Urban local government

Dr. Smita Nayak Associate Professor P.G. Department of Political Science Utkal University

Points to cover

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Introduction:

- Municipal government in India has its roots in <u>pre-historic times.</u>
- In the words of Havell "the <u>administrative Councils</u> of the city was modeled upon that of the <u>village</u> <u>communities</u> & it may be assumed that like the latter it has an <u>elected body</u> though certain <u>matters were</u> <u>reserved</u> for the <u>control of imperial officials</u>."
- Franks Moraes writes, "Democracy was <u>no exotic</u>
 growth in India and centuries before the advent of
 British or Mughal rule, the stress was on <u>self</u>
 governing institutions & a corporate life".

- Though the existence of <u>Elected City Councils</u> in ancient India <u>cannot be denied</u>, yet there is no doubt that the <u>foundations of modern system of municipal</u> <u>government</u> were <u>laid by the British</u> particularly after the transfer of power from the <u>East India Company to Crown in 1858.</u>
- The <u>dominant considerations</u> which <u>prompted</u> the <u>British to establish local government institutions in India were:</u>
- (a) paucity of finances of the Imperial power;
- (b) <u>administrative problems</u> due to the <u>large size of</u> <u>the country &</u>
- © the <u>need of providing relief</u> to the <u>District officers</u> from some of the details of thier work.

Historical Evolution of Urban Local Government in India:

- <u>Lord Bryce</u> in his "Modern Democracies" said that the <u>best</u> <u>School of democracy</u> & the <u>best guarantee for its success</u> <u>is the practice of local self government</u>".
- The chief objective of Democracy implies that people should not only participate in the elections at various levels, simultaneously it must also encouraged & provide opportunities to them to take part in the activities & problem facing by them.
- However, the <u>local bodies</u> provides an opportunities to a <u>large number of people to participate in the administration of their community.</u>
- The presence of the local self governing institutions also <u>prevents the unnecessary growth of the power of</u> <u>democracy</u> or <u>bureaucracy which carries on the</u> <u>business of the government</u>.

- Some of the landmarks of the <u>evolution</u> of Urban local government in India are as following:
- A beginning of the local government may be said to have been made in <u>1687</u>, when, for the first time, a local governing body- <u>a Municipal Corporation</u>-<u>was setup for the city of Madras</u>.
- Local Government is thus <u>slightly less than three</u> <u>centuries old in India.</u>
- However, broadly the <u>evolutional phases of Urban</u> <u>government may be divided into 5 different</u> <u>period</u>, each <u>period is characterized</u> by a <u>definite</u> <u>aim and purpose</u>.

5 different period of Urban Govt:

- 1. <u>1687-1881</u>- Local Government was viewed & utilized to ease central & provincial finances, & thus to sub serve imperial needs;
- 2. <u>1882-1919</u>- Local govt. began to be viewed as Self govt.;
- 3. <u>1920-1937-</u> Local govt. came with in the jurisdiction of provinces, & further, was transferred to popular control;
- 4. <u>1938-1949</u>- Local govt. was in a State of repair & reconstruction
- 5. <u>1950- the present day</u> Local govt. has been keyed to the requirements of the constitution.

Phase-I (1687-1881)

- During this period a <u>Municipal Corporation</u> was <u>set up</u>
 <u>in 1687 in Madras</u> by <u>East India Company</u> because it was
 thought that the people would willingly pay tax.
- Thus the Municipal Corporation was replaced by the <u>Mayor's court in 1726</u> which was <u>more a judicial body</u> than an <u>administrative one.</u>
- Finally through the <u>Charter Act of 1793</u> Municipal Administration in the <u>three</u> Presidency towns of <u>Madras</u>, <u>Calcutta & Bombay was established</u>.
- Which authorized the <u>Governor General of India</u> to <u>appoint justices of peace</u> in these <u>three towns</u>.
- They were <u>authorized to levy taxes on home</u> & <u>lands to</u> <u>provide for scavenging, police & maintenance of</u> <u>roads</u>.

