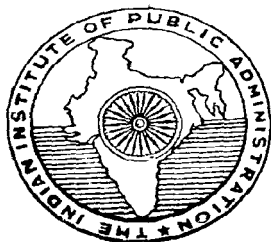
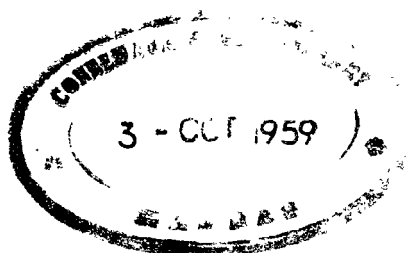


IMPROVING CITY GOVERNMENT

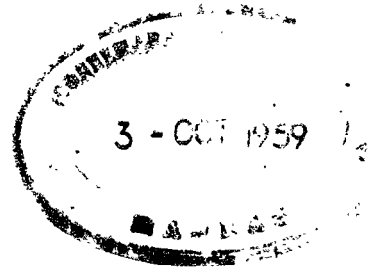
PROCEEDINGS OF A SEMINAR
(SEPTEMBER 13-14, 1958)



INDIAN INSTITUTE OF PUBLIC ADMINISTRATION
NEW DELHI

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FOREWORD



The Seminar on 'Improving City Government' of which the proceedings and background papers are contained in this volume was the fifth in a series which the Institute has been convening. In recent years, we have witnessed many significant changes in the field of city and municipal governments in this country. The object of this Seminar was to discuss some of the fundamental problems facing Indian city governments.

The Seminar was fortunate to have as its Director Shri P.R. Nayak, I.C.S., who, as Commissioner, Municipal Corporation of Delhi, and formerly of Bombay City, has had an intimate experience of the operation of municipal corporations in India. I am very grateful to him as well as to all participants in the Seminar for the valuable contribution they have made to the understanding of the subject. I am sure that this volume will be of interest to all the members of the Institute as well as to a wider public.

*Indian Institute of Public
Administration*

3 - OCT 1959

P R E F A C E

The Seminar on "Improving City Government" was a welcome sequel to the earlier one on "The Pattern of Rural Government". The country is alive with new ideas probing the many problems that a developing democracy must face and answer. The objectives are clear but the means call for continual experimentation. Intimate and thorough discussion at an informed level helps in this process of discovery. Looked at thus, the Bangalore Seminar on City Government achieved considerable success. The participants had wide experience of city administration. The proceedings were throughout lively and often extremely stimulating.

The concern latterly shown for the prevailing situation in our cities, and recognition of the urgent necessity of improvement, are welcome. Both Governmental and non-official bodies have studied different aspects of these subjects. Parliament and many State Legislatures have enacted fresh legislation designed to provide cities with an administration suited to the needs. Nevertheless, doubts and arguments about the right means for securing better government persist. Debate is, of course, necessary in a dynamic situation. But it must not militate against the reasonable exploitation of existing institutions for the common good.

The Seminar has brought out with a high degree of accord the adequacy and appropriateness of the principal tools of our City Governments today. One hopes that these proceedings will help towards a better appreciation of the needs of the situation. There are also fresh lines of action suggested, both as regards the governmental machinery and the enlisting of public participation. The latter is as vital as the former, but still relatively untried in our cities. But the time is now ripe for initiating programmes in this direction.

The success of the Seminar is largely due to the interest Prof. V.K.N. Menon, Director of the I.I.P.A., evinced during the many months of preparation. Shri B.D. Raheja, also of the Institute, prepared valuable background papers, after a great deal of study and collation, and was of immense help to me throughout. To him my special thanks are due. I must record my appreciation of the excellent secretarial assistance provided by the Institute during and after the Seminar.

P. R. NAYAK
Director of the Seminar

3 - OCT 1955

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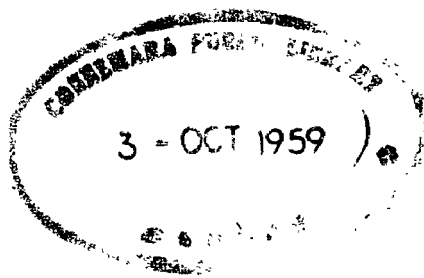
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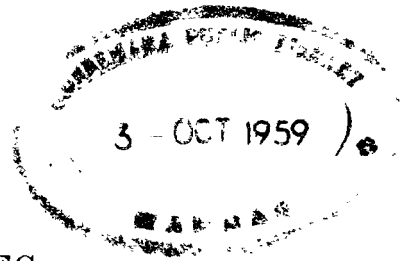
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PART I

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12. Shri N.D. Majumdar,
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IMPROVING CITY GOVERNMENT

WORKING PAPER

I

Our cities today are nerve centres of national life and economy. Urbanisation has been taking place at an accelerated pace. Cities have attracted much new industrial and allied activity. A large population, alive to many rights and holding the key to much of national prosperity, is a political force to reckon with.

In these circumstances, the preservation and improvement of the urban scene on sound and orderly lines are highly important. It must provide the essentials of a decent way of life and promote satisfaction. In reality, however, city living is full of serious deficiencies. Congestion is acute and housing utterly obsolete. Ill-planned or unplanned growth abounds. Services and amenities are chronically short of basic needs.

The correction of these deficiencies is essentially the responsibility of city governments. Their tasks must cover the several things that make life more full of meaning—adequate housing, a good supply of drinking water, public health and medical relief services, education, recreational facilities and the promotion of a sense of oneness with and pride in the community. The responsibility is onerous and urgent. An examination of the main problems of city government, and their solution, therefore, brooks no delay.

II

The structure of city government is vitally important for its proper functioning. Here we find many forms that exist in the world and in our country, too. But an elected body and an executive wing are generally found everywhere, if one ignores the exceptional cases in which the democratic way is absent or greatly diluted. Differences arise only as regards duties and functions.

The U.K. pattern of local self-government reposes all authority in the elected council and its various committees. The officials act as advisers in the making of policy and administrative decisions. They also execute such decisions, subject to the control and supervision of the elected body. The system has worked well, though stresses and strains have latterly been developing, owing to the increasing complexity of local self-government and the greater specialisation necessary for deciding and executing technical schemes of control and development. So long, however, as local self-government continues to attract good men and a fair measure of technical and professional opinion is available in the council from amongst the elected representatives, it is expected that the soundness of decision and of functioning can be maintained.

In the U.S.A., local self-government had its roots in the English system. But experimentation and the evolving of new forms or refinements to meet changing requirements have taken place. We find, therefore, not only the English type of council, but also a much smaller elected body, comprising as few as half a dozen members exercising varying degrees of authority jointly or severally. There is the "strong mayor" type; and lately, the 'city manager' system has been gaining increasing adherence. The conditions which, in the U.K., have produced certain stresses and strains, have been

responsible in the U.S.A. for the emergence and growth of the city manager. This official is a creature of the council, appointed and removable by it; but is nevertheless delegated considerable authority, which he exercises in an atmosphere of relative non-interference.

The normal Indian system in the smaller towns and cities resembles the U.K. pattern closely, though perhaps the President of a municipal committee has a primacy that does not attach to his English counterpart. The President wields considerable personal authority and influence, though the council and committees are also powerful. The official, as opposed to the elected wing, plays a subordinate role. It is appointed and removable by the council; and the powers enjoyed and derived by delegation. Here again, however, some changes have been taking place. The constitution of State cadres of Secretaries, Municipal Engineers and Health Officers aims to give these officers a measure of independence in giving advice, exercising the powers delegated and executing the council's decisions.

In certain important Indian cities, a system has been in vogue for many years—for over 70 in Bombay, for example—under which the functions of the elected and executive wings are statutorily laid down, and the latter is made responsible, subject to prescribed checks, for carrying on the administration in accordance with the provisions of the statute and the rules, regulations and bye-laws framed by the Government or the elected body. This system owes its origin to the views which Sir Pheroze Shah Mehta propounded in relation to the framework of the Bombay Municipal Corporation Act. If we are to go by the increasing adoption of this form of government, we can infer that it has achieved a commendable measure of success. Its advantages have been a greater objectivity in the application of civic laws, an administration relatively freed from the complications of operation at the political level, and perhaps also a greater speed of action.

But the system has not escaped criticism, especially latterly. It is alleged that an executive, armed with independent statutory power, generally appointed by an authority other than the elected body (e.g., a State Government), and virtually irremovable, tends to be irresponsible in his relations with the council or unresponsive to popular needs. Such a position is thought to create an unhealthy barrier between the deliberative and executive wings of a corporation, and thereby impede sound working. There is also a feeling that this pattern is unsuited to the present democratic way of government; and that the elected representatives of the people should have a much more decisive voice not merely in the formulation of policy but also in day-to-day administration. One manifestation of this feeling is the demand made for greater executive and administrative powers to the Mayors of city corporations.

These are important issues which require earnest consideration. What validity really underlies the criticism? Is it based on a noticeable deterioration of city government? Or does it originate from a subjective feeling generated by the greater impact of political ideas and power consciousness? How far is it true to say that the executive tends to be irresponsible or unresponsive? What forms do these alleged defects take? Can any correctives be applied? Or must there be a radical change of the system?

Factual answers are not easy to find, for it does not appear that any detailed examination of the working of city corporations has been made from these angles. But if defects do exist, how do they compare with the drawback in the conventional form of municipal government? The ordinary municipalities have by no means a conspicuous record of work; they have, of course, chronically suffered from financial weaknesses. But their operation has thrown up a good deal of inefficiency and nepotism. Aberrations in administrative functioning on group or party lines have been not uncommon.

The failure to guard the integrity of the services and define their field of operation have resulted in lowering of staff standards. If responsibility is curbed, if initiative is retarded and if a measure of dignity is denied, frustration ensues and the quality of work must suffer. Is this why there has been a trend towards a form of organisation in which the execution of defined or prescribed policies is made much less a matter of council voting and much more the function of an executive endowed with greater initiative and security of tenure?

Perhaps the change is dictated also by the complexity of governing large cities. City administration today has become an extremely arduous task; and the part-time duty rendered by elected councillors is perhaps unequal to the needs. Can it be that this consideration, rather than any retrograde, undemocratic concept, has gained greater adherence?

In any case, the elected council remains the agency for administrative decisions of a superior character; it acts as the guardian of prescribed policies and programmes; and it checks deviations in action by the services. Beyond that, the discharge of administrative duties—comprising the implementation of the policies and principles prescribed by the legislature in enactments or by the council in its decisions—is entrusted to the executive wing of city government. The results achieved in many cities, the West included, do not suggest that representative government suffers from a proper definition of the scope of different organs.

