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Urban local self-governance: A study

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Abstract

The Local Self Government is a symbol of democratic life. It plays a vital part in the social and cultural life of nation in India, the Local Government is the third level of Government apart from the State and Central Governments. There are various types of Local Government units which may be categorized as Urban Local Government (Municipal Corporation, Municipal Board and Cantonment Board), Semi Urban Local Government (Town area and Notified Area), Rural Local Government (Zilla Parishad, Mandal parishad and Gram Panchayats). Municipal Corporations are the most important for their in-depth study because, first they are the oldest institutions; secondly, they are at the apex of the Urban Local Government thirdly, they are the most autonomous among the various local bodies, fourthly, they are the trend setters for other local bodies and lastly, they bear the greatest impact of the changes brought about by industrialization and urbanization. Local bodies of all categories have always been subject to the State control, however, ideas about the nature and the purpose of State control have been changing from time to time Local Government in India (Mostly Urban) were created by the British Government as a measure of self-rule.

Keywords: Local self-government, municipal corporation, Zilla Parishad, Mandal Parishad, Gram Panchayat, Local Bodies, British Government, Self-Rul

Introduction

The term Local Government or Local Self Government means the Government by freely elected local bodies which are endowed with power, discretion and responsibility to be exercised and discharged by them Without control over their decisions by any other higher authority Their actions are however, subjected to the supremacy of the National Government. Defining Local Self Government, it has been observed that, local in habitants representing local body processing autonomy within its income on local services constitute the Local Self Government. It has been defined in the Encyclopedia Britannica as "An authority to: determine and execute measures within a restricted area inside and smaller than the whole state. The various Local Self Government is important for its emphasis on the freedom to decide and act. A more appropriate definition of local Government has been given by M. Venkantarangaiya to him "Local Government is the administration of a locality-a village, a city or any other area smaller than the state by a body representing the local in habitants, processing a fairly large amount of autonomy raising at least a part of its revenue through local taxation and spending its income on services which are regarded as local and therefore, distinct from State and Central services".

Importance of Local Government

The purpose served by Local Government is valuable not only on account of the services it renders for the common welfare of the community, but also on account of the opportunity it places before the citizens to have free, intelligent and active participation in the Government of their, enthusiasm and local patriotism The Ex-President of India. Dr. Radhakrishnan replying to a civic address of Dhulia Municipality said that. "The local bodies must have the objectives of promoting the wellbeing of the people Local Government contributes institutions in a number of ways policies can best be formulated and executed by local officials who are close to the people. It serves as a training ground for politicians in the beginning of their career. It gives opportunity of public scrutiny of official actions, facilitates decision and promotes personal identification in the individual with the local units of Governments which cover a small area.

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The Ex-Prime Minister Pandit Jawaharlal Nehru speaking on a motion of thanks to the President for his address underlined the need for the Local Government as it could develop in the people the spirit of self-reliance and new thinking of the new ways and understanding of the world.

In the view of Lord Ripen, Municipal institutions were desirable as an instrument of political and popular education through which the people of India could be trained to take an intelligent share in the administration of their own affairs. The study of Local Government is of much importance because the Municipal institutions serve from pre-natal days to even after death Democracy rests on the assumption that Government is an affair of the governed and all problems are to be solved in accordance with public opinion However, all problems are not national; some are purely local and they should be solved in accordance with the local opinion. If this is ignored and an attempt is made to concentrated all authorities in the State or Central Government, it will result in encumbering the Government with too much work and in transferring all powers in practice in to hands of the salaried officers bringing with it all the evil of bureaucracy.

Local Government gives more opportunities for political education. The object of which is to dispel from the citizen's mind the manifold utopian notions of man's nature and of the nature of the world placed before him. It teaches men that they are not moved only by principles but by interest, their actions are aimed not only at the discharge of duties but also at the satisfaction of passion appetite and Unreflecting habits." It is only through participation in Local Government at all levels that political education of this sort can be obtained by the citizens in a democracy.

Development of Urban Local self-Government in India

The evolution of Municipal Government in India from the pre historic time to the present day presents a chequered but a fascinating history. It has emerged through many stages and phases which can be broadly divided in chronological order and time sequence in to the following:

- a. From the pre-historic times to the advent of the British Rule.
- b. From the commencement of the British Rule to its termination in 1947 and
- c. Post-independence period from 1947 to the present day.