- Municipal administration, further, <u>extended to the</u> <u>district towns of Bengal</u> in <u>1842</u> through <u>Bengal</u>

 <u>Act</u> which enabled the setting up of a <u>Town</u>

 <u>Committee</u> for <u>sanitary purposes</u>.
- This Act, however proved to be an <u>unsuccessful</u> attempt as the <u>taxation was direct</u>.
- A <u>fresh drive</u> to the growth of local government came in <u>1863</u>, when the <u>Royal Army Sanitary</u>
 <u>Commission</u> expressed its <u>concern</u>, among others, <u>over the filthy conditions of towns in India</u>.
- As a result, <u>a series of Acts were passed</u>, which <u>extended Municipal administration to the</u> <u>various parts of the country</u>.

- The year <u>1870</u> was <u>historic landmark</u> in the <u>evolution of local government.</u>
- Because, <u>Lord Mayo's policy</u> on Local Self Government was <u>revived in 1881</u>.
- On 18th May, <u>1882 Lord Ripon</u>, who is acknowledged as <u>father of Local Self Government in India</u>, issued a historic resolution.
- It aimed at fulfilling the national urge for selfgovernment, <u>meeting the growing demand for</u> <u>political and social justice and making local self</u> <u>government an instrument of political & popular</u> <u>education.</u>

- Three broad principles were laid down for the guidance of provincial government:
- 1) That they should <u>maintain & extend</u> through out the country a <u>network of local government</u> <u>institutions;</u>
- 2) That they should introduce into these bodies a large predominance of <u>non-official members</u>- the <u>number of official members</u> being not more than <u>one-third of the whole</u>; &
- 3) That they should <u>exercise control over these</u> <u>bodies</u> from <u>without</u> & <u>not from within</u>.

Phase-II (1882-1919)

- During this period <u>Lord Ripon</u> was <u>succeeded Lord Mayo</u> as the Governor-General in India.
- In <u>1882</u> he resolved to make the local government as <u>'Self'</u> <u>Governing institution'.</u>
- Thus the resolution embodying this doctrine has been hailed as <u>Magna-carta</u> & <u>Lord Ripon as its author</u>, as <u>the father of the Local Self Government in India.</u>
- However, Lord Ripon's reforms were hindered by <u>a conservative</u> <u>administration</u> wedded to the <u>cult of administrative inefficiency</u>.
- The <u>head</u> of the <u>district administration</u>, i.e., the <u>Deputy</u>
 <u>Commissioner</u>, <u>dominated</u> the Local Self Government, & the <u>official control</u> was <u>meticulous & rigid</u>.
- The **election principle** was not based on **adult franchise**.
- <u>Financial autonomy</u> was hardly conceded to <u>municipal</u> <u>bodies</u>.
- In other words, the <u>success of Lord Ripon's reforms **fell short of**</u> the <u>expectations</u> raised in the minds of the <u>enlightened</u> <u>nationalists.</u>

- Lord Ripon was succeeded by Lord Harding as Governor-General who didn't prefer political education to efficiency.
- The <u>official support let down the growth of self</u> governing institutions & <u>civic consciousness</u>.
- Thus the urban local self governing bodies could not strike roots in India.
- Besides, the <u>caste-ridden India</u>, people did not <u>develop</u> <u>loyalties to the assemblages</u>.
- They <u>showed</u> more <u>allegiance to caste</u> or <u>religious</u> groups than to the local community.
- Thus they were not <u>keenly interested</u> in <u>making a success of the local self governing institution of modern type.</u>

- Another <u>significant stage</u> in the <u>history of local</u> government was the <u>publication of 1909 of the report</u> of <u>Royal Commission</u> upon <u>decentralization</u>.
- Its main <u>recommendations</u> were :
- 1) The Chairman should be an <u>elective non-official</u>;
- A majority of the <u>members should have freedom to</u> <u>increase any branch of taxation</u> & <u>exercise full control</u> <u>over their budgets;</u>
- Municipal executive should be strengthened by competent chief officers;
- 4) All cities with a population of <u>One lakh & above must</u> have <u>executive officers</u>;
- 5) All towns with a population of 20, 000 & above should have qualified health officers; &
- 6) <u>Large municipalities</u> should be given great powers.