Government is a continual experiment in the art of promoting the well-being of people; and there can be no rigid forms of democratic functioning. The time and the place have a powerful determining force. In our cities, the time for action is fast running out and the place gives cause for increasing anxiety. Our policies and administrative forms must, therefore, be such as to catch up rapidly with the situation.

There must naturally be mutual confidence and goodwill between the two wings of *all* government—the policy-making and the policy executing. Where these do not exist, trouble ensues. We must work, therefore, to create and foster such mutual relations. So far as the executive goes, the functioning of democracy in the country is, one hopes, rapidly producing a responsive civil service. Its development has been recognised as one of the prerequisites for speedy development on proper lines; and governments are taking steps to induce that attitude of responsive service to the people. On the side of the elected body, a better appreciation of the role and the importance of the executive is perhaps called for. Certain restraints must be self-imposed.

III

A broad-based conception of the functions of city governments is essential in present circumstances. Having regard to certain recent trends, it seems necessary to sound a warning against the tendency to supplant or dilute local enterprise and responsibility by compartmentalised or centralised agencies. The importance of a unified civic administration is not always recognised. A multiplicity of agencies has produced varying degrees of development and has rendered difficult a comprehensive view of the basic needs of a city. The determination of these needs is a dynamic process; and each programme of action may necessitate the adaptation or modification of pre-conceived plans.

Again, while centralisation is sometimes necessary, it often fails to judge local needs properly or to adequately evoke local enthusiasm and participation. And beyond the conventional functions of civic government, there is much new ground that local authorities can cover in the service and welfare of the people. A good deal of

governmental work in such matters has no real roots in local soil. A re-examination of the whole structure of welfare or beneficent activity carried on by the authorities is, therefore, desirable, with a view to determining what is more appropriately a subject for local responsibility.

Side by side, a reassessment of the financial needs of city governments is essential. Paucity of resources for serving the needs of a rapidly growing, and an already ill-served community, is probably the most important single factor operating to the detriment of city government. The sources of income allocated are inadequate; sometimes even these are encroached upon by the higher organs of government; and often, too, the available sources are not fully tapped. It is unfortunate that the aims and problems of local bodies have come to be regarded as less pressing politically and as inferior to those of state and national governments. Such a view cannot be considered really tenable, if one looks at cities in their proper setting in the country's political and economic life.

Why do city governments continue to be short of finances and to be denied additional resources? To some extent, this seems to be the result of a tendency often seen to stint on local effort and look helplessly for outside aid. Examples of under-utilised local resources in the face of much leeway to be made in services and amenities are frequent. Politically, a greater exploitation of available sources of income is considered to be a hazardous venture. But the failure to mobilise local resources on the scale needed and practicable itself hinders the accretion of fresh sources of income. Indeed, as has sometimes happened, it may encourage an encroachment on essentially local sources for state or national purposes.

The maximum exploitation of available sources of income is, therefore, the first step for the rehabilitation of local finances. Should local bodies shirk the responsibility, is outside intervention indicated? Some states have answered that question in the affirmative; and have armed themselves with the power to direct an enhancement of local taxation.

The problem of mobilisation of local resources has a dual aspect; a determination of the levels of necessary taxation and a machinery that will secure the proper assessment and collection of taxes. The former is no doubt a political decision, but it must proceed on the basis that the services rendered must be paid for, in one form or another. Though varying capacities may be recognised, the idea of something for nothing must be discounted. The humblest must make a contribution, however small. If that happens in state and national taxation, why is a different note frequently struck in the sphere of civic government?

The machinery for the assessment and collection of taxes must be free of political influence, though the task set is to implement the political decision. A good deal of the vulnerability of local finance springs from an inefficient machinery for both assessment and collection. The collection of taxes is frequently disappointing. Under-valuation of properties is also very common. An outside agency is, therefore, in some places, assigned this task to free it from the evil of nepotism. Such a course, or the assignment of the duty to an integral but independent wing of city government, seems clearly inescapable. That wing may also be expected to pursue the task of collection with greater vigour and less bias. Possibly, too, the extent of recoveries could be made a criterion for judging the scale of financial assistance to be given by outside agencies.

The necessity for such assistance has been accepted by many committees and commissions that have examined the problem of local finance. Little, however, has been done. Local authorities are probably themselves responsible, in a way. If their

hesitancy over questions of taxation can be overcome and if the machinery can be geared to maximum efficiency, unresolved deficiencies in the local scene would become intolerable to the point that government cannot any longer overlook.

Simultaneously, city government, particularly, must venture out into the realm of public utilities (and be adequately empowered for the purpose), as a means of augmenting their resources. There is considerable scope for such enterprise. Public transport and electricity supply are two obvious examples. Town gas is another. Municipal banking has been tried successfully in some places. And if life insurance is an appropriate activity for the state, why should not city governments undertake insurance against fire risk, a subject which is amongst their obligatory functions and certainly a matter of great concern to them?

IV

In endeavouring to satisfy the rights of the community, a local authority's primary concern should be to secure and promote the orderly development or redevelopment of the physical scene. In rapidly expanding communities, the need for the careful planning of growth is of the highest importance. Many of our present ills spring from a neglect of this consideration. The policy of *laissez faire* in the past may have provided some excuse for the unseemly growths we often see around us. But we have moved away from the attitude and better appreciate the need for foresight. Nevertheless, the fundamentals of orderly and decent growth are found lacking in many new developments. The planning of growth calls for a comprehensive view of the present and of the future. We need a master plan of development and redevelopment; and a series of town or sector plans for execution that will translate the broad pattern into reality. A procedure that ensures speed of planning and execution is essential. So, too, a machinery that facilitates planning and execution. What should that machinery be? Should it, as in Delhi, be a separate statutory authority for full planning and part execution? Or are the responsibilities more appropriately assigned to the city government itself?

The planning of growth must include not merely the opening up of virgin areas but also the provision therein of services and amenities of a prescribed standard. Otherwise, we shall always remain preoccupied in catching up with deficiencies in basic requirements, such as water supply or schools, and can never go forward to a broadening of the scope and purpose of local self-government. Local authorities today are mainly engaged on remedying the basic defects that exist—this is, of course, important—in the older parts of their areas and have overlooked the haphazard or sub-standard growth that has ensued in the wake of a greatly enlarged population. The struggle for improvement can be won the sooner only if the amelioration of backward conditions is made substantially dependent on the opening up of new area. This is really the crux of the problem of slums, or in other words, of overcrowding and under-development.

The improvement of the physical scene in the cities covers all these things that make for convenience and well-being. If one analyses the problem and seeks to prescribe priorities—not of a mutually exclusive character, but for the purpose of unintelligently earmarking resources—the needs today would appear to be more new houses, the improvement and preservation of the older houses, wherever possible, the augmentation of water supply services, the improvement of sanitation and the provision of adequate recreational facilities. But the houses we build, and the layouts in which we place them, must not become the slums of the near future. Because notions about adequate housing standards change so rapidly, in a developing economic situation, it is better to err on the side of some liberality. The restraint which paucity of resources

necessarily imposes can be served by various devices; one, for example, would be to build new houses to last not for 60 or 100 years, but for a more modest duration. The preservation and improvement of the older houses will serve the same need. A determined attempt to arrest their further decay and disappearance is necessary. Towards that end, a city would be wise to undertake a survey of its older parts, and adopt a housing and improvement code, somewhat on the Bombay lines.

The last aspect of city growth must be mentioned. Sociologists have talked of the need for purposive action to control the extent of urbanisation. This is, of course, no question, in a democratic country, of preventing the movement of population. But some of the causes that lead to such inflow can be controlled. People migrate to cities because of better employment opportunities, following in part the increasing congregation of industry. But industries, while they give employment, have been responsible for slummy growth and, in other ways, accentuate all the difficulties of present-day urban life. The claims of industry for urban services often become peremptory in character and can upset the precarious balance between demand and supply to the detriment of the community. A careful regulation of further industrialisation in large urban centres is, therefore, important. Even today, we witness instances of deliberate location of large new industrial units in areas already over-saturated.

V

In working for the improvement of city government, a local authority must endeavour also to secure greater and better understanding from the citizens. From understanding can spring greater responsiveness and even enthusiasm. There is much that the citizen must learn and be told. The need is really great in growing urban centres, where homogeneity and background are lacking and the task of achieving reasonable uniformity of conditions is rendered more difficult.

The understanding that we must try to secure should cover the prerequisites of orderly community living. A citizen's attitude must reflect awareness and appreciation of one's rights and obligations as a member of a large community and must evoke appropriate action. Rights, in this context, relate to the basic needs for a decent way of life. Obligations would cover, firstly, the acceptance of a duty to contribute to the sum-total of civic functions. Secondly, they impose a code of conduct that reflects the mutual interdependence of the citizens in matters of a civic nature. It is not enough to have an environment that provides basic needs. The proper enjoyment of the services and amenities available is equally important. Such a code of conduct is essential in a thickly populated and somewhat heterogeneous urban community; and every fall from desired standards must detract from the health and well-being of a neighbour.

All this calls for a programme of urban community development. On the one hand, the physical scene must be improved. On the other, a complementary, educative campaign must be undertaken, with the object that the local community is enthused and mobilised with regard to the negative and positive aspects of civic behaviour. Amongst the instruments to be used, the most important is local leadership, of both individuals and institutions. The idea of an urban community development programme has only lately emerged in our country, though abroad it has already gathered considerable momentum. That it should have been regarded as necessary even in more advanced communities emphasises its importance for our conditions. And each city administration would be well advised to provide the machinery for undertaking such a programme.

We must clearly aim at greater citizen participation in civic activities. Certain lines of action suggest themselves. Citizens' forums can play a useful role in stimulating

city government. In the U.S.A, such groups have set themselves to a serious study of sundry city problems and have been able to promote desired change, not by pressure tactics, as we often see here, but through irresistible conclusions drawn from intelligent study of problems. In an allied sphere, one would like to see in our country the beginnings of a "citizens' chest" idea. The subject was lately broached in Delhi.

Ward committees, comprising councillors, and members of the public can theoretically make a valuable contribution to the improvement of civic standards. In the U.S.S.R., an extensive organisation of this type seems to have worked with marked success. But experience in one or two cities in India does not seem to have been encouraging. The causes of failure are worth studying. Possibly, the right persons do not join in the effort.

That brings us to the question of the nature and quality of representation in city councils. Are these bodies able to attract the right men for the tasks to be performed? Is the feeling justified that they do not? If so, what are the reasons and what are the remedies? City councils must contain a fair representation of technical and professional men, suited to present-day functions and responsibilities. What is the place of the professional politician in the set-up? To what extent is the injection of policies in city government necessary or proper? It is alleged that this has led to a deterioration in the standards of local self-government.

