

SIGNIFICANCE OF URBAN LOCAL GOVERNMENT: A HISTORICAL PERSPECTIVE

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Abstract: *Urban local government has existed in India since British time because they realize its significance for administering such a vast country. The British for the first time setup Municipal Corporation at Madras in 1687 but after that local government in India had to wait until 1793 when it acquired statutory bases. The charter act of 1793 establish municipal administration in three presidency town because there was pressure for reform from at least four directions: (a) economic liberalization, (b) local political pressure, (c) citizen involvement in local services and (d) judicial intervention.*

Thus local government in India was a colonial inheritance in which there were many structural changes but the rate of these changes in urban local government has been slow in comparison to the village panchayats. It was the 74th amendment of the article 243p passed in 1992 provided a uniform law for urban local government for improving (a) the municipalities could discharge their duties efficiently (b) empowering them both administratively and financially (c) enhancing municipal service delivery (d) ensuring popular participation in planning management and (e) providing infrastructural facilities for development.

Key Words: *local self-government, significance, planning management.*

1. INTRODUCTION:

India opens a unique phase in its constitutional history when a third tier was added to the two tier federal structure consisting of the union and the state governments. This third tier was that of local government in rural and urban areas which was enshrined in the constitution by the 73rd and 74th amendment passed in 1992 which have added part IX and IX A.

Before discussing the urban local government it is necessary to understand an “urban area”. According to census 2011 those areas are considered to be urban areas where such characteristics are found:-

1. All places with a municipality, municipal corporation, cantonment board or notified town area committee, etc.
2. All other places which satisfied the following criteria:-
 - (a) A minimum population of 5000
 - (b) At least 75% of male working population were engaged in non-agricultural activities, and
 - (c) A density of population of at least 400 persons per sq.km.

The term “Local Government” literally means the management of local affairs by the people of locality. In other words “Local Government” is the government by independently elected local bodies which are endowed with power, discretion and responsibility to be exercised and discharged by them without control over their decision by any other higher authority. Their actions are however subjected to the supremacy of national government”. (Maheshwari, 1984)

According to D. Lockard “Local Government may be loosely defined as a public organization authorized to decide and administer a limited range of public policies within relatively small territory which is a sub division of a regional or national government” (D.Lockard, 1930).

According to P. Stones “Local Government is that part of the government of a country which deals with those matters which concern the people in particular locality” (Stone, 1963).

According to Byrne “Local Government is marked out as a distinctive form of public administration - by five key features.” It is elected, multipurpose, operates on a local scale, has a clearly define structure and is subordinate to parliament (Byrne, 1990).

According to Jennings “Local Government as governmental organs having jurisdiction not over the whole of a country but over specific portion of it” (Jennings, 1990).

According to B.K. Gokhale “local self government is the government of a specified locality by the local people through the representatives elected by them” (Gokhale, 1972, pp. 1307-1308)

From the above definitions it can be concluded that local government is a branch of government concerned with the management of local affairs by the people themselves through their elected representatives.

2. CHARACTERISTICS OF LOCAL GOVERNMENT

Thus local government has the following characteristics:-

- **LOCAL AREAS:** A local government has a well defined area which is fixed by the concerned state government. This area can be termed as a city, town or a village.
- **LOCAL AUTHORITY:** The administration of a particular locality is run by an authority or body of person who are elected directly by the people residing in a particular local area.
- **LOCAL FINANCE:** In order to perform its functions effectively, it is necessary that every local government unit is provided with adequate finances. The local denizens are required to pay taxes forced by the concerned local authority.
- **LOCAL AUTONOMY:** Its means the freedom of the local government to decide an act in the sphere of activities and functions allotted to them by the statues under which they are created.
- **LOCAL PARTICIPATION:** The success or failure of developmental plan at the local level depends upon the active participation of local people for whom these plans are made. It is the local government which provides an opportunity to the local people to participate in administration.
- **LOCAL LEADERSHIP:** The people, who come under the purview of local government, especially those living in rural areas, are generally illiterate, inexperienced, non-professional and unaware about the functioning of the local bodies. Strong leadership therefore needs to be provided those people.
- **LOCAL ACCOUNTABILITY:** Local governments are created to provide civic amenities to the people are accountable to the local level. The residents of the local areas keep a watch on local authorities to ensure effective performance of their functions
- **CIVIC AMENITIES FOR LOCAL INHABITANT:** The primary objective of the local government is to provide certain civic amenities to the people at their door steps. These services are specifically meant for those inhabitants who are living in that restricted area for which the local government unit has been created.