- These recommendations were given considerations by Lord Harding's government which issued a Resolution in 1915, favouring changes in the structure & functions of local bodies.
- The Montford Report (which embodied Montague Chelmsford Reform) 1918 were guided by the principle that "there should be as far as possible complete popular control in local bodies & the largest possible independence for them from outside control ".
- In pursuance of this <u>principle</u>, the <u>government of India</u> issues a <u>comprehensive resolution</u> which embodied <u>certain basic</u> <u>principles</u> calculated <u>to establish</u>, <u>whether possible</u>, <u>complete population control over local bodies</u>, <u>democratization</u> of the <u>electorates</u> & the <u>composition of local bodies</u>.

- However, with the introduction of Diarchy after the passage of government of India Act, 1919, the Local Self Government department was transferred from bureaucratic hands to those of elected ministers 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 & they ceased to be the Chairman, but with general supervisory control over them.
- The popular elected ministers established elected councils & gave executive authority to the elected Chairman.
- Thus the approach was more liberal & there was a deliberate attempt to give the local bodies greater freedom out side control.

Phase-III (1920-1937)

- The national movement for independence started gaining momentum causing anxiety to both govt. in Britain & India.
- With the break out of the first great war (1914-18) the British govt. felt it necessary to gain support & cooperation from the people in India.
- Thus British govt. ultimately came out with the historic announcement to seek increasing associations of India in every branch of the administration & the gradual development of self-governing institutions with a view to the progressive realization of responsible govt. in India.
- This announcement marked the end of one epoch in India & the beginning of a new one.

- However, the working of urban local bodies, during this period of diarchy (1921-37) was neither a complete failure nor unqualified success.
- The law passed during this period failed to prescribe an effective administrative structure based upon administrative efficiency & public accountability.
- Deliberative & executive functions were combined in the hands of the elected representatives, but proper organization of municipal employees into well-trained & properly recruited services was not attempted.
- The other two main requisites of successful local govt., viz., "a high sense of duty among elected members & proper civic spirit among those who elect them were more often absent than present."
- Besides the lack of administrative experience in elected members, untrained managerial personnel & want of expert guidance also contributed to the failure of municipal bodies during this period.

Phase-IV (1938-49)

- The inauguration of provincial autonomy on April 1st, 1937, under the govt. of India Act, 1935, gave further impetus to municipal govt., though temporarily.
- Diarchy was abolished & popularly elected ministers were entrusted full responsibility, at the provincial level.
- During that time national movement for independence was also reaching new proportions.
- With the growing strength of the National movement & the achievement of the provincial autonomy, the self govt. it became, indeed, the constituent part of the self govt. for the country as a whole.
- There was definite trend towards democratization of local govt. by further lowering of the franchise & abolition of the system of nominations, & secondly by the separation of deliberative functions from executive ones.

- However, the local govt. was classified as provincial subjects.
- Popularly installed ministers were expected to fair better, but conspiracy circumstances, viz.- the occurrence of world war & keenness of the congress to absolve itself from the responsibility of fighting for other, forced the ministers in the congress dominated provinces to resign after the lapse of two years.
- It gave a setback to the development of local government both in the urban & rural areas.
- By the time, the constitutional machinery was restored in the provinces, much water had flown down the Ganges.
- India freed herself from the shackles of imperialism.

 However, with the dawn of independence era, & establishment of a democratic constitution, new hopes were pinned or the Indian leadership for establishing popular elected govt. at all levels-central, provincial & local level.