In this context, one may also consider the citizen's role in the election of his representatives. Civic elections have invariably been attended by considerable apathy on the part of the electorate. Could this be responsible, in any way, for a decline in the standards of local bodies, if a decline there has in fact been?

The answers to these questions hold another vital key to the improvement of city government.

INAUGURATION

MR. P.V.R. RAO* :

Friends and Members of the Institute ! I have got a very pleasant duty to perform today in welcoming the distinguished visitors from the various parts of the country, who have come to participate in this Seminar. The subject in the Seminar is rather important, particularly in the present-day context. In this country, we are drawing away more and more people from the rural areas to the urban areas, partly to reduce the pressure on land. In such a development, difficulties are bound to arise and unless proper arrangements are made for the development and administration of the areas so developed, the country's progress is bound to be seriously hampered. I do not wish to go into the details of the subject of today which will be more thoroughly and effectively discussed by the experts in the field. But I will only say this : that this premier city of South (*i.e.*, Bangalore) has a special privilege in welcoming you all and if I may say so, is particularly suited for a discussion of the subject of City Administration. I am happy to welcome you all, and I would now request Shri P.R. Nayak to explain the scope of the subject.

SHRI P.R. NAYAK :

Friends ! This Seminar organised by the Indian Institute of Public Administration, if I may say so, is a counterpart to the Seminar held last year on the Pattern of Rural Government. We shall try to cover the whole field of local government in the country, and help to crystallise our ideas on these vital subjects. The Seminar on the Pattern of Rural Government was extremely successful in that it was able to highlight some of the very vital problems that face the structure of rural government in the country today.

The object of the present Seminar is to hold discussion amongst all those who have worked for the improvement of city government, to point out the stresses and strains that are developing today, to try to trace their cause and, if possible, to suggest lines of advance to overcome these difficulties. It is one of the characteristics of the Seminars of the Institute that they do not try to present cut and dried solutions to the problems discussed. These Seminars are intended more to provoke thought, to discuss various aspects of the problems and place the material before the authorities who must take decisions.

We have decided to focus attention in this Seminar on four important aspects of city government. The first of these is the relations that must exist between the deliberative and executive agencies of city government. This subject has been provoking a great deal of thought. Our city governments have been evolving on certain lines during the last few years and it is necessary that we should take stock of the situation and try to clear our minds as regards the soundness of the progress that we have made and suggest such changes in the pattern as may be necessary.

For improving city government, the scope of its functions, and of the finances that must be available so as to enable the discharge of functions in an adequate and proper manner, are live subjects. There has been much investigation done on the subject but city governments are still left with a sense of dissatisfaction, if I may say so, about

* Mr. P.V.R. Rao, I.C.S., Chief Secretary, Govt. of Mysore, Bangalore.

the manner in which the functions and finances of the Local Self-Government, and in particular of city government, are being looked after.

We shall next deal with the third aspect of city improvement, *i.e.*, Development and Redevelopment of Cities. We are today thinking a great deal about removing these chronic deficiencies that have disgraced our cities—the slums, the underdeveloped areas. Side by side, we are trying to plan for the growth of population, of the multitude that have been steadily covering on our cities. The task here is the development of our cities, the opening up of new areas for decent habitation and the redevelopment of underdeveloped.

Last, but not the least, is the subject of public participation. We have felt that no government, least of all our city governments, can function effectively without the close association of the people. No government can succeed and truly serve and achieve its objects unless it is able to evoke the enthusiasm and the full participation of the people whom it is trying to serve.

Under these four broad aspects of city government, we shall hold discussions. We hope to be able to highlight certain specific points which are crucial to each of the four subjects, for our aim is to canalise the discussion rather than allow it to roam over the whole field. Otherwise, we shall get lost in detail and shall not be able to deal with the real deficiencies and difficulties that are responsible for the stresses and strains in city governments. The Seminar which we are about to embark upon will have a great deal of significance in the country in guiding the authorities and policy-makers on sound lines for future progress.

Inaugural Address by Shri T. Subramanya
Minister for Law, Labour, Local Self-Government and Ports

Members of the Indian Institute of Public Administration, Ladies and Gentlemen !

When I was called upon to inaugurate this Seminar, I accepted the invitation readily as it gave me the opportunity of meeting this distinguished assembly of administrators who have gathered here today and set themselves to the task of advising on the measures necessary for “Improving City Government” and finding some light for my own work connected with the administration of cities. It is an excellent idea of the Institute to hold Seminars of this kind to consider specific problems of Public Administration and the country at large and the members of the Central and State Governments in particular are bound to derive great benefit from your deliberations and the counsel you offer.

With the many-sided developments ushered in all over the country by the First and Second Five-Year Plans, there has been a large migration of population from the rural areas to the urban and this migration has brought in its wake a number of problems in the administration of our cities for the elected Councils as well as for the State Governments, many of which, I am afraid, we have not yet been able to solve in a satisfactory way. I consider it indeed lucky that this Seminar is arranged in the city of Bangalore, so soon after my own assumption of office as Minister in charge of Local Self-Government in Mysore. I have great hopes that the expert knowledge and the wide experience which you gentlemen will bring to bear on the several problems of city administration and the counsel you will offer will enable to function better than I otherwise could.

When Valmiki described the city of Ayodhya, he set us a great ideal, but omitted to tell us by what means such affluence and prosperity were brought about; whether

the city was governed by a council elected partly or wholly; if so, what the franchise was; what the system of taxation was and how the city came to have the enormous resources necessary for the luxurious provision of all amenities.

When a person on assumption of office as Minister, takes charge of the L.S.G. portfolio, he is apt to form the impression that he is indeed the most popular of the members of the Cabinet judging from the number of the addresses he is called upon to receive from the municipal bodies and local authorities, the civic receptions at which he is proposed to be honoured and the ceremonies of laying the foundations and of opening institutions, which he is required to undertake. But once he goes to these places and meets the residents of these cities he is soon disillusioned by the numerous demands made on him for grants, loans and varied forms of other assistance for this or that civic amenity, and is likely to despair of ever being able to function to the satisfaction of all concerned.

I have sometimes thought of an easy way out of my difficulties; but I have not yet gathered courage to present my proposal to my colleagues in the Cabinet. It is that the portfolios of L.S.G. and Finance should be combined in a single Minister, and that the Minister should be free to appropriate a sizable portion of the State's revenues for distributing grants to local authorities for water supply, drainage, electricity, town halls, tarring of roads and such other amenities. Joking apart, I do think, the idea is not so strange as it may first appear. I see from the recommendations of the Local Finance Enquiry Committee and of the Taxation Enquiry Committee and the proceedings of the Planning Commission that some State Governments which seem at present to be appropriating revenues from taxes which strictly come under "Local Taxation", such as the Property Tax, Show Tax etc., are being asked to give them up in favour of the local authorities concerned and all the State Governments are called upon to assign a part of the income from land revenue to the local authorities or assign them in a larger measure where they are already doing it. There is also the factor that the cities and other urban areas contribute directly or indirectly and in a larger or smaller measure to the Central and State revenues, and the local administrations cannot be said to have no claim for a share of the realisations from some of the State or even Central taxes. It is for an expert body like yours to suggest what would be a fair allocation in favour of the municipal authorities.

This problem of finance is to my mind the crux of the problem of "Improving City Government", because improvement whether in the direction of provision of amenities or of strengthening the administration depends largely on the availability of finance. Every city wants protected water supply, an underground drainage system, electrification, parks and gardens, town halls and sports pavilions. At this stage of the 20th century, we cannot well say that these are luxuries and ask the people to go without them. At the same time, the finances available for these developments are strictly limited. Though it is being suggested from time to time that the taxation system itself and incidence of taxation leave a good margin for further exploitation, any taxation measure is unwelcome and an elected body of councillors who have to face an ordeal of election every three or four years, naturally hesitates to tell the people in so many words that they cannot have the amenities they want unless they tax themselves and produce the income required. I am, of course, not suggesting for this reason that we should give up democracy at the city level of local government but only indicating that under these conditions, the progress is bound to be slower than what all of us would like to see.

When the then City Municipal Council of Bangalore presented an address to Mahatmaji over 31 years ago during his stay in Mysore convalescing on the Nandi Hills, he told the city fathers that he was not very much interested in the fine parks and the wide roads that they had laid or in the city beautification and enquired what

the Municipal Council had done for the poor and the homeless of the city. A satisfactory answer could not be given at that time and I am afraid, cannot be given even now. In the interval, the problem has grown in dimensions rendering a satisfactory solution much more difficult than it was at that time. The Central Government has passed the Slum Clearance Act and following the lead, we are passing a local Act almost immediately. The Minister of Health has also promised financial assistance for our Slum Clearance Schemes. But even armed with the special powers the Act confers and with the financial assistance we expect it appears to me that we can solve the problem only slowly and by stages.

Gentlemen, I do not want to take more of your time. I have only tried to think aloud and indicate a few of the problems confronting us. I eagerly look forward to see the results of your expert deliberations and the proposals you will make for raising the standards of city administration.

I have now very great pleasure in inaugurating this Seminar on 'Improving City Government'.

PROF. V.K.N. MENON :

Mr. Chairman, ladies and gentlemen ! I may be permitted on behalf of the Indian Institute of Public Administration to thank all of you for your presence on this occasion and the Minister for Local Self-Government in particular, for having very kindly agreed to inaugurate the Seminar. The Indian Institute of Public Administration has been holding Seminars on important subjects in Public Administration during the last three years. We had one on University Courses and Public Administration, another on Recruitment and Training of Public Servants, a third on the Pattern of Rural Government and a fourth on the Administrative Problems of State Enterprises in India. All these were held at Delhi.

It was decided recently that in future one of the two or three annual Seminars should be held outside Delhi so that a wider public would more easily participate in these meetings and that we could also take advantage of the enthusiasm of local and regional branches in organising it. When we considered as to what should be next centre for this Seminar we thought of Bangalore as the most suitable place. I am very happy to say that we found the Government of Mysore extremely agreeable to our proposal and I am very grateful to Shri P.V.R. Rao for having made all the necessary arrangements for the Seminar and agreeing to hold it here. We are, therefore, in a very happy position today to have this Seminar in this beautiful city with its very pleasant climate and also very active interest in the problems of public administration. On behalf of those who have come from outside Bangalore to the Seminar, I thank the Government of Mysore and the Chief Secretary, who is the Chairman of the Regional Branch, for the very good arrangements which have been made for their residence in Bangalore.

The Mysore Regional Branch is one of our three Regional Branches in the country. We have got local branches in a number of important towns, but it is only Bombay, Mysore and Orissa that have so far Regional Branches, although we hope to have some more in the near future. I wish to thank Mr. Rao for the very active interest he has taken in the work of the Regional Branch. In course of time its work will prove very useful not only for this State but also for the whole country. Thank you.