3. HISTORY OF URBAN LOCAL GOVERNMENT IN INDIA:

First time in 1687 a municipal corporation was setup in Madras. It was modelled after similar institution in Britain and having the authority to levy specified taxes. In India the local government had to wait until 1793 when it acquired statutory bases. Then charter act established municipal administration in the three presidency town of Bombay, Madras and Calcutta by authorizing the governor general of India to appoint justice of the peace in three towns. In 1842 the Bengal act was passed and extended municipal administration to the district towns of Bengal. This law did not get any popular acceptance and so it could be introduced only in one town (The Imperial Gazatteer of India, 1909).

In 1870 Lord Mayo's Resolution brought changes in urban local government. There was devolution of powers to local bodies with some departments such as education, medical services and roads were transfer to it. Municipal Acts were passed in pursuance of the resolution with right of election in 1880. So far local government had remained almost wholly Non-Indians and therefore from Indian point of view it was not a self government because it was dominated by the British and aims to serve their interest of generating local finances of revenue rather than to promote self governing bodies in the country (Report of Taxation Enquiry Commission , 1953-54).

Later Lord Rippon succeeded Lord Mayo as the governor general of India resolved in 1882 to make local government self governing. He is credited with the initiation of the new doctrine of local self-government. The resolution embodying this doctrine has been acclaim as the Magna Charta and lord Rippon its author. He is the father of local self government in India because he advocated the inclusion of Indians in it. This measure would reduce the financial burden on the government, promote political and popular education among people and their involvement in local affairs would lead to more efficient government. In Lord Rippon's resolution on local bodies should be mostly elected non-governmental member and chairman. The state control over local bodies should be indirect rather than direct. Their personal should operate under the administrative control of the local bodies and the resolution of 1882 should be interpreted by the provincial government according to the local conditions prevalent in the provinces.

The publication of 1909 of the report of Royal Commission upon decentralization setup in 1906 was another significant stage in the history of local government. This report insists that:-

- Municipality should be constituted in urban areas as unit of local self government.
- There should be a substantial majority of elected members in the local bodies.
- The municipality should elect it own president, but the district collector should continue to be the president of the district local board.
- Municipalities should be given the necessary authority to determine the taxes and prepared there budget after keeping a minimum reserve fund. The government should give grant for public works like water supply drainage scheme etc.
- Outside control over the local body should be restricted to advice, suggestion and audit.
- The bigger cities should have the services of full time nominated officers.

- The government control over the municipal powers of rising local loans should continue and prior sanction of the government should be obtain for lease or sale of municipal properties.
- The responsibility of primary education should rest with the municipalities and if it so desire and if resources permits may spend some amount on secondary school also (G.O.I, 1909).

In 1914 with the outbreak of First World War the British government felt that it was necessary to gain support and cooperation from the Indian people. The British government ultimately came out with the historic announcement to seek increasing association of Indian in every branch of the administration and gradual development of the self-governing institution with a view to the progressive realization of responsible government in India and the Government of India act of 1919 was enforced in 1920 thus leading the country toward this goal. In beginning responsible government was made in the provinces by introducing diarchy system and certain function which was of developmental nature like local self-government, cooperation, agriculture, etc. were transferred to the control of the popularly elected ministers who were responsible to the legislature and elected on wider franchise. Thus the Government of India act 1919 inaugurated an era of a new interest and activity in the new field of local government (Thakur, 2010)

The period of 1914-1919 witnessed a series of amending acts on local government in every province like in Uttar Pradesh the U.P. Town Area Act was enacted in 1914 and the U.P. Municipal Act came into effect in 1916, in 1919 U.P. Town Improvement Act was legislated and Improvement Trust was created in five big towns. The local bodies were freed from many restrictions in respect of preparation of budget and finally the executive direction passed into the hand of elected members of the public. During 1930's provinces launched investigation into local governing bodies with a view to making them an important institution for conducting local affairs.

The independence of the country in 1947 made a drastic change in the history of local government in India and with the end of British rule there was self-government at all levels i.e. central, provincial and local. For the first time in the history of India local government was enabled to work independently and in this way local government became a foundation of the democratic system in India. When the constitution of India came into force in 1950, it allotted local government to the state list of function and secondly, in the directive principles of state policy, affirmed: "state shall take step to organize village panchayats to endow them to with such power as to function as a unit of self-government". Village Panchayat were mentioned as unit of local government in the constitution because village India represents 3rd/4th of India and that is why the development of urban local government was slow. The Third-five year plan (1961-1966) took note of the significance of urban local government and said cities and town with the population of one lakh must planned their development because there was increasing urbanization and the establishment of urban local bodies would ensure citizens participation in the planned development of urban areas. Due to the participation of the citizens the number of the Municipal Corporation increased so that there were only three corporation town in 1947 and in 90's it become 73 (Sachdeva, 2011, pp. 44-45)

Another important development has been the separation of the rural local government from the urban local government. The departments of community development and panchayati raj have been set up in the state as well as at the end to deal with rural government. The department of local self government in the state are consequently, concerned only the urban local government. Since local government is within the jurisdiction of the state there are some notable variation in nomenclature, pattern of local government and its working in various states.