Ancient and Medieval Period

Municipal Government is deeply rooted in Indian History in ancient time Mohenjo- dard and Harappa oldest planned cities of the world. They were laid out with wide streets. Market place, Public officers, community bath and drainage and sewerage system. The highly organized system of Urban Local Government can also be found in the Vedas, in the epic of Ramayana and Mahabharata in the Upanishads and Kautily's Arthshastra -in Vedic time's village was unit of local administration. Gramini was the village head man and its leader. It is said that he was the village representative in the coronation ceremony heredity or election.

The Mahabharata mentions that every town was administered by an offices assisted by a team of his subordinates" Kautilya envisaged at regular plan of town administration which was specially designed to deal with the typical Urban problems. In his scheme of things the Mayor of the city was called 'Nagaraka' there used to be a chief executive officer in the city administration in post mauryan times also. Megasthenes has given a graphic account of

Municipal Administration of Chandra Gupta's Patliputra. The administrative council of the city. The thirty persons was administer in the city. The city is divided into six bodies of five each body has separate department responsibility. They look after relating to industries area, entertainment of foreigners, levying a tax. Lodgings, trade and commerce, take care of sick persons and if they die bury them. Many of the cities like Delhi, Agra, Lucknow and Hyderabad etc. bear the imprint of Muslim influence. The civil administration of the city was vested in muhtasib In the Mughal period the Municipal Administration was carried through by high states period called Kotwal" The Kotwal the town governor enjoyed wide power for maintaining peace regulating trade collecting revenue and dispensing justice.

During the Maratha period Local Government was functioning rather effectively. Dr. Sen Says. The village communities enjoyed real self-Government within the empire. If the villages were not elected by the villagers neither were they appointed by the Government and although they had to obey the order of the Government, the very nature of their communities put them under the moral influence of public opinion, as they were paid directly by the villagers." These village communities were severely damaged at vital points after the fall of Mughal Empire. There was radical change in this during the period between 1750 and 1850 In fact, this period of anarchy following the downfall of the Mughals and the establishment of British Rule in India.

British Period

In origin of Municipal Administration in India dates back to 1687 when a Municipal Corporation was set-up at Madras under a charter granted by James II" The history of Local Self Government in India under the British Rule can be conveniently divided in to four phases "Local

Finance being a counter part of local administration and its mainstay, has of course, been an expression of the purpose implicit in different phases of Local Government The first phase may be assumed to have ended in 1882 when Lord Ripon issued his well-known resolution on Local Self Government. The second phase covers developments from 1882 to 1919, when more powers were transferred from the center to the provinces, and the recommendations of the decentralization Commission of 1907, besides discussing other matters, suggested some changes in Local Self Government The Third phase extended up to 1935, during which the Indian Taxation Enquiry Committee considered the problems of local taxation along with central and provincial finance.

The Simon Commission of 1930, reserved the process of decentralization, by recommending strict control of the State over local bodies. The fourth phase covers developments up to 1947 during this phase the struggle for independence was intensified and with the introduction of provincial autonomy in 1937 and coming into power of congress ministers in many provinces. Local bodies, particularly village panchayats, received great stimulus and there was democratization of local bodies But. "Local Self Government became a mere annexure to the National political stadium where the struggle for independence was moving towards its climax ". A rapid survey of Local Self Government and finances in India under the British Rule, reveals: certain. "Well marked characteristic" lamentable

halfhearted concessions to a demand for wider system of Local Self Government for a long time, Local Government remained a democratic facade to an autocratic structure. Local finances had not the free and natural growth they had in most of the European countries Local Self Government institutions and their development was artificial form outside. Nonhierarchical character of Local Government. No distinction between deliberative and executive functions. Local Self Government acquired a political character. The control exercised by the Government and its agencies was excessive.

