, when indirect election of the municipal chairman was reintroduced. The total number of voters as well as the number of seats in the municipal elections, remained the same as in 1953.

In 1961 the U.P. Government postponed the municipal elections thereby extending the life of the municipal boards. In 1961 no municipal elections were held in Meerut city. The postponed municipal elections were held only in 1964.

1964 Municipal Elections:

The total number of municipal wards was increased to 20 from 15. The total number of seats in the municipality was reduced to 40 from 45 in 1957, because of delimitation

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23. Ibid., U.P. Act No. 7 of 1953, Section 9.
of municipal wards. The Government of U.P. accepted a new formula to allocate the number of members of municipalities on the basis of population. If the population exceeded 2,86,000, then the number of members was fixed at 40. 3 seats were now reserved for the Scheduled Caste members instead of 2 seats in 1957. The total number of voters in 1964 were 1,19,273, as against 1,06,760 in 1957.

The municipal board of Meerut completed its full term of 5 years in 1969, but the term was extended for one year. Meerut city was classified as class I municipality in view of its growing importance. The Municipal Board of Meerut was suspended with effect from June 15, 1970 for two years, under section 30 of U.P. Municipalities Act of 1916. The period of supersession specified in the order was extended till 1970, by the State Government by notification in the official Gazette under section 31 and 31A. The Government appointed Municipal administrator immediately after Boards' supersession in June 1970 to exercise and perform all the powers and duties of the Board, the Chairman, Vice-chairman, Committees and of the Executive Officer. The life of the Administrators' tenure in Meerut municipality was due to expire on June 15, 1972 but the period was extended for another two years and the State Government has been extending the supersession order by notification since 1970.

Municipal Committees:

Committees ensure wider participation by the municipal councillors and provide a check on administration. The committee system has become an integral part of the organization of the municipal deliberative body. It is not merely desirable but essential that a certain amount of work is delegated and carried on through the committees. Statutes in all the states provide that the powers and duties of the elected council will normally be exercised through committees.27

The Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, makes provision for two statutory committees i.e., an Executive Committee and a Development Committee.28 The committee members are elected through proportional representation by means of single transferable vote by secret ballot.29 The standing committee known as the Executive Committee in Uttar Pradesh, comes into contact with the executive

27. "Local Councils will all over the World make use of Committees which aid and advise them in the discharge of their duties in one way or the other. What is distinctive of British and Indian local councils is that they make for greater use of Committees than local councils in other countries," Das, R.B., and Singh, D.P. (eds.), Deliberative and Executive Wings in Local Government, (Lucknow, Institute of Public Administration, Lucknow University, 1968), p. 99.

28. Section 5 (b) and (c), and Section 51 (1) (b) and Section 52, U.P. Nagar Mahapalika Adhiniyam, 1959.

wing in many fields. The municipal board appoints the committees to aid and advise in discharge of its duties and to exercise its powers. In U.P., the municipalities were urged by the government to appoint at least the following committees:

a) the Finance Committee
b) the Public Works Committee
c) the Public Health Committee and
d) the Oct-roi Committee

A survey of the committees in Meerut municipality after 1951 reveals that 9 municipal committees were appointed after first municipal elections in the post Independence period in 1953.\textsuperscript{30} In August 1972, the State Government took over the Educational Administration from the Municipalities.\textsuperscript{31} Before supersession Meerut municipal board had the following committees:

1 Finance
2 Oct-roi
3 Public Works
4 Public Health
5 Water Works
6 Primary Education
7 Planning and Development
8 Mahila and Sishu Kalyan Committee
9 Suraj Kund Committee

\textsuperscript{30} Under U.P. Municipalities Act II of 1916 section 297(1) of the under clause (d) sanctioned vide Boards Special Resolution No. 215 dated 4-3-1955.

Among the non-obligatory Committees, Kaisarganj Committee was constituted in 1953 and continued till August 1956. Suraj Kund Committee was also constituted in 1958 for the beautification of Suraj Kund area. Mahila and Sishu Kalyan Committee was appointed in 1963 for the welfare of women and children. As the Meerut municipal board was superseded in 1970, all the committees both obligatory and optional, were automatically dissolved.