In 1991, P.V. Narsimha Rao government came into the power and drafted the constitution (73rd amendment) Bill, 1991 pertaining to municipalities and introduce it in Lok Sabha in September 1991. It was passed by the Lok Sabha on December 1992 and by the Rajya Sabha in the same month. Following its ratification by more than half the state assemblies, it received the ascent of the president on 20th April, 1993 and it became known as the constitution (74th amendment) act 1992. This amendment operative since April 1993 introduced a new part namely part IX (A), in the constitution which deals with matters related to urban government (Maheshwari, 1984). Before 74th amendment, there were five categories of the urban local bodies that are:

- Nagar Mahapalika
- City Board
- Nagar Palika
- Notified Area Committee
- Town Area Committee

But the 74th Amendment Act provides a three tier municipal system in the urban areas. The size and criteria of these municipal bodies are decided by the state legislature as it is set up under an Act of the state legislature. The Twelfth Schedule of Constitution (Article 243 w) provides an illustrative list of eighteen functions, which may be entrusted to the municipalities. Reservation of seats for STs, SCs, OBCs and women are similarly provided as is for the Panchayati Raj system. The Nagar Palikas/Municipals are to work as instruments of development and planning and also to handle funds for local activities.

74th Amendment of the Constitution

It was enacted envisioning democratic decentralization and power to the people. Some important features are:-

- I. It granted constitutional status to local bodies and made them mandatory and laid down the procedure for their constitution.
- II. It provides reservation in municipalities including 33 percent reservation for women and reservation according to proportion of the population of SCs and STs.
- III. Ensuring timely elections in every five years and in case of suppression elections to be held before the expiration of six months from date of dissolution and a proper report to be submitted by the state government for dissolving or superseding before the state legislature.
- IV. Setting up of finance commission to review the financial position of the municipalities and make recommendations regarding distribution of taxes between the state and municipalities. It is also expected to look into the criteria for grant-in-aid and suggest measures needed to improve the financial position of the municipalities.
- V. State election commission to ensure timely and fair conduct of elections.
- VI. Setting up of district planning commission for municipal council and nagar panchayat to prepare draft development plan to the state government for review and inclusion in the state plan.
- VII. Setting up of Metropolitan Planning Committee for metropolis who would submit their draft development plan to the state government for review and inclusion in the state plan.

4. SIGNIFICANCE OF LOCAL GOVERNMENT:

The significance of local government lies in sustaining the democracy at the grass root level. The term “Democracy” refers to the system of government in the administration of which every adult citizen of the country enjoys some direct or indirect share. If democracy has to function properly as many citizen as possible should be encourage to participate in it at the local level. In the long run, the progress achieved under such democratic method is more firm and more solid than under a system which confines democracy to parliament and state legislature. Pt. Jawaharlal Nehru while inaugurating the first local self government ministers, conference in 1948, he said 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 democracy at the top may not be success unless you build on its foundation from below”. (Maheshwari, 1984)

The local government jurisdiction is limited to a specific area and its function related to the provision of civic amenities to the population within its jurisdiction. Local self-government is the basic unit for training the people in participation in a democratic country. In other words it is a basic unit for political socialization that’s why today it is much more significant in comparison to other two levels of government.

5. CONCLUSION/SUMMARY:

In India, local government constitute a third tier of the three tier administrative structure. Local government generally refers to the branch of government concerned with the management of local area, local authority, local finance, local autonomy, etc. by the people themselves through their elected representatives. Historically, the concept of local government was present only in the rural areas but after the coming of the British they faced many problems in managing the local taxes in urban areas and then they introduced Municipal Corporation for urban areas. The first municipal corporation was set up in madras in 1687 for managing the taxes of the area. The municipal government does not get much popularity during British rule and also after the independence. But it gets popularity after the passing of the 74th amendment act of the constitution 1992 under the article 243P of part IX and IX A. Now a days it is one of the most popular form of the government which known for managing the local affairs by the local people. It is also known for providing the basic training to the people who wanted to participate in state and national level politics.

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