FIRST TOPIC

RELATIONS BETWEEN THE DELIBERATIVE AND EXECUTIVE AGENCIES

The Director of the Seminar while introducing the first subject—the Relations Between the Deliberative and Executive Wings of city government—suggested that for the purposes of discussion the Seminar would give a fairly wide connotation to the term ‘city government’. It was not intended to confine the discussion to the government of the principal cities like Delhi, Calcutta, Bombay and Madras etc. or what may be called the corporation form of city government, as it is understood in our country. The Seminar was advised to go a step lower down, and to deal with the administration of smaller cities also where a slightly different pattern of city government prevails. It was felt that it would be useful to discuss the subject in relation to these smaller cities though it was inadvisable to go down to the ordinary towns. The borough municipalities, bigger towns and major cities would be more or less within the scope of the discussions of the Seminar. Tentatively, the four topics that might be discussed under the subject of relations would be as follows:

First, the position and the powers of the Mayor or the Chairman of the City Council might be discussed. What exactly is the place of the Mayor? What powers or authority should the Mayor or Chairman exercise? Should that authority be statutorily prescribed?

Secondly, the place and the position of the Commissioner or the Chief Executive Officer of the City Government might be discussed. How should he be appointed and in what manner should he be answerable to the City Council? Or should he be answerable in any way to any other Authority? What should be the nature of his functions? Should they be prescribed by statute or should they be derived by delegation from the City Council itself?

Thirdly, what is the place and what should be the powers of the Committees of the Council or the Corporation and of the Chairmen of their Committees? Should they exercise any executive authority? What should be the relation between the Chairman and the Committees on the one hand and the Chief Executive Officer or the Commissioner on the other hand.

And lastly, the deliberations of the General Body itself, the City Council itself; the powers of the General Body, the manner in which these powers are to be exercised in relation to the Executive itself, the extent to which the Executive should be required to be governed by the wishes and views of the Council in relation to both the

pattern where the executive powers are prescribed by statutes and the different pattern where those powers are derived by delegation?

Before the actual discussions started, the method or procedure that was followed in the previous Seminars was explained by the *Director of the Institute*. With a view to get the fullest value of the ideas and views expressed by a representative gathering like the Seminar the practice of not putting what each person says is followed always. Only the views expressed by the participants are published.

Continuing, the *Director of the Seminar* mentioned a few aspects about the features of the municipal corporation form of government prevalent in India. In a borough municipality we have the Chairman or the President. There is a vital difference between the roles of the Mayor in the scheme of the municipal corporation and of the Chairman in the scheme of borough municipality. The Mayor has been regarded as a titular head, a ceremonial head with powers to control the deliberations of the elected council as a whole, with certain functions of public relations nature as a chief spokesman of the city in matters of civic character. But there has also been an argument as to whether the Mayor's role in that manner is adequate; whether it is desirable that we should have what has been called the strong Mayor-type head. On the other hand the Chairman of borough municipalities exercises a great deal of authority. They have discharged many administrative, executive functions, and certainly in a sense command much greater authority, a greater degree of patronage too and therefore here we have two distinct lines of administrative pattern. It was suggested to discuss these aspects with reference to the position of the Mayor in regard to the municipal corporation. Whether the Chairman of the local body or of a borough municipality should be the counterpart of the Mayor in the municipal corporation so far as his position and powers etc. are concerned? Or is it desirable, for the smaller scope that the borough municipality provides, that an elected representative of the people should continue to play in a sense the administrative and executive had also, as a repository of executive and administrative power in the day-to-day administration. But not in the sense that he can decide matters which properly come within the scope of the municipal committee itself? And what is the most desirable form of organisation so far as the head of the city municipality is concerned? Is it necessary to have different types of organisations for different circumstances and particularly for large cities where this question of power, position and authority of the Mayor have evoked a good deal of discussion?

Starting the discussion, a member contended: "For understandable reasons, a recent conference held in Hyderabad demanded more powers for the Mayors, but this is hardly a practicable proposition. There is a fundamental difference between the position of a Mayor and that of the Chairman of a municipal borough. The Mayor is generally elected only for a year and is not a full-time officer, while the functions of the corporation are multifarious, intricate and complex. To vest him with executive powers and charge him with supervision of details of administration is just not possible. He should exercise not power but influence—influence derived from his position, character, and personality—in order to bring about a co-ordination between the works of different standing committees or authorities. There should, of course, be some authority within the Corporation, somebody who is not the Commissioner who should have this power of overall supervision so as to see that the policies laid down by the Corporation and the Standing Committees are carried out properly and in time, but the authority should preferably be either the Standing Committees or a small high-power Committee rather than the Mayor. The position is different with the smaller municipality. There the Chairman is generally elected for a whole term and the work is not so

multifarious or complex as to be beyond his powers of supervision. The executive power of a chairman of a municipality should not be curtailed, except by way of co-ordination between the different committees and authorities. As regards the Chairman of the municipality they are also the executive officers of municipality. I think in a small municipality the Chairman should have the powers of supervision. In a small body, the Chairman is a permanent officer who is elected for the whole term, and normally the task is not beyond his capacity. The executive powers of the Chairman of a municipality should not be curtailed."

The nature of the controversies now going on about the relations between the Municipal Chairman and the Executive Agency was considered by *another speaker*. In the early days, except perhaps in Bombay, the Collector of the district was also the Chairman of the City Council. That was the case in the municipalities in the South *i.e.* Madras, Mysore and Andhra. Supposing there were half a dozen municipalities in a district, the Collector was the Chairman of all the City Councils. Thus, the functions of the Chairman and the Executive Agency were combined in one and the same person. Then, there was very little freedom for the Deliberative Agencies. Later, there was agitation and the Chairman was elected. Because of this evolution there came about a separation between the functions of the Executive Agency and the Deliberative. Of course, the Council could pass a vote of no-confidence against the Chairman. But, because the Chairman belonged to one political party or the other, there was difficulty in the matter of discipline over the staff and even with regard to assessment and collection of taxes. Collection work became very lax. Though the elected Chairmen were very successful in controlling the discussions of the Deliberative Agencies as Executive Officers they were not quite efficient. Therefore, in many of the States, provision was made for having Executive Officers more or less independent of the Chairman and the elected body.

The Executive Officer was appointed by the State Government and held office at the pleasure of the State Government and not of the City Council. Thus, a separation came about between the functions of the Chairman and the Executive Officers. Now the question has been considered by various commissions and committees and almost every commission or committee has been in favour of retaining separation between the Executive Officers and the Chairman. There has been a large measure of agreement on this point—that this separation should be universalised not only in the corporations but also in the municipalities which will be more conducive to efficient administration if the functions of the chairmen are completely separated from the functions of the Executive Officers. He thought that on the whole it will be conducive to the better administration of the municipality if the Chairmen are not asked to discharge the executive functions.

Now the question arises, he asked: "What shall we do when the Executive Officer does not carry out the decisions of the Municipal Councils or does not discharge his duties efficiently? In almost all States we have a provision that the Council can pass a vote of no-confidence against the Executive Officer. When the administrator becomes very unpopular, the Council can pass a resolution of no-confidence by a special majority, say by 2/3 or 5/8. When such a resolution is passed, the Government is bound to remove or transfer him. This situation arises only in extraordinary cases."

Continuing he said that the Commissioner or the Executive Officer participates in the discussions of the Council or the Head of the Department concerned is present in the meetings of Standing Committees. He is there to guide them. He is in a

position to understand public opinion in regard to various matters. In answering any questions or interpellation in the Council, the Chairman has to be guided by the Commissioner. This is another way of exercising control over him by the Council. There are various committees which go into great details of every problem or question and the Commissioner or the Head of Department is present at these meetings and it is possible for the Commissioner to understand the trend of public opinion as it is found in the Council or Committee and thus indirectly control is exercised over the Commissioner. Thus he can carry out the decisions of the Council in accordance with the public opinion. Because administration consists in applying principles to individual cases, he should not be guided by party or other considerations. Therefore, he thought it is better for us to universalise this position under which the Chairman's functions and those of the Executive Officer are completely separated and the Chairman occupies the same position as that of a Mayor in a City Corporation. He is the first citizen and looks after all matters regarding the dignity of the Council and attends all ceremonial functions. These ought to be right functions of the Chairman and he should not interfere too much in the executive matters.

Another member stated that there are three types of municipalities now administering the local government, for example, town municipality, city municipality and then the municipal corporation. So far as town municipalities are concerned, the President and Chairman must continue to have some supervisory power of direction because the officer who is posted under him as Chief Officer is a smaller type of officer, who is, in South called just as Mamlatdar or Tahsildar. There is the Deputy Commissioner who is usually an I.A.S. officer with powers of inspection and every proceeding that has been drawn up at a meeting is always sent to him. If there is anything *ultra vires* or void he will at once point out to the Chairman or the Municipal President that this is against the regulations and therefore they have to look into again and that it cannot be implemented. So far as the city municipalities are concerned, the President keeps up the dignity and decorum of the municipality. He knows that there is audit, rules and regulations because the Commissioner, usually is a senior officer, who always guides him and tells him that we cannot do this and the latter sometimes agrees. Whenever they do not concur on a point the Commissioner can always invoke the assistance of the Government. But all these local bodies carry on the administration on behalf of the Government because the Government cannot come and act at the local place.

Next to the Commissioner, the Mayor is looked upon even by the Government as the highest dignitary and he occupies a very high position in almost all the cities. Of course, for the Commissioner there are some difficulties—the Standing Committees. But the Commissioner has got certain independent powers. They cannot be concurrent. They are independent from other Committees. There are about 7 or 8 committees. One committee meets every day. It is a headache for the Commissioner. Even though the Commissioner does not want to attend, the Chairman of the Standing Committee writes to the Mayor that he wants the Commissioner to explain something.

The position of the Commissioner is more of adjustment and accommodation rather than using his powers over any Standing Committee because the Commissioner knows the new set-up—the democratic set-up. He has to reorient himself. There is reorientation and, the Mayor always wants to be strong man as far as it is commonly known. He wants to have his grip over the administration. So often he sends letters to the Health Officer, Executive Engineer and every other officer saying that he wants to meet them. But the Commissioner has to be very tactful, and very resourceful,

because the Government will say that it is his funeral and he has to manage the whole thing. Much depends on the personality of the Commissioner. At present, the speaker thought that we have to keep the Bombay model as the Bombay model is the best; the headaches will vanish and the Commissioner will be on a stronger footing than at present.