The important functions of municipalities are Public Health and Sanitation, Public Works and Water Supplies.

The U.P. Municipalities Act provides for two types of committees—obligatory and optional. It is obligatory for the municipal board to set up the following committees.

1. Finance Committee
2. Water Supply
3. Public Health
4. Public Works
5. House Tax
6. Octroi Committee

The Board can also constitute as many optional committees as it may consider necessary. The Finance Committee is the most powerful as it is one of the authorities of the Municipality. The Municipal Chairman of this committee is its ex-officio chairman. The membership of obligatory committees is decided by the State Government from time to time. The chairman of these committees are elected by Board members.
Though the main role of the committees are only advisory in nature, yet the executive officer of the Municipal Board gives due weightage to its deliberations. Further, these committees exercises a check over the activities of the officers of the municipality, and being the smaller unit of the popular representatives, they act as the bridge between the Nagar Palika and the executive wing. They also help in lessening the state control over the activities of the municipalities. To perform the above mentioned functions the municipality operates through general administration, Engineering, Health, House Tax, Octroi, Water Supply departments and their branches respectively.

URBAN DEVELOPMENT

The word Urban development has come to signify town planning, acquisition of land, development of the acquired land, housing, water supply, drainage and sewerage, slum clearance, public health and sanitation and other facilities. This is included on one hand, into Regional Plans which extend beyond the recognised limits of municipal area, and also in the Master Plans which covers the jurisdiction of a single planning authority. It ensures the economical and systematic development and improvement. The sudden and enormous influx of refugees in the post-Independence period witnessed a major problem which baffled all calculations of urban planning.
Regional Planning:

The first Five Year Plan recognised and realised the need for regional planning. This included land use, zoning, slum clearance, location of industries, etc. The hallmark of urban development in the Second Five Year Plan was to strike a balance between the rural and urban area, in consonance with the regional planning approach. The Third Five Year Plan rightly recommended preparation of Master Plans for Metropolitan areas, State capitals, Port towns, industries centres and large cities. However, the primary responsibility was however, of the State Governments concerned.

The Fourth Five Year Plan laid great stress upon the supply of safe water and control of water and air pollution. Urban planning in India, as is true for other aspects of development, does not present a picture of sustained effort and uniform growth. The magnitude of the planning tasks can be understood from the following words of Prof. W.A. Robson,

"Many of the most difficult problems which confront the great city can only be solved by far-reaching and imaginative planning. The elimination of over-crowding in the densest quarter; The provision of reasonable amount of land devoted to park, playing fields and other outdoor amenities; the opening up of suffocating alley-ways in the older parts of the city, the reclamation of slums and derelict residential commercial and industrial areas; the avoidance and elimination of high population densities in the central areas in order to exploit the enormous land values which accure in the great metropolis, the reduction and prevention of long exhausting
and expensive journeys to work which waste the money, health, energy and time of the those who live in the outlying suburbs of a Great City; these maladies which are commonly found in the Metropolis can only be achieved by well considered drastic and creative planning.  

Another important feature of urban regional planning is its metropolitan character. In recent years certain special authorities have been set up especially for large and medium sized cities to take over some of the functions traditionally assigned to municipalities. These are Improvement Trust, Special Agencies like Development Authorities, which came up only where the municipal organisation was weak or where the problems of urbanization spilled over the limits of more than one municipality. These special bodies are, however, confined to major metropolitan towns or regions, elsewhere in the majority of urban areas, urban development is looked upon essentially as a municipal responsibility. The Meerut Development Authority (M.D.A.) is still in its infancy. It cannot be compared with other Development Authorities constituted in metropolitan cities of Uttar Pradesh like Kanpur, Allahabad, Varanasi and Lucknow popularly known as KAVAL towns.