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Phase-V(1950 to Present Day

- Under the new constitution, which was enforced on January, 26th 1950 the local govt. became a state subject.
- It was realized that the local-self govt. would play a vital role as the chief architect of community making & the base of democratic pyramid in our country.
- A universal desire to make local institutions not only a training ground for democracy, but also an effective agency to shoulder the onerous responsibilities envisaged in the 5yr Plans was visible in the initial stages.
- In fact, significant changes have taken place in the structure & system of rural local govt. since the inauguration of the constitution in 1950.

- As a result, a three tier system of rural local govt. has emerged in most of the states-
- a) Zilla Parishad at the district level,
- b) Panchayat Samiti at the Block level,
- c) Gram Panchayat at Village level

- They are endowed with sufficiently wide powers & a large range of functions including development.
- An appraisal of Local-self govt. during the last few decades reveals that the rural areas have been involved in national planning & development during the succeeding seventh Five-year plans.
- But the urban areas have been kept out of the mainstream of the development process to a great extent.

- Some erratic attempts have been made to organize the structure of urban local govt. institutions in the various states through laws.
- The main trends & features of these legislative enactment can be summed up as under:
- 1) Adult franchise has replaced limited franchise in local bodies in all the states.
- 2) Communal representation has been done away with. Joint electorates have been substituted for separates.
- The Uttar Pradesh Amendment Act of 1952 & the Madhya Bharat Act of 1954 provided for direct election of the chairman of the Municipal Boards by the primary voters. However, the system failed & both the states returned to the old practice of indirect election of the Chairman/President of the Board.

- 1) Attempts were made to strengthen the chief executive by vesting him with specific powers under the Acts or rules, & by providing for the appointment of Executive officers where there was none,
- 2) Attempts have been made to regulate the appointment, promotion & disciplinary control of the municipal staff & to adopt the practice of making certain appointments on the recommendations of the Public Services Commission.
- There is an increasing tendency to make provisions in Municipal Act for creating state cadres of Municipal employees, particularly for Executive Officers, Engineers, Accountants, Health Officers etc.

- Another notable features of this period is the emergence of various associations which have attracted the attention of the govt. & of the masses to the problem of local bodies.
- The Central Council of local self govt. which was set up, on the recommendations of the second Local- self govt. Ministers' Conference in 1954 was perhaps the most important of such association consists of Union Ministers' for Health & its Chairman & Local-self govt. Ministers' of all the states of India as members.
- It reviewed the work done by the state govt. in the field of Local govt. & gave suggestions for improvement from time to time.
- Besides, a number of central committees & commissions have been set up from time to time to suggest ways for streamlining the Local govt. structures in the country.

• These include:

- Local Finance Enquire Committee (1949) to recommend steps for the improvement & stabilization of Local Finances,
- 2. The Taxation Enquiry Commission (1953), for making recommendations on Municipal taxation,
- 3. The Rural-Urban Relationship Committee (1963) for determining the structure & functions of Urban Local bodies & their relationship with PRI as well as for making recommendations for the more efficient & effective functioning of Urban Local bodies.

- A Central Committee for the growth of financial resources of (Urban) local bodies has also been appointed from time to time for effecting improvement in Urban Local govt.
- Besides, these in the states also various Committees & Commissions have been appointed for looking into the problem of Municipal administration & recommending measures for its improvement.
- However, the onus for stimulating the municipal bodies & animating them to grow as Local-self govt. institutions falls primarily on the state govt.
- There are five types of Urban bodies in India viz. Corporations, Municipalities, Notified Area Council, Town Area Committees & Cantonment Boards.

- However, the latest landmark in the evolution of Urban Local govt. is the setting up of National Commission on Urbanization by the govt. of India in 1985 to make a comprehensive study of rapidly growing phenomena of Urbanization & of the problems caused by & to suggest measures to combat them.
- The govt. has since accepted most of its recommendations & incorporated them in the constitution 73th Amendment Bill, 1989 which was introduced as Nagarpalika Bill in August 1989 but was disapproved by Rajya Sabha.
- Thus again it was reintroduced in the form of Constitution 74th Amendment Bill on 16th September 1991 which was passed in December 1992.

The Landmark-74th Amendment Act

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