“The position of the Mayor is undoubtedly one of ceremonial importance in that he has got very many duties to perform”, said *another member*. In the present scheme, the predominant and prominent place is given to the Mayors, and there are four authorities prescribed in the Municipal Acts. One is the Mayor ; the second, the Commissioner who is having independent functions of course, well defined ; and third, Committees, *i.e.* Standing Committees; and the fourth, the Council. Therefore, we find in the very scheme of the Act that the Mayor should not have merely ceremonial influence but also act as a liaison between the municipal corporation and the Government. That is a very major thing. If the corporation is to be useful he is not only to be a liaison between the Council and the Government. Therefore, his functions are well defined. But he thought the tenure of one year in all the corporations is a very limited period and he can have only very limited success. The present authority given to him statutorily is really good. We should not extend it further by enforcing or giving him something of the executive powers for this reason. The moment he is elected as the head of the Council or a corporation he must have the vision of political neutrality.

This political neutrality, as he felt does not come to us readily with the present democratic set-up. Naturally we are now in the initial stages ; we are not able to bring about that political neutrality. It is much better, as the speaker found from his bitter experience, not to confer on the Mayor with any executive powers. As it is, he has several independent functions from the Commissioner. The thing is one of keeping himself above and not interfering in the functions of the Commissioner. The Corporation Act lays down certain clear powers for the Commissioner in certain matters and nobody can interfere, not even the Government can interfere or call for records, in these matters, so long as things are properly done.

That is the only way of achieving justice for the people. The Mayor cannot do justice or anything useful if he is burdened with executive duties. He is answerable to the people; he is answerable to the corporation; he is answerable to the Council, by bringing the liaison between the Government and corporation. All these things take a long time to have a firm grasp say six months. Later he is left only with 3 or 4 months. The term of the Mayor should, therefore, be stretched by another one year, the view was strongly supported by him.

The difference between the Mayor and the Municipal Chairman or President was stated by *another member*. The Mayors of the corporation are elected under the Corporation Act every year. The basis of their functions is of course different ; the deliberative functions have been separated from the executive ones. In the fitness of things it was quite proper that the Mayor should not be invested with those executive powers as it is done in the case of the Chairmen of municipal committees. Simply because such an arrangement had existed in the past we should maintain that arrangement in the case of the municipal committees and that the chairman be given for 3 or 4 years and also have executive powers. Of course the term of the Chairman may be reduced and in the case of the Mayor it may be extended by one more year. But so far as executive powers are concerned the Chairman should be deprived of

those powers. In the entire set up of civic administration this system of separation of the deliberative and executive functions should be brought about. Therefore, the Mayors and the Chairmen or Presidents should be merely figureheads but the main executive powers should be in the hands of the Executive Officers or Commissioners. Of course a lot can be done to mitigate the evils by the establishment of Standing Committees as in the case of the municipal corporation to keep a healthy check on the Executive Officers. These Committees are doing good work in England. Similarly we can exercise a lot of control over the Executive Officers. That is the only way of establishing a healthy system of municipal administration. Elaborating his point, the participant cited his personal bitter experience, "I know I had immense powers as President. But I could not do anything I liked under the Act, within the limitations prescribed. It was a hell of a job. You cannot do anything so long as your legs are being pulled by the members of your own Party and the Opposition. Nobody can be impartial under such conditions. We can have efficient and smooth civic administration only by separating the deliberative from the executive functions and by depriving the Chairman the functions they are now enjoying."

At this the Director of the seminar made a few remarks in regard to the powers of the President and the Chairman. It has been found that in case of the borough municipalities, the Chairman exercises a great deal of executive and administrative authority. The State Government has reserved to itself a very large number of powers, direction to control and suspension of resolutions of local bodies; whereas in the municipal corporation, there is a much greater degree of autonomy. And, therefore, if that is inherent it is necessary, of course, to a certain extent, to define the scope of autonomy of Local Government. Is it not desirable that the elected wing, viz., the Mayor or the President, should exercise its powers with the spirit of political neutrality? Should it impose certain curbs or restrictions on the executive and administrative power on the elected head of the corporation? Would that be the sacrifice of the democratic principles? What are the disadvantages and advantages in relation to the greater autonomy that the corporation possesses? These are some points which occur to me on the question of powers of the Chairman of the Council.

There are two types of Governments that prevail in Mysore State, possibly three types, informed *another member*. In fact, neither the Government nor the local people running the local self-governing institutions are clear in their mind if the Mayor is vested with independent powers. He (the Mayor) somehow or the other by his very nature or position, thinks that he should try to secure a compromise between the Government and the municipal corporation. There is a provision in the Act giving definite powers to the municipal corporation, and in a number of cases, he felt, that they do not function in an effective manner despite the powers vested in them in this country. What he wanted to say was that the present set-up should continue at all costs, irrespective of the nature of the Government. It is quite a hard job for the President or Mayor to function effectively on democratic principles within the limits of the municipal corporation. There have been instances, he stated, where the Commissioner is treated as a handmaid by the Mayor and such relationship does not redound to the credit of any local self-government administration. It is true that the Mayor is the first citizen entitled to all the respects and the powers that are demanded by his position. But the point is, he asserted, that the executive must feel confident and they would never be interfered with. It has been suggested that the Mayor could be the supreme appellate authority in all matters of discipline. "But I think that will be an unhappy day for the entire administration of the municipal corporation. In fact, the Commissioner should be the supreme authority in matters of discipline. In regard to the other various departments, there is the Health Officer, the Executive Engineer and so on and to all branches of municipal administration, the Commissioner,

should be the head and should be vested with the supreme authority in all these matters”.

Talking*of the Municipal Councils, he thought that we have given too much powers to the Chairmen of the town municipalities without having regard to their capacity to function these effectively. He suggested that in respect of even Town Municipal Councils of the towns the same analogy must be made to apply as in the case of municipal corporation. The chief executive authority of the town municipality should be an officer of a higher status and he should function in an effective manner. Of course, he should respect the Chairman and the elected body and he should never be solely responsible in his work and if he goes astray, powers of discipline should be enforced by the Government. And the Mayor or the Chairman should have nothing to do with Chief Executive Authority. If it is not defined he was afraid that the local administration will suffer seriously. In fact, the local administration is more complicated than even the administration of the State Government and the Central as well. There are, no doubt, various parties and there are so many different institutions, but they are splinter groups. Various groups are developing in various municipalities. In view of all these, it is better to strengthen the position of the Executive. Expressing faith in the local self-government as such, he demanded that the deliberative and the executive functions must be clearly demarcated. “It is all right to say that the Chairman is there to see to things but the point is even that kind of supervision at several local areas is disastrous. In view of this, I am firmly of the opinion that the Mayor should continue to be a high dignitary and the Commissioner should continue to be the chief executive of the administration and in the same way, there should be a certain arrangement of making the Chairman independent of the executive functions. It is only that any development in the town municipality is possible. In fact, it would become a regular miniature of the State Administration”.

On this *another member* observed that the President's role in the municipality is guided by certain rules. So long as he does his work on a given democratic set up, as a representative of the people, it is absolutely necessary for him to act freely but of course on the democratic principles. The President or a Chairman who is dependent on the people should perform his duties without interference in the administration. Otherwise, there will be great demoralisation both of the local body and the people of the area and consequent deterioration in efficiency. That will be an unhappy situation. Therefore for the proper functioning of the local body, we should draw some lines, and this is very essential. Unfortunately, we look to the President as the head of the municipality without having a proper way of functioning. He suggested that there should be certain qualifications to be fixed for the Chief Officer appointed for the purpose and for the supervision of the institutions a separate body like the Public Service Commission is necessary to look into the functioning of these local bodies on certain lines which have to be defined.

It was mentioned by *another member* that in Bombay, the municipal corporation and the borough municipalities have been given the power to appoint their own chief officers. A big municipality appoints its own officers. The dismissal powers also are with the borough municipality. The Chairman is the executive head and the Executive Officer is completely under him. The set-up of the corporation is different. Till today the Municipal Commissioner is the executive head and the Mayors are the deliberative heads.

But recently, there was a Conference of Mayors at Hyderabad and they passed a resolution demanding that they must be associated with the executive work of the

municipal corporations. Recently the Poona Corporation also passed certain resolutions of a similar nature. And we might also realise that the city government is a type of miniature State Government. They claim that if a State Government could be run by the representatives elected by the people, why not a city government, Mayor or the other elected representatives should have that discretion in the executive wing of the city government also? They further claim that after all they are responsible to the public at large.

In the modern democratic set-up, the political parties are gaining ground; they are in charge of our municipal corporations also. And therefore they claim that as they are responsible to the people, they must have some effective control over the executive agencies of the municipal corporations also. And after all either in the State Government or in the city government, they are meant for the welfare and well-being of the people. So, to have any hard and fast rule, that the elected representatives shall have nothing to do with the executive wing, perhaps is not possible in the present times. Giving his impressions about Bombay city, he said : "the Municipal Commissioners as well as the Mayors have worked very cordially and we had very distinguished and capable Mayors in Bombay and capable Municipal Commissioners also and the reason why they worked so satisfactorily was that both the wings had mutual trust and confidence. The executive head was always anxious to accommodate as far as possible the desires and wishes of the elected representatives, and the Mayor and the elected representatives were also anxious of the fact that the fructification of the policies that they have laid down, largely depended upon the active co-operation of the executive head. So, knowing the pros and cons, the advantages and disadvantages of these two wings, they tried to accommodate each other and therefore, we have seen that Bombay Corporation is considered to be a model of the proper working of the city government. We have established new corporations in the cities of Ahmedabad and Poona. Poona Corporation was established in the year 1949 and the Ahmedabad Corporation in the year 1950".

"But there is now a demand" he continued, "from the elected representatives to participate in the executive sphere of the city government also. And therefore, we have to consider dispassionately as to how far we can go ahead without detriment to the effectiveness of the executive wing of the city government. Of course, I do realise, it is a controversial problem, but in democracy, as everybody knows, adjustment is the main thing for the success of an office. Therefore, we have got to adjust ourselves and it was my wish that a Seminar of this type could evolve a formula. I desire it may be a foolproof formula, so that the elected representatives will have the satisfaction of having some approach and some decisive control over the executive wing without in any way being detrimental to the effective working of the executive. I was wondering myself as to how best that can be done?"

Another participant believed that the Mayors and the Chairman of the municipalities should be something more than mere figureheads : otherwise they will not be effective at all. On the other hand, they should not act as functionaries who are anxious to exercise detailed executive duties. We must find out a *via media*. In general, the Mayors should concern themselves with all matters of policy. But when once the policy matters have been decided upon, the Commissioner or the Chief Executive Officer should be left free to implement these decisions. That should be a general principle which they should follow. "However perfect a formula might be, after all much depends on the attitudes of the individuals managing the organisation. After they are elected they should place the interest of the citizens at the top. But if this

is not done and if some time self-interest is placed before the interest of the citizen then I do not think that even the best of formulae can help us much.