In the 17th Annual Town and Country Planning (organisation) Seminar held in New Delhi in October 1968, the following extract from Table III.1 discussed the growing importance of the Meerut city and also its future growth potential including optimum. 34

**TABLE III. 1**

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Meerut has a Master Plan which is bound to emerge as an essential step to develop the Meerut city in accordance with its importance as the focal point of the sub-region of Uttar Pradesh, falling within the National Capital Region. It is the second largest city in the National Capital Region and the largest city in the U.P. sub-region.

**Personnel Management:**

The executive authority in Uttar Pradesh municipalities is being shared by the Municipal Chairman and the Executive Officer. Municipal council is only a legislative wing but

34 A paper was presented by Rai, P.B., and Valsangkar, P.C., on "The National Capital Region - A case Study". 17th Annual Town and Country Planning Seminar, (New Delhi, October, 1968), p. 3.
it has to fulfil its legislative functions to watch and control the executive authority too. The municipal board chairman is the head of the deliberative and executive wings. The municipalities act vested executive powers both in the hands of President and Executive officer.

**Municipal Chairman:**

The most important functions of the Chairman is general supervision of the municipal board.\(^{35}\) He presides over the Board meetings, sends annual reports, proceedings, resolutions, etc., to the Divisional Commissioner and to the District Officer. The Municipal Board should have the power to select and appoint their own staff. At present municipal servants drawing a monthly salary of ₹ 75/- are appointed by the municipal chairman. Appointment on a monthly salary of ₹ 250/- in municipalities need the approval of the Municipal Board. The Executive Officer and other officials of the Municipal Board are under the direct supervision and control of the Chairman. The State Government can take action against an Executive Officer only on the recommendations of the Chairman. The Chairmen of the Municipal Boards in Uttar Pradesh is now elected directly on the basis of Adult suffrage.

A vote of no-confidence motion against chairman is possible only if it is passed by 2/3 majority of the total number of members of the Municipal Board, and a no-confidence

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\(^{35}\) Rural - Urban Relationship Committee, *op.cit.*, p. 110.
motion can be tabled against him only after two years from the date of his assuming the office as chairman.

The Executive Officer:

The Municipalities Act 1916 provides, that every board shall appoint an Executive Officer. He is head of the staff including the centralized services of the municipal board. The executive officer has certain powers and functions conferred on him in Schedule II of the U.P. Municipalities Act. He performs all the functions of the Board on behalf of the State Government. He can grant or refuse licenses which can be granted by the board. He can collect municipal funds, sums due from the citizens' and also he is empowered to receive funds and grants from the government. He is empowered to control the sub-ordinate staff of the municipality.

The Executive officer can appoint sub-ordinate staff on a salary of Rs. 40/- to 75/- per month with the approval of the municipal Chairman. They can be suspended or removed by the same authorities. In actual practice a lot of political pressures are used in appointments with the result that inefficient staff is inducted. Meerut Municipal Board is no exception to such instances.

36. Ibid., p. 109.
The local executive in the Municipal Board is of a dispersed type, where certain powers are reserved to the Board, which alone can exercise them by means of resolutions. The Chairman, the Executive Officer and other principal officers are sub-ordinate to the Board, but still each one of them is vested with different kinds and degrees of statutory powers.

**Position of Municipal Services:**

Apart from the Executive Officer the U.P. Municipalities Act provides for the compulsory employment of a Medical Officer of Health, and an Accountant or an Accounts Officer by every Board having an annual income of Rs. 50,000/- or over, unless the State Government otherwise directs. A Board may and if the government so directs shall also employ civil, electrical and water works engineers and qualified overseers, a secretary and superintendent or lady superintendent of education. These appointments are to be made by a special resolution i.e., on a vote of more than half of the total members of the Board and are subject to approval of the State Government. The State Government can make an appointment if the Board fails to do so. The president can frame charges against these officers and suspend them for reasons to be recorded, but he must inform the State Government along with a copy of the charges framed. The Board can punish, or remove,

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37. Ibid., p. 111.
these officers only on a vote by 2/3 of the total membership, subject to the right of appeal to the State Government.

