



EVOLUTION OF CIVIC GOVERNMENT IN INDIA UNDERSTANDING HISTORICAL CONNECTIONS

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Abstract

Civic governments are an essential aspect of governing mechanism. Having acquired structural significance no government can afford to neglect them. Its autonomous nature gives them enough scope to find relevance with the local needs. Local governments in India have its own history since the times of the British in modern times. In the present context their need in urban context has been recognised by the Parliament in 1992. The passage of Nagarpalika Act as a national legislation has created enough scope for the empowerment of the urban local bodies. However, its implementation in the true sense needs to be monitored. The loopholes need to be plugged and future of these bodies need to be further secured. The history of local self-government suggests that they have been performing important functions for the people in the country.

Keywords: Local self-government, Constituent Assembly, Economic development, Local autonomy, Sanitation, Empowerment



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Local government in India, is often identified as local self-government. It refers to a governmental arrangement below the level of State. In the words of Jackson, 'the local self-government implies the management of local affairs and services by popularly elected councils.' This term was first used when the country was still being ruled by the British. In order to assuage the feelings of the natives, a decision was taken by the British Government to include the Indians in the functions of administration especially pertaining to local affairs. It was perceived as a slice of self-government for the people. In the contemporary period however, the term does not carry much significance as the country enjoys self-government both at the federal and state levels. The members of the Constituent Assembly as well as the Drafting Committee led by B. R. Ambedkar preferred the term 'local government' in the Constitution. (Maheshwari, 2002, pp.22-26)

Need for Local Government:

When humans decide to come together with an intention to co-habit in a locality, certain issues arise naturally from community living. These problems may relate to the provision of basic utilities and issues in respect to civic amenities like supply of water, disposing garbage, managing drainage, lighting, prevention of epidemics, health facilities, taking care of environment, roads, basic education, etc. The provision and maintenance of these utilities

which are expected to make community living better and more comfortable constitute the responsibility of the local government.

With the passage of time however, there has been a massive addition to the existing functions of local government. They have taken over new activities and functions like provision of mass transport, supply of electricity, health centres, parks, playgrounds, etc. In fact, the government at the local level has acquired much more importance in the daily life of a citizen as compared to the State and Central Government. According to Ursula Hicks, 'efficient local government is a means of economic development'. With the passage of time local authorities have therefore, acquired greater opportunities to intervene in the local affairs. They have been bestowed upon greater powers to influence the urban life and bring about meaningful changes if they so desire. (Mathur, 1999, pp. 33-35)

The importance of local government has been recognised all over the world and no one can really afford to neglect their role and greater space they have been occupying in city life. It is widely believed that only local government has the ability to manage the local affairs effectively. However, they need to enjoy local autonomy to perform with confidence and with effectivity. They need to assert themselves while administering themselves in relation to local affairs. The idea of local autonomy gains more credence when the local bodies function independently without any direct interference from the state or federal government. The idea of administrative autonomy is being emphasised in relation to the functions of the local government. The quantum of autonomy being enjoyed by the local authorities gets reflected through the working of the local government and the quality of decisions they make in relation to their locality. In respect to the functional autonomy of the local bodies James Bryce rightly points out, "In general, local government may be said to involve the conception of territorial, non-sovereign community possessing the legal right and necessary organization to regulate its own affairs. This in turn presupposes the existence of a local authority with power to act independently of external control as well as the participation of the local community in the administration of its own affairs." (Bryce James, 1921, P. 130)

The increasing acceptance of local government as a distinct unit of governmental structure has further strengthened its position. Its emergence as an autonomous unit of government can be attributed to several factors, mainly – historical, ideological and administrative. Historically, local government has certainly preceded national government in point of time. The man first learnt to live in his locality and gradually formed his neighbourhood government either at village or town level before he could imagine or got

carried away or possibly succumb to a more distant authority like a federal or national government. Ideologically, the existence of local government has been put forth with much vigour and with near unanimous emphasis when the ideas of local autonomy and self-reliance were asserted with popular support. Administrative factor gains easier acceptability when a host of functions and affairs of local nature need to be administered and dealt with in consonance with local ethos. Even after the rise and growth of national government, local governments continue to assert their relevance and exist with dignity as recognised units of national government. The need for a local body continued primarily because the national government took over only those functions which appeared to be of general nature and required to be performed in a larger context. The government at the national level opted to leave the functions of local interest and application in the domain of the local authority. The local governments therefore, did not find any functional encroachment in their space of relevance and continued to perform their assigned functions as before. Lord James Bryce writes: 'In the process of time nations were formed by the expansion of these small communities, or by their fusion, or by their absorption into larger units.' (Bryce James, 1921, P. 139)

While justifying its existence people are quite in agreement when they say that local government is necessary because some public requirements are local in their intensity, character and scope. It is not expected of them to be common in all the areas. Local issues therefore, can be addressed and overcome primarily by evolving local remedies.