Elaborating the trend of the discussions, the Director said : "There is no doubt in anybody's mind that the Chief Executive Officer exercises power in the atmosphere of answerability to the Council of the Corporation. The Commissioner has to justify through interpellations and various other means each one of his actions to the Council. Therefore when we think of the powers of the Mayor: should the Mayor exercise all the supervisory powers that Council today enjoys and should the Mayor take over himself some of those functions of supervision, control etc. of the Council or should the acquisition of powers by the Mayor be through a process of cutting down the powers of the Executive? This, I think, is an important question. I do not know that anybody here feels that the Commissioner can exercise his authority except in an atmosphere of confidence as an officer who has to justify each one of his actions".

Another member found that there was a general agreement with his point of view that the position, functions or powers of the Chairman of the municipality should approximate to those of the Mayor of the municipal corporation. But in that context the term of the Mayor or the Chairman is also important and the member did not see that point raised in the course of discussions. He viewed that it is very important, in either case of the Chairman or the Mayor, that the functions should not be merely one of okaying the recommendations of the Executive Officers. It has been said that he should be able to advise, encourage and warn the Executive Officers in all matters. "He is something more than a titular head. In this case, the one-year term is too little to discharge the duties. It should be at least two or three years. In that context, it is worthwhile also to provide a term for the Council or the municipal corporation of four years ; and half the members are renewed every two years. At every renewal the Mayor or the Chairman also can be re-elected."

"I speak as a student of history and political science", said *another member*. "The term Mayor is a very vague expression. This is inevitable. It is better to continue it, because it signifies a head of municipal corporation. What we have to be careful about is its original association with constitutional monarchies. This conception must go. A Mayor is and can no longer be an executive head although he may be responsible to the municipal corporation which has elected him. He is and can be more fittingly be 'the first citizen' of the city on all public occasions. This is and will be perfectly consistent with the republican spirit and democratic systems of government of the present age.

"The second point of view is : How much or what powers should a Mayor have if he should be merely a first citizen obviously, he can have very little administrative powers on the one side, real legislative powers would be vested in the Standing Committees and on the other all executive power would be exercised by the Commissioner. In a democratic set-up people will determine the policy and plan step by step from the lower levels while the officials will carry them out in practice. Decentralisation and separation of powers are the guiding principles of modern governments, and municipal corporations cannot be exceptions to this general rule."

A member tried to answer all the three questions posed. One is, should there be any change in the powers and functions of the Mayor and should he be entrusted with the executive powers? In his view the position should continue as it is, the Mayor being the ceremonial head and the executive authority being the Commissioner,

for the very simple reason that the Mayor, after all, is not a full-time officer. He can afford to spend only part of his time on municipal work. He has got other functions and activities, to perform which in big municipal corporations would be a full-time job. So it is very necessary to have the Commissioner with well-defined powers. He felt that there is now a tendency, especially in the present democratic set-up, for the Mayor of the municipal corporation, in general, to try to encroach upon the duties of the Executive, or in other words to appropriate to himself some of the duties of the Executive.

The end of all municipal administration is to satisfy the people and also to serve them. How can this be achieved? The present set-up, he thought, is very satisfactory as has been demonstrated in practice. Any attempt to interfere with the powers of Executive, he felt, has always ended in great dissatisfaction to the people.

The next question is whether there should be any political parties at all in a municipal corporation. After all, municipal administration must confine itself to providing certain civic amenities to the people irrespective of party affiliation or party ideals, the prime consideration being the welfare of the people and provision of the basic amenities to the people. Therefore, there is no room for the political affiliations at all in the administration of the municipal corporation.

As to the suggestion that in the present democratic set-up, the Council or the Mayor should be associated with the executive or they should have control over the executive, it shall be statutorily defined. These things must be statutorily defined. It may be all very well, if there is mutual adjustment. But the object of defining it statutorily is to provide for cases where the Mayor or the Commissioner do not agree should know exactly what their powers are. The Commissioner should be free to act independently under the statute and exercise his powers. But the Mayor may be given the powers to call for records and satisfy himself that the Commissioner has acted within his bounds and if he finds that he has not, to bring it to the notice of either the Council or the Committee.

A triangular conflict in the situation was presumed by *another participant*. One is the theory behind it; the second is the experience of maladministration in various places and interference of the executive and third is a certain amount of wishful thinking. One thing is quite clear for good administration to be established that the Mayor should be out of the executive field altogether. On the other hand, regarding the thesis of the withering away of the powers of the Chairman or the Mayor, he did not think, holds good in our country—culturally, socially or even historically. Here people expect that any head of an organisation, family upwards, should not be a mere figurehead. That is the genius of the people. We cannot run away from this fact. They expect the head of any unit to be in power or authority and if he does not do so then he will cease to be a figurehead. We have to strike a compromise under which the Mayor without having occasion to interfere with the executive is still able to maintain that position which is meant for the first citizen or whatever you may call him. Now that dignity is associated with certain amount of authority whether you go to the village panchayat or to the family. In any small unit you find this position integrated with a certain amount of power and authority. He personally felt that this suggestion made of the Mayor having the power to refer cases or papers back to the Standing Committees will be the most reasonable compromise that can prevent direct interference. This will help to give that position to the Mayor in the public eye that he can refer cases and have the matter rediscussed either in the whole body of the municipal corporation itself or in the Standing Committees.

“We cannot distrust the representatives in formulating policy and supervising the executive from a distance by way of remote control. This implies a certain amount

of power of inspection. Supposing the Mayor goes out for inspection and finds something wrong. What does he do after that? The Mayor does not just keep quiet. He represents the people and they can ask for his explanation and ultimately somewhere the responsibility has to be fixed."

Another asserted on the basis of his experience as Chairman of a Municipal Committee. However, we may define the powers; unless the two wings of the body, *i.e.*, the Executive and the Deliberative of which the Mayor is the head, do not work in harmony, any work will be impossible. He told that he had increased the revenues of the Municipality by six times, he did not interfere with the Executive and the Executive never complained against him. Therefore, it all depends on how both the sides work harmoniously together.

Thereafter, the Director posed another question about the position of the Commissioner or the Executive Officer : in what manner should he be appointed? How should he derive his powers: by statute or by delegation from the Council itself? In what manner should he be made answerable and to whom? These are more or less some of the aspects to be touched upon. He suggested that the discussion might start with the question of the method by which the Chief Executive Officer should be appointed. Should he be appointed by State Government? Should there be a sort of State-wide cadre of Executive Officers, as is the position in some of the States? To a certain extent, he felt, that the question of derivation of powers by statute or by delegation has some bearing on the question of answerability. If the discussion could proceed mainly on these two issues the seminar would be probably much benefited.

At this, a participant, who is a municipal Commissioner with an experience of twenty years, informed that that it was in 1933 that the Madras Government appointed for the first time Commissioner to municipalities. Up to that time the collection work in most of municipalities was poor. The Chairman had allowed a number of encroachments to remain as they were, as there were no Executive Officers. So they started the system of appointing Executive Officers. First, the Executive Officers were drawn from Local Government Services, from Municipal Services and from Government Services. There were Deputy Collectors for major municipalities and Tahsildars for other municipalities. This position continued up to 1956. In 1956 they constituted a separate cadre of Commissioners with different scales of pay from Rs. 150-200 to 500-700 with special allowance in the case of major municipalities.

In Madras, there is a Corporation Act and a District Municipalities Act. All municipalities, big or small, are governed by the Municipality Act. In the past the municipalities were asking for the abolition of Commissioners and the Government said that it could not be done. The municipalities wanted that the Commissioners should be the secretaries to the Councils and they should be deprived of the independent statutory powers.

Recently by an executive order, the Madras Government has empowered the Chairman to grant casual leave to the Commissioners and to write confidential reports on the latter every six months.

"My submission is that the Commissioner should have independent powers statutorily prescribed and the Chairman should not interfere in the day-to-day administration. Of course, the Commissioners occupy a subordinate position in public functions, etc. But the Commissioners and Executive Officers should have independent powers, with all sorts of limitations and controls, for collection of taxes, removal of encroachments, prosecution of defaulters, etc. In such cases there should be no interference."

About Mysore State, a participant informed that Government appoints the Municipal Commissioners and the Chief Executive Officers of city municipalities. The powers of discipline and control vest in the Government under the existing conditions. He personally favoured that these appointments of Commissioners and senior officers are continued to be made by the Government. As far as the powers of the Commissioners and the Executive Officers are concerned they must be defined by statute leaving no room for either doubt or for difficulty in anybody's mind. So far as answerability is concerned the Commissioner must be primarily answerable to the Council whose work he is doing. It is true that the question of divided responsibility will crop up. Who will exercise control over him: the body that controls him or the Government that appoints him? But in municipal administration, if you take away the answerability of the Commissioner to the municipal corporation, things may become impossible. He becomes a tyrant and a kind of nawab. He must be answerable to the corporation under the statute. Even today, there are checks and a kind of control over his actions.

If powers are delegated to him then the answerability is to the body or the authority which delegates that power. "I am not in favour of delegation. He must have powers assigned to him under the statute, he must be answerable to the corporation or the Council. He must continue to be appointed by the Government and further powers of control and discipline should vest with the Government. There is another possibility. We can start a separate cadre of Municipal Service and make all officers, including the Commissioner, come into that cadre and have a Central controlling authority who will exercise this control. But we have taken the position that he should be appointed by the Government; he should be answerable to the Corporation. Even the Town Municipal Council should be a replica of the Corporation."

Therefore, the Director said that he would like to have the views of some States where the appointments of Executive Officers are made not by the State Government but by the Municipal Councils themselves.

To this a member said, "this is a very important point as to the authority which should appoint the Chief Executive Officers. We have so far confined ourselves to the appointments of the Commissioners of the municipal corporations. In fact, there are a very few municipal corporations, four big ones and remaining are like Kabal¹ town municipalities in Uttar Pradesh. We have to see who should be the authority for appointment of the Executive Officers. Co-operation between the executive and deliberative has been absent. The problem is baffling the Government. The question of provincialising these posts in the KABAL Town Municipalities, the would-be Municipal Corporations is under consideration.² So it is a matter of experience that we should certainly vest the powers of appointment at one stage or the other, in one shape or the other, in the authorities higher than the local authorities.

"The argument from the side of the deliberative wing is that they are the representatives of the people, so they should have the power of appointing the highest executive. In fact in matters of appointment we have to see that the selection that takes place is a fair selection, that it is not governed by party considerations and politics. So we should not leave it in the hands of the elected members. It is generally the experience that appointment goes by party considerations. It has been thought proper that this power of appointment should be vested with the State Government, and certain provisions have been made in the existing Act. A provision

1. KABAL means Kanpur, Allahabad, Banaras, Agra, and Lucknow.

2. In the case of other municipalities, the sanction of the State Government is required which had also laid down certain rules for the appointment of Executive Officers.

has been made that persons who will be selected by the local bodies, should have the approval of the State Government."