Post-Independence period (1947 to the present day)

India got independence on 15th August 1947. Its new constitution declaring it Sovereign, Democratic Republic which came in to force on 26th January, 1950, directs the State vide its Article 40 to organise panchayats and to empower them adequately so that they become viable units of self-Government. But it does not contain counterpart provision for urban settlements. Thus, while the constitution a mandate on the State to ensure the working of village panchayats, there is no specific corresponding mandate regarding Urban Local Bodies. The only reference to Urban Self-Government is to be found in two entries, Entry 5 of the seventh scheduled (the State list) and Entry 20 of the 11 (Concurrent list). Entry 5 reads, "Local Government, that is to say the constitution and powers of Municipal Corporations, Empowerments Towns, District Boards, mining settlement authorities and other local authorities for the purpose of Local Self Government or village administration Entry 20 of the Concurrent list reads "Economic and social planning and urban planning would fall within the ambit of both Entry 5 of State list and Entry 20 of the concurrent list. The constitution thus places Local Government including Urban Local Government within.

It was expected that in the new set-up emerging after independence local bodies would be used more and more as instruments of National Policy and there would be steady increase in their function. But in the absence of constitutional recognition of Urban Local Bodies and clear statutory delineation of their powers, functions and resources, they have remained neglected. It has been rightly observed.

"that in the post-independence period problems of Urban Local Government did not receive from the State and Union Authorities or the Planning Commission as much attention as rural Government did consequently, only few changes, several of them of minor character, were made in their structure and functioning. Several of the defects found in them before 1947 have continued and some in heightened form till today. It was strange that the Urban Local Government was not mentioned in the constitution, not even in the Directive principles of State policy and nor did the Planning Commission make any policy statement about it and for the first time it made a brief mention of it in the third five year plan when it observed. The general direction of the policy should be to encourage self-governing bodies and to assist them in assuming responsibilities for as large a portion of the administrative and social services as possible. After independence in India for further development of Local Government, various committees and Commissions, seminars, conferences have been set up by the Central Government to recommend measure to strength on local Urban Government.

Committees and Commissions appointed by the Central Government

The Central Government has appointed various committees to enquire in to the working of Urban Local Governments and to make suggestions for their improvement the important from amongst them are.

- 1. The Local Finance Enquire Committee (1949-51):** Had pleaded for separated and distinct tax zone available for utilization by Local Governments alone without any encroachment by the State or Central Government.
- 2. The Taxation Enquiry Commission (1953-54):** Had observed that the growth of Municipal revenue was inadequate in relation to the growth of expenditure on important civic services and had recommended the segregation of citation taxes for exclusive utilization by or for Local Government,
- 3. The Committee on the Training of Municipal Employees (1963):** Had laid emphasis on the need for imparting training to Municipal personnel and recommended the setting up of training institutes at the central level and also in the states. It has entrusted among other things. The central institute the responsibility to prescribe the standards of training and research and itself serve as a model in this respect." The Central Government in accepting the recommendations of the committee had set up Centre for Training and Research in Municipal Administration of the Indian Institute of Public Administration, New Delhi, Lucknow University, Lucknow, Osmania University, Hyderabad, Indian Institute of Social Welfare and Business Management, Calcutta and the All India Institute of Local Self Government. Bombay.
- 4. The Rural-Urban Relationship Committee (1963-66):** In its three volumes report made a comprehensive enquiry into the Urban Government set-up. Urban development and planning machinery. the structure of Urban Local Bodies, Municipal personnel, finance of Urban Local Bodies, public participation in Urban community development, relation between the State Government and local administration and above all in to the rural Urban relationship and recommended the evolution of a system of Local Government which is capable of responding to the process of interaction and inter dependence between the town and its adjoining villages.
- 5. The Committee on Service Conditions of Municipal Employees (1965-68):** It is also set-up by the Central Council of Local Self Government recommended the constitution of statewide cadres of Municipal employees to ensure that the personnel available for Municipal employment would has the desired competence and prestige enjoying appropriate condition of service.

Committees appointed by the State Government

The State Government have also been appointing Committees and Commissions to look into one or the other aspect of Urban Local Governments but mainly into their finance system of grants in-aid and personnel system some Committees/Commissions constituted by them have been as follows:

1. Assam had set - up the Finance of Municipal Committee (1969)

2. Delhi, the Delhi Municipal Organization Enquiry Committee, 1948 and the Commission On Finance of the Municipal Corporation of Delhi and New Delhi Municipal Committee (1968)
3. Gujarat the Municipal Rationalization Committee (1961) and the Grant-in-aid Code Committee for Municipalities (1964)
4. Haryana, Resource Committee (Local Bodies) 1988 and Municipal Grants Commission (1969)
5. Madhya Pradesh, the Urban and LOCAL SELF GOVERNMENT Committee 1959 the
6. Committee of Enquire on the Emoluments and Conditions of Services of the Corporation and Municipal Employees 1965
7. Andhra Pradesh, the Committee for the Unification of Acts Relating to Municipalities in Andhra Pradesh State (1963).