History of Civic Government in India

The genesis of local self-government had deep roots in ancient India. On the basis of historical records, excavations and archaeological investigations, it is believed that some form of local self-government did exist in the remote past. Historians believe that some kind of municipal government was in existence in India even during Vedic period. The archaeological excavations made at Mohenjo-Daro and Harappa threw light on Indus Valley Civilisation. The excavations revealed that a highly developed urban civilisation existed in ancient India. Similarly, in the Vedas and in the writings of Manu, Kautilya and others, and also in the records of some travellers like Magasthenes, the origin of local self-government can be traced back to the Buddhist period. The Ramayana and Mahabharata also point to the existence of several forms of local self-government such as Paura (guild), Nigama, Pauga and Gana, performing various administrative and legislative functions and raising levies from different sources. Local government continued during the succeeding period of Hindu rule in the form of town committees, which were known as 'Goshtis' and 'Mahajan Samitees'. The representative

character of these samitees were respected by the rulers. These Mahajans sometimes delegated their functions to their representatives or to Panchkulas (committee of five) who used to collect revenue on behalf of the state. In addition to Panchkulas, Talara, an officer of the state, supervised local administration and policing with the help of the elected representatives. In the Mauryan period followed by the Gupta era and subsequently in the medieval period, the system of local self-government continued to be more or less the same. (Singh, 1991, P. 56-58)

Local governments and their institutions have therefore, existed and flourished in India since ancient time. In a predominantly agrarian country, Village Panchayats were largely regarded as local institutions in the ancient period. They were so complete in their dispensation that they were termed as 'small republics' by several historians. Sir Charles Metcalfe has exclusively mentioned about these villages in his writings in 1830. These village governments were considered as unique in terms of their functioning. Even in the days of Maurya, the village and the district were units of administration. During the times of Pandyas and the Pallavas in the 8th and 9th century, a system of local self-government existed but it was not so well developed as under the Cholas in later times. The inscriptions of Parantaka Chola I from Uttaramerur in the Chengleput district in the then Madras State (present Tamil Nadu) gives a detail account of local self-government. They inform that each village had an assembly called Maha-Sabha consisting of all males and their involvement was ensured in general matters. The Maha-Sabha appointed a number of 'variyaams' (committees) and entrusted them with specific functions. Similar arrangements have also been found in urban areas during ancient period. The existence of urban government in ancient India has been supported by several historians. Magasthenes, as quoted in 'The Imperial Gazetteer of India' (Volume IV, Oxford, 1909, P. 281), gave a description of the administration of a town in the third century before the Christ. (Friedrich, 1968, pp. 55-58)

Even during the period of Mughal rule in India, one finds a system of local government in existence. However, the system of local self-government was quite different during the Mughal period. The Mughals were fond of building new cities and maintaining them. Those cities were, by and large, centres of trade and industry. Surat, Patna and Ahmedabad, for example, happened to be provincial capitals and offered a rich market. Whatever urban administration was there, it was autocratic in form. The City Kotwal, appointed by the Emperor, was the key-centre of municipal administration. The entire administration of a town was his responsibility who performed several municipal functions apart from enjoying the supreme authority in all magisterial, police and fiscal matters. He was responsible for

maintenance of inventory of houses, roads, levy and collection of local taxes, tolls, transit duties, etc. The markets were controlled by him. He kept a check on weights and measures and a vigil on the local prices. These are basically municipal functions, which were performed by him in addition to his foremost duty of maintaining law and order. Thus, in 'Kotwal' of the Muslim period, offices of the modern Municipal Commissioner and the City Magistrate were combined. Famous historian Abul Fazal's *Ain-i-Akbari* has mentioned in detail and described the town life and administration of those periods. (cited in Maheshwari, 1970, P. 168)

However, despite the above evidences of local governance institutions in ancient India, it needs to be clarified that the local self-government was not really a universal feature in ancient India. It existed according to inscriptional evidence only in 8th and 9th centuries under the Cholas and that too only in certain parts of the then Madras State and not throughout the country. Hence, it can be said that local self-government was not a universal feature in ancient and medieval India. Further, there was no elective system as it is there in modern times. Many of the old institutions were not territorial in character. They did not resemble the modern local self-government institution. At best, one can say that in some parts of ancient and medieval India, local self-government institution existed.

Civic Government during British Period:

British rule in India came to be extended through the East India Company which had received a royal charter from Queen Elizabeth I, in 1600 AD authorising it to trade in the East. The Company succeeded in getting royal permit from the Court of the Mughal Emperor Jehangir in 1608 through Captain William Hawkins. The company which was, in its origin, a commercial concern engaged in trade, further expanded its base and flourished. However, the unsettled political conditions in the 18th century, and the rivalry between the trading companies representing different European powers led the Britishers to intrigue with the local rulers to protect their trading interests. As a consequence, the East India Company found itself landed suddenly with the liability to rule over vast tracts of land. The Company, at the same time, got concerned also with the health and conveniences of its servants. The basic necessities of a healthy and safe living, i.e., sanitation, light and roads were almost absent. The British obviously thought it proper to transplant some sort of municipal institutions in areas where the servants of the company and other Europeans had settled. (Kumar, 2006, P. 69) Hence, the modern municipal government in urban India is essentially a creation and legacy of British rule. It was certainly imported in India by British from their own land. The modern urban local self-governing institutions in the country owe their genesis to Lord Ripon's Resolution of May