Another said: "In Poona during the term of the first Municipal Commissioner everybody agreed that the face of the entire city was changed and the Municipal Commissioner would be in a position to achieve development of the city which the previous body or the elected representatives were not in a position to do within the last 25 years. So also in Ahmedabad. Of course it was fortunate for these two cities that there was complete harmony amongst the Mayor, the Municipal Commissioner and the Chief Executive Engineer.

"We have to consider as to who should appoint the Municipal Commissioners. This depends upon the views we take of the powers of the Corporation and the deliberative head. If we wish that the executive wing should be separated from the deliberative, then the Municipal Commissioner should be the executive head and the powers of the Mayor should be limited to the extent of seeing how the Executive functions. And the Municipal Commissioner should be appointed by the Government. The other view may be that under the present democratic set-up, the elected representatives, being responsible to the people, are the persons to judge what developments are necessary for the city and how they are to be implemented. This means, if the elected representatives are to be in charge of the deliberative as well as the executive wings then we can entrust the appointment of the Municipal Commissioner to that elected body.

"In borough municipalities, it is said that the elected people are responsible for the entire working of the borough municipalities. It has been provided that the Chief Officer is to be appointed by the elected representatives. But in big cities where there are specialised problems, which a layman is not in a position to tackle himself, we are of the view that looking into the best interest of the city concerned, it is necessary that the two wings may co-operate, may co-ordinate, but the powers should be separated, and laid down by the statute. As desired by one of my friends here, it is necessary that the Commissioner should be appointed by the Government and he has to play a dual role. But what my friend here tried to suggest is that even in these small municipalities—town municipalities or borough municipalities—the appointment of the Chief Executive Officer or Chief Officers should be subject to the confirmation or sanction by the State Government. I think that it is going too far. We are trying and people are crying that the powers should be decentralised and as far as possible the decentralisation should go to the lowest cadre.

"It is, therefore, in the fitness of things that there should no longer be any more centralisation of powers; rather we have to decentralise. There is no other alternative for that because that is the wish of the people who are our masters. Of course, we have to go cautiously and with great care and consideration. But the State Government cannot assume the powers and decentralisation is bound to come whether you wish or not. Therefore, we have to train these elected bodies to come up to a higher level. For that we might think of having some training grounds for these elected representatives. As amateur politicians, they require some training as to how they have to behave, how they can tackle the various problems. But we have to trust the elected representatives. We cannot distrust them in city governments.

"I think, the present system of the appointment of Municipal Commissioners by the State Government, can continue, of course, with adjustments that experience may teach us. In Bombay, therefore, we have given all the powers to the Borough Municipalities and even to the Town Municipalities and I think it will not be proper now to have any retrograde step in the matter. We can provide that certain posts

should be filled in consultation with or on the advice of a body like the Public Service Commission."

It was here suggested by one present that a distinction should be made between a corporation and smaller municipalities. As regards the latter, we should not take away their powers to appoint executive officers unless they prove themselves to be incompetent. In West Bengal, when these executive officers prove incompetent, Government has powers under the Bengal Municipal Act to set aside the appointment and appoint another in his place. This seems to be a sufficient safeguard. As regards their functions, they should definitely be statutorily defined.

The powers of the Commissioners should also be statutorily defined in the interest of administration, but policy-making, finance and similar other things as well as general overall supervision should be left to the Corporation itself working through the Standing Committees. But how should the Commissioner be made answerable to the Corporation? Does the power of appointment make any difference? Professor Robson, like a true democrat, does not like the appointments of Commissioners to be in the hands of the Government, but he misunderstood the Calcutta Municipal Act, 1951, which provides that the appointments should be made on the recommendations of the Public Service Commission giving neither the Government nor the Corporation any arbitrary power to bestow patronage. "I do not think that the right to appoint is relevant. He had no objection if the power of appointment be with the Government for in the matter of control, it is not the power of appointment which is so important as the power of enforcing discipline and the right to dismiss. The appointing authority need not necessarily be the dismissing authority also and this right of dismissal belongs theoretically to the Bombay, Madras and Calcutta Corporations which can secure the removal of the Commissioner by an adverse majority vote. The question is how effective this right is in practice."

In most corporations, the election of the Mayor is on party basis, but the leader of the majority party within the Corporation may be a pale reflection of the *de facto* leader who may be none other than the President of the State political party. By keeping this State political chief or a small number of leading party members on his side, the Commissioner may prevent an adverse vote against himself. Moreover, he has large powers of patronage for in Calcutta, and probably in other corporations, appointments up to Rs. 250 is his exclusive jurisdiction. By a judicious distribution of patronage support of a large number of vacillating councillors may also be purchased. This is a problem to which an effective answer has not been found so far.

Another member undoubtedly agreed with the principle of appointment being made by the Government. But the point is to fix the tenure. Every third or fourth month he disclosed that the Commissioners are being changed and that has been his experience. There has never been what is called the continuity of period at all. By the time he (Commissioner) can go through the preliminary stage such as getting a scheme approved and then sanctioned, this Commissioner has already gone to two or three different places. Therefore, the member said that the Commissioner must be appointed by the Government not for a year or so but for a longer fixed period. The Government sends a panel of names to the municipal corporation for selecting one of them as Commissioner. There is very little scope for controversy. The Municipal Corporation makes the choice, very happily no doubt, but the pity of it is that the man does not stay even for six months. Therefore, he submitted that the Government while appointing the man (Commissioner) must put him there for a definite period of, say, three years. He must be there for his full tenure, he should not be disturbed at any cost.

At this, the Director listed some more topics for discussion : the position of the Committees of the municipal corporation and the place of the Chairman of these Committees, and the relationship of these two bodies to the Executive. In regard to the Committees and the General Body, he posed certain questions : To what extent should the Committees be invested with greater powers? To what extent should they operate within a defined autonomous sphere? To what extent should they be subject to further control by the General Body as such? There has been a good deal of thought on this subject, whether in India has local self-government worked more in Committees or more in General Body and what is more desirable ?

Continuing, he said, in some of the recent Municipal Corporation Acts it has been noticed that the Committees of the municipal corporation are being invested with large powers. They operate to the exclusion of the General Body, "In what manner should the Executive be closely integrated with these Committees? Should it be made responsible in certain matters to the Committees or to the General Body?" he asked.

To this *a member* stated briefly that smaller matters should be decided by the Standing Committees themselves and not discussed in the General Body. All important policy matters should go before the General Body.

Another member observed that the Standing Committees are empowered to discharge certain functions. They can call for all records relating to subjects which are tabled for discussion. They can go for spot examination. In the Bangalore City Corporation, he informed, the Works Committee can sanction estimates up to Rs. 10,000. These Committees are appointed by the Corporation itself. There is some sort of election. Naturally it is a replica of the party in power. Sometimes they may not get representatives from other groups. They are constituted on the same lines as Cabinets are formed. Every Corporation Act provides for certain powers to the Standing Committees. They are very healthy.

Advocating strongly the retention of present position he said that the relationships between the Standing Committees and the Commissioner is well laid down.

A member observed that we are not making use of these Committees in India as much as in other countries. A large majority of members of the municipal bodies do not have sufficient time to attend the meeting or to participate in the discussions. From that point of view it is desirable that there must be small committees and that they serve specific purposes. Some members may be interested in education and some others in health, transport, etc., and if we have these small Committees it is always possible to select such members for these Committees as are interested in particular department of administration. That is one great advantage.

Continuing he stated that the other advantage is that we can bring in outsiders also into these Committees who have specialised in some aspects of municipal work. If we bring in such persons we can have the benefit of their advice. From this point of view also, it is desirable to make a large use of these Committees. Every question coming up is more intensively examined than before the Council. The question remains as to what should be the powers of the Committees in relation to the Council as a whole? In most cases, the Committees' recommendations are accepted and that is what is generally desirable.

Though, as a matter of convention, the recommendations and the decisions are generally accepted by municipal corporation as a whole, final decisions on very important matters should not be handed over to the Committees, because the municipal corporation as a whole should know exactly what decisions are made. It is preferable

that while Committees examine all questions, they must be generally recommendatory bodies. And only on the basis of the recommendations of these Committees, the municipal corporation should take a final decision. While these questions are being examined the help of the departmental heads will be significant. In the Financial Committee, the Commissioner should, of course, be present.

There should be a separation of the executive from the deliberative functions, was pointed out by another member. The Mayor or the Chairman should not have executive powers. From that it follows that the municipal corporation can exercise its control or supervision or whatever it is on the Commissioner and the various authorities through the Committees only. He was of the opinion that the powers of the various statutory Committees and other *ad hoc* Committees should be prescribed. Of course, in the case of *ad hoc* Committees he admitted that there can be no such prescription of powers statutorily. The Standing Committees should exercise control over the executive and thus maintain healthy traditions as in the case of England, because that really introduces a sense of responsibility among ourselves. That enables to give us an opportunity to exercise our judgment in a proper manner.

Of course there is a danger that these Committees are not fully attended by the members, sometimes the choice of the members is not proper and, therefore, they do not pay sufficient attention to the work of the Committees as they should do. In the case of Delhi Corporation, since the time the system of paying allowances to the members has been introduced we have had a fair attendance.

As far as the technical type of people are concerned, he thought in the Delhi Corporation Act, there are three Statutory Committees—Electricity, Transport and Water Supply and Sewage. There are seven members in each Committee and out of them four are councillors elected on the basis of proportional representation and three others are experts nominated by the Government. This arrangement may be good for some time but later on this arrangement has to be revised. We should not have nominated members. In future we must have all these members of the various Committees elected by the Corporation itself. But sometimes the drawback is that we do not have experts in electricity or in transport. We could under the Act co-opt such people having experience, with technical qualifications, to give us the benefit of their advice.

The Director intervened to say, "One of the speakers has just said that these Committees should be purely advisory. Recently there has been a tendency to give final powers to these Committees with of course full scope to the General Council to discuss and advise for future guidance such actions as they may not entirely like. The question is where we should report to complete delegation of powers to these Committees in the interest of speed and the greater association of the executive with the deliberative bodies."

A member informed that in the Calcutta Improvement Trust Board there are Committees where everything is discussed by circulating a very full agenda and conclusions framed, which when placed before the Board are automatically passed. As a matter of fact while the Committee sits for an hour or more the Board finishes its work in about 15 to 20 minutes. In the Corporation it is different, and the Committee system which is one of the major contributions of Britain to local government, has not been adopted to its real purpose. The Committee sits and discussions take place in public without control and discipline and when its decisions come up before the Corporation, the same thing is repeated. The Committees must function *in camera* as in the British system, discussing on merits all controversial matters which require detailed study and coming to definite decisions for being placed before the Corporation where

discussions should be short. There must be a self-denying ordinance on the part of the Committee members as well as of the councillors so that the passion that is sometimes aroused is avoided.