The Health Officers and Accounts Officers are employees of the state caöres and are under the disciplinary control of their respective departments but the Board may by a special resolution require their transfer giving sufficient reasons. 38

Apart from these posts, the Board is free to determine the number and salaries of their staff, subject to orders of the government issued from time to time. The government, following the Local Bodies Pay Committee Report of 1948-49 has laid down the minimum qualifications, pay scales, etc., for the principal administrative, technical and clerical posts. 39

Recently, detailed rules for promotion, disciplinary control and other conditions of services have been framed by the State Government. Subject to these rules and orders of the government, appointments to all posts other than the statutory posts mentioned above are made:

a) By the president in respect of servants drawing a salary exceeding Rs. 50/- or in a city Rs. 75/- per month.

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38. Ibid., p. 111.
39. Ibid., p. 111.
b) By the Executive officer himself in respect of servants on a monthly salary, not exceeding ₹ 40/- or in a city ₹ 50/- and with the sanction of the president for servants with monthly salary not exceeding ₹ 50/- or in a city ₹ 75/-.

The power to punish or dismiss these servants vest in the appointing authority, subject to right of appeal to the president in case of orders passed by the Executive Officer. Appeal in respect of dismissal or removal by the president lies to the State Government and for any other punishment to the Commissioner.

Centralization of Municipal services: U.P. Nagar Palika (centralized) Services Act 1966:
The importance of centralization of municipal services in improving the administration of municipal towns has been suggested time and again. The malady from which the Indian municipal personnel administration suffer need immediate remedial measures.

42. "One suggested measure has been the centralization of municipal services with a standardisation of services, selection by a central personnel agency according to principles of merit, better pay, promotional opportunities and improvement of other service conditions transferability to various municipal jurisdictions in a state and greater security from political factions". Singh, D.P. and Das, R.B., (eds.), *op.cit.*, p. 12.
According to the 1966 Services Act, certain services in municipal boards were centralised and were made common throughout the State. The State Government is also empowered to appoint some categories of municipal employees who can be transferred from one Municipal board to another. In Uttar Pradesh nineteen unified municipal services were centralised in July 1966. These included Medical, Public Health, Engineering, Water Works, Electrical, Mechanical Engineering, Agriculture, Accounts and Administrative superior and sub-ordinate services and also Veterinary, Education and Ministerial services. The rules provided for recruitment, qualifications, appointments, probation and other service conditions.

Uttar Pradesh Government has implemented the provision of drawing pension facilities to centralized staff, but they are not yet implemented to municipal board employees of Meerut. They still have to depend on provident fund. Meagre salaries, no pension facilities are the chief causes for corruption in the lower cadres of municipal bureaucracy. All the local body employees may be declared as State Government employees, and be provided the facilities of pension, leave encashment, medical facilities. To appoint the employees for non-centralized services a committee be formed in which representatives from non-centralized services may also be

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State Control over Local Bodies:

The state control over municipal board is exercised through the Divisional Commissioner and the District Magistrate/Collector. The municipal board has to submit to the Commissioner and to the Collector an authenticated copy of the proceedings of the Board meetings. The District Magistrate and the Divisional Commissioner reviews the Annual reports of the municipal board.

In the financial matters, like introduction of new tax, rates of taxes, the municipal act gives statutory powers to the State Government. The Board has to impose these taxes etc., after due approval of its bye-laws by the State Government.

CONCLUSIONS:

The constant changes in the municipal authorities ultimately resulted in their failure to develop into a viable local institutions. They also mark the bureaucratic orientation of the State Government towards urban local government. But the genuine "Local Government" was to provide a forum for democratic expression and a training ground for political leadership and that it was an administrative necessity to decentralize government to make local affairs manageable. 44

44. Rural - Urban Relationship Committee, op.cit., p. 57.
Above all these changes mark the lack of a disciplined and committed political leadership in Meerut city. It is this political failure that lies at the root of the civic malaise of Meerut city.

Thus the political instability and administrative experimentation of Meerut points out the importance of political factors that influence the administrative organization.