18, 1882 when for the first time an organised system of urban local bodies was constituted. However, in order to have a clear understanding of urban local government in India it is imperative that an effort is made to trace its origin in India. It will be further desirable to examine its phases of genesis and development and how and in what socio-political conditions these self-governing institutions have evolved and gradually flourished and what shape it took in pre-independent era and how it has reformed itself in the post independent India in different stages over a period of time. (Maheshwari, 2002, pp. 25-36)

In the seventeenth century, the Charter issued by the company on December 30, 1687 created a municipal corporation and a Mayor's court in Madras in 1687. It was modelled on 'boroughs' which were already in existence in Britain. On the lines of Roman 'Municipium', the English people had established 'Municipal Boroughs'. Along with functions performed by the 'boroughs', the authority to levy specified taxes was also given to Madras Municipal Corporation. The corporation consisted of a Mayor, 12 Aldermen (co-opted members who were regarded as next in status to the Mayor) and 60 to 120 Burgesses (inhabitants of a town or borough with full rights of citizenship). The Mayor and three Aldermen who formed the Mayor's Court as well, acted as Justices of Peace. It was done on the lines of the City Corporation of London where a Mayor's court was also functioning. It was rather customary in England in those days to confer judicial powers on Municipal Corporations. The Company encouraged people of all nations residing within the limits of the corporation to associate with the local government. However, it was recommended that the Alderman should be from amongst the heads and chiefs of all respective castes. The Burgesses were to be both from amongst Europeans and Indians. The Mayor-ship was however, confined to the Englishman. The corporation was empowered to impose taxes for constructing different edifices for the conveniences of the residents. It was required, for example, to build a town hall, a jail and a school for the children of the Europeans, to improve roads, undertake lighting, conservancy and similar other services. Thus, a beginning was made in the direction of establishment of municipal governments in India. (Maheshwari, 1979, pp.32-36)

The next step was the establishment of a Mayor's Court in all the presidency towns of India. The charter issued on 24th September, 1726, with an intention to introduce uniformity of approach to all the three towns, established Mayor's Court in the presidency towns of Calcutta and Bombay in addition to the city of Madras. The Mayor's Court was however, more judicial than an administrative body. The charter also provided for the constitution of a corporation in each presidency town, appointment of a Mayor and nine Aldermen. Thus, the charter of 1687

created a corporation and a Mayor's Court in Madras, while the charter of 1726 created similar organizations in all the three presidency towns. However, under the new charter their functions were largely judicial. In 1793, a new attempt was made to establish municipal organisations in the presidency towns. The local government in India acquired a statutory basis. Municipal corporations were established in three presidency towns of Madras, Calcutta and Bombay by the Charter act of 1793. It empowered the Governor General-in-Council to appoint Justices of Peace from among the servants of the East India Company and other British inhabitants for the mayor's Court. The Justices, beside judicial duties, were required to provide for scavenging, police and repair of streets, etc. In 1801, town duties were imposed in the towns of Bengal for the purpose of improving public resources. This however, was not welcomed in general. These authorities were authorised to levy taxes on houses and lands. They performed functions like scavenging, police, maintenance of roads and culverts. (Mattoo, (2010, pp.44-46)

In 1842, municipal administration was extended to the district towns in Bengal. As it was voluntary, no town came forward to constitute a municipality. The year 1870 was an important year in the evolution of local government in India. The famous 'Resolution' of the then Viceroy Lord Mayo (1869-1872) came into existence. It advocated decentralisation from the Centre to the provinces. The resolution regarded municipal government as the most essential and promising. The operation of this resolution further developed local self-government in India. Financial decentralisation also became an important aspect of Lord Mayo's resolution. However, despite all these progressive steps, local government institutions were dominated by the British and Indians were generally not allowed to participate in their functioning. Hence, for Indians, it was neither 'local' nor 'self-government'. However, as a result of these developments, political consciousness gradually spread among Indians. This certainly gave rise to the new urges and aspirations.

Lord Ripon who succeeded Lord Mayo in 1880, was India's Viceroy from 1880 to 1884. He was known for his liberal views and did not generally ignore the sentiments of Indians. He however, felt it was not yet time to give them a share in the central and provincial governments, but opportunities should be thrown open to them for training in political and popular education. He was of the opinion that this training could be purposeful only when local bodies became elective and enjoyed real powers. This meant reduction in control exercised by the central and provincial government over the local government institutions. With these progressive views, he took several measures to strengthen the evolution of local governments in India. He was also responsible for many reforms in the internal administration of India. He,

as the then Governor-General of India, took remarkable decisions and further evolved the local government and made it really self-government. Hence, Lord Ripon is rightly regarded as the father of local self-government in India. (Arora, 2010, P. 97) During subsequent phases, the civic government further evolved and acquired local relevance and administrative approval. In contemporary period it has become the basis for efficient governance at the local level.

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