The Conferences of All India Council of Mayors

The All India Council of mayors is forum of the mayors of Municipal Corporation in the country. It has been meeting annually since 1959. The council discusses subjects of common interest to the mayor's such as delegation of additional powers to mayor's Amendments of Corporation Acts in order to enable effective control over the executive wing-grant of emergency power to mayor's etc. The All India Council of Mayor's has set up an executive committee which meets in between the sessions of the council and opines on various aspects of the problems of Municipal Corporations.

The Municipal Commissioner's Conference was covered for the first five in 1965 at the initiative of the Municipal Commissioner of Delhi Municipal Corporations to discuss the common problems of the Municipal Corporations. It was subsequently merged into All India Council of mayor's in 1961 which was designated as conference of Municipals Corporations instead of the conference of mayors. Similar Organizations of Presidents of Municipal Committees and Executive officers of Municipal committee also exist all the State level.

Ministry of Urban Development (1965)

The Ministry of Urban Development in 1885 to begin with Urban Local Government was the responsibility of Ministry of Health as Local Government had its beginning in an urge to improve sanitary condition as recommended by the Royal Army Sanitation Commission 1863. The ministry of Urban development work of monitoring programmes in the area of housing urban development transport, in addition to construction and maintenance of Central Government buildings and management of Central Government Land and Property The ministry has under its administrative control Central Public Work Departments. Directorate of Estates and National Building Organization as attached officers of publications, land and development office and town and country planning organization as subordinate officers. The State Government have also set up departments in conjunction with other departments on the recommendations of the committee on Augmentation of Financial Resources of Urban Local Bodies (1963) the Central Council of Local Self Government (1965).

National Commission on Urbanization

Another landmark in the evolution of Urban Local Government was the setting up of National Commission on Urbanization in 1985 by Government of India to make a comprehensive analysis of the rapidly growing phenomena of Urbanization and of the problems caused by it for the Urban Governments and suggests measures to combat it The National Commission on Urbanization had examined the various Urban problems in depth especially those of dimensions of Urbanization. Urban future. Urban management, water and sanitation energy, people's participation information system and legal framework etc. and made recommendations for their solution in its seven volume report submitted in 1988 The Government had since accepted most of these recommendation's and incorporated them in the Constitution (63 Amendment) Bill, 1989, which was later on enacted as the Constitution (74th Amendment Act 1992)

74th Constitutional Amendments

74th Constitutional Amendments Act. 1992, was a landmark in the history of Municipal Administration in India. These Amendments confer authority on legislature of State to endow respectively Municipalities with such powers and functions as may be necessary to enable as Institutions of self-Government for the purpose. The Municipalities have been charges with the responsibility have been charges with the responsibility of preparing and implementing plans for economic development and social justice including those in relation to matters listed in the twelfth scheduled of the constitutions. The central objective of this Amendment is the decentralization of planning and decision making procedures. As per the section 243(1) the Andhra Pradesh State makes a Finance Commission in 1994. This Commission makes recommendation for determining principles for allocation for of taxes. Tax shares and Grant-in-aid of the local bodies. The District Planning Committee Act 1998 provides for the constitution of district Planning Committee are district level. This committee prepares the plans for the panchayats and Municipalities in the district and to prepare a draft district development plan for the district as a whole and provides guidance to relate that concerned matters in it.

Conclusion

Local Government provides an extensive range of services to the people and performs functions of great variety and magnitude. Mere pragmatic reasons speak well for the continuance and even strengthening of local government. It is impossible for the State Government to take over and perform all of these functions. There are so many mundane matters of living together which can be performed only by a Local Government. Even otherwise, the State Government should not dissipate its energy by engaging in the performance of such routine affairs. Local Government, thus, relieves the State Government of sizeable volume of routine work which is its responsibility to carry out. Thus the functions to be performed by a Local Government continue to increase. Finally, local Government contributes to the resilience, strength and richness of democracy by promoting diversification of political experience, and by setting itself up as yet another center of creating activity through democratic action.

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