The Calcutta Municipal Act provides for two or three associate members to be added to 9 or 10 elected members of the Standing Committees. While the intention was to have men who have expert knowledge, this has merely enabled the majority party to pack the Committees with partymen regardless of expert knowledge. He however did not agree that the Committees should be merely advisory. There are certain matters which should be definitely delegated to them and only the more important matters referred to the Council as a whole, say, all contracts up to Rs. 50,000. If everything goes to the Corporation it will be swamped and no work will be done.

Up to a certain limit, it should be left to the Commissioner, then to the Standing Committees and in other cases to the Council. These Standing Committees should be given power not merely to determine the policy and approve tenders or contracts, but also to see that work is done in conformity with the spirit of the decision. Otherwise by completely bifurcating the policy-making powers and executive powers the work may not be done properly, and in time. The Standing Committees should have the powers to enforce their resolutions and decisions and their Chairman should exercise the supervision.

At this, *one member* informed that in Bombay, reports are submitted by the Standing Committees every now and then to the Corporation. Will this not do?

Intervening, a member asked when supposing a very important tender is accepted by the municipal corporation in February 1957 and the contract is not signed even in April 1958, to whom would the officers responsible for delay be accountable? Surely, to the chairman of the Standing Committee or, if it is a small Committee, to the Committee itself.

Another member suggested that the Committees considered by the municipal corporation should have full delegation of powers. They should also exercise supervision to the extent of the subjects that might be entrusted by the Corporation. If in any matter the Commissioner does not carry out the decisions or does not carry them out properly, then the Committee should pass a resolution and send it on to the Council. Thereafter the matter should be again discussed at length in the Council. It is actually found that the Commissioner has not done his work properly, the Council can direct him to do it. But to entrust any individual with statutory powers, will spoil the system.

Admittedly, one present stated, there is no denying the fact that the municipal corporation should be the supreme body. In fact we have questioned the competence of the Government to alter the budgets approved by the Council. Now one way to defeat a resolution is to delay it and keep it in abeyance. We have placed a restriction in this way. If the Government does not pass the budget within two months and return it, it is taken as sanctioned. This is statutorily provided. There are various Standing Committees and they have got certain scope for absolute decisions, which cannot be questioned by the corporation itself, say to the extent of Rs. 50,000. But the corporation as the supreme body would like to prevent any error of judgment by the Standing Committees. Under a rule any member can question the decision of the Committee and bring it before the corporation. Then the Standing Committees refer it to the corporation. This is one method by which the administration comes to a standstill. Therefore, he said, that there must be a decision by the corporation within a prescribed time, as in the case of the budget. So also in this

case, every decision is absolute unless it is decided otherwise by the corporation within a prescribed time.

A member intervened to question whether Government have suggested any modifications to the budgets of the Corporation.

To this, the earlier speaker replied in affirmative.

The questioner remarked that it is not necessary for Government to interfere in the budgets.

The Director informed that in Delhi, all resolutions of the Standing Committee are placed before the Council and discussed. But the decisions are not altered.

Another member stated that in Mysore, the decisions of the Committees are placed before the Town Municipal Councils before they are acted upon.

Continuing his remarks, the member said: "There must be Standing Committees which must be invested with full powers fixing limits. There again we may clash against a principle—whether the Mayor should have any powers at all. If he is to have any executive powers, we will be faced with this difficulty. If we are to give powers to the Committee, say up to Rs. 50,000, what should be the limit for the Mayor? It will be very difficult and very humiliating to subject the Mayor to any executive work.

"With regard to the powers," a member drew pointed attention and said, "of the various statutory Standing Committees no other authority should encroach upon their liberty or finality, because we all know that the bulk of the work has to be turned out by these Standing Committees and if at all by way of supervision or control there is a small provision under a rule, you can take the matter before the municipal corporation in the matter of policy. But in all other matters subject to the limitations prescribed for the Standing Committees, their decisions should be absolute and final." "But there is one feeling," he asked, "Is it all one party affair or what?" After giving representations to other parties and vested interests, he revealed that they also had a very bad experience of what other parties could do in various Standing Committees. Their experience had been that there was an increase of opposition which they did not mind. But there was hindrance to the progress of the work as a whole. Therefore, it does not matter, he contended, if there is one party majority even at the level of the Standing Committees. As there is a provision to take these subjects before the corporation, he felt that it is quite sufficient.

"I once again emphasise," he continued, "that the Government should not arrogate to itself power over financial aspects like the budget. I learn that even small institutions like Travancore Municipal Corporation, have absolute and final responsibility in their financial powers." He further said, "Similarly there is another dangerous provision. It is also in the Bangalore Corporation Act—Section 47, according to which the resolutions, laws, bye-laws and decisions of the Corporation are stayed and amended. Or sometimes the Government superimposes its own decisions. The Act is based on the Madras Act. Therefore, there should be similar provision also. Whatever the decisions of a supreme body like the municipal corporation they should not be vested by the Government. No opportunity is given for explaining the reasons.

Speaking about the situation, another explained, "Very often Government interferes in respect of obligatory duties. A municipality wants to spend a large sum on some schools, technical schools, etc., it neglects its obligatory and elementary

duties, like water supply, sanitation, drainage, etc. Some of the sanctioned schemes of the previous years are not provided for in the budget. No provision is made for repayment of loans. It is only in such extreme cases that the Government does interfere and it is not as if they are given no chance to have a say in the matter." Arguing further the case of outside interference, he pointed out, "As a matter of fact, the election of Mayor itself is decided by the President of the Pradesh Congress Committee, the leader of the Congress Party in the State. The Congress Partymen in the municipal corporation will have merely to okay it. But in the case of this kind, the Government calls the Mayor and members of the Corporation to a meeting. There are many occasions when the Mayor had come to the Secretariat and discussed matters. Either we have convinced them or got convinced by them. For this, there is a legal sanction. There is a statutory sanction for the Government doing this. But it is never done unilaterally.

"So far as Committees are concerned, he suggested, they should continue to function as now and their powers should not be interfered with. It is in consonance with the spirit of the time. But we cannot give them final authority since the municipal corporation as a general body cannot divest itself of its powers. He presumed that there will certainly be obstructionist tactics. The ruling Party gives one or two seats to the Opposition members in the Committees as if it is doing some favour. That is not the spirit, he pleaded, in which the local bodies should function. Naturally when there is no spirit of give and take there is some obstructionist behaviour. But when we accept that the deliberative and executive wings should work in co-operation and close harmony, he asked, "Is it not up to the majority party to fraternise the minority party?"

In regard to the powers of the Chairmen of the Committees, he felt that it does not stand on the same footing as the Mayor and said, "To give one man all the powers would not be reasonable. It is rather a very dangerous step at the present stage of politics and civic government. There are cases where the Chairman of the Standing Committee is not elected. Even this is decided by the Pradesh Congress Committee. The Chairman does not command a majority in the Standing Committee in some cases. In such a situation you cannot invest him with any final powers."

"How about proportional representation as in the case of the Delhi Municipal Corporation?" questioned *another member*.

The earlier speaker said that he would vote for proportional representation.

The Director informed that in Delhi, there is election to the Standing and other Committees by proportional representation. This is provided for in the Act. But in Bombay, there is no such statutory provision, but a convention has been developed.

To this, *another member* posed a situation: "supposing a corporation has diverted the loan given for water supply for some other purpose, how to rectify this?"

A member replied that in Bangalore, this is not possible because there is an Assistant Controller of Accounts who can prevent such diversion of funds.

Further, *another member* informed that in Madras State, Government have the power to cancel the resolutions of municipalities if the minimum balance is not maintained, if the redemption of debt charges is not provided, etc. In such cases, Government can interfere with municipal bodies.

The member thereupon concluded by saying that when the loans are sanctioned, these conditions are prescribed.

SECOND TOPIC

FUNCTIONS AND FINANCES

In regard to the discussion of the second topic 'Functions and Finances' the Director of the Seminar observed that there is a feeling, particularly in the context of five year plans that there has been a tendency on the part of State Governments to encroach on the field of Local Self-Government; in regard to certain services and institutions. Of course, it has been more so in the field of district boards, village panchayats and other bodies. Even as regards city administration there have been certain instances of encroachment, in pursuance of planning. He wanted to know to what extent that was the experience of the delegates in the Seminar, or what exactly they felt on the subject; and whether they would like to see further decentralisation of functions and services from the State to the local level.

The second point was about the State Governments exercising powers in regard to public utilities. According to his information, certain city administrations do not control even water supply. In Bangalore, for instance, that is the position in respect of water, electricity and transport. Is it a desirable development, he asked, to entrust these public utilities to the city administration? If so, what sort of safeguards, financial and otherwise, are necessary?

Continuing his statement, he pointed out that if we invest local bodies with further powers and duties, naturally the second aspect, *viz.*, to what extent finances of the local bodies should be increased, is to be determined.

Briefly, describing the points, he said: "Firstly, is there any tendency to encroach on the field of local self-government? Secondly, is there scope for liberalisation and extension of the functions of city government? Should they be entrusted with the public utility concerns? And in what manner should finances be augmented simultaneously with functions?"

Leading the discussion, *a member* remarked that certain matters are definitely within the sphere of a local body where the State Governments should not interfere. There is an intermediate sphere where both may operate, while there are other matters in which the local body should not meddle at all. Among the primary functions of local bodies may be mentioned roads, parks, drains and sewers, health services, maternity home, (in England hospitals were sometimes run by the County Councils but they have now been taken over by the Government), water supply and implementation of town planning. In the second category come primary education, extension of library facilities, slum clearance, housing and rehousing, etc. In India we have never considered police and fire brigade as the normal functions of a local body as in England, and these functions should remain with the State Government.

Primary education, always regarded as the duty of local bodies, has assumed so much importance that the State must take upon itself a much larger share of responsibility. Slum clearance is definitely one of the most important functions of the local bodies, but the task is so colossal that Governments, both at the Centre and at the State levels, have become conscious of their responsibility in this connection. But the municipal corporation should not be entirely excluded from taking its legitimate share as is sought to be done in Calcutta by the Slum Clearance Act, 1958.

In the last decade or so housing has occupied a very important place in the activities of local bodies in England. It should be a legitimate and increasingly important part of the duties of corporation as people in the poorer and lower middle classes find it very difficult to find houses within their means if left entirely to the mercies of private enterprise.

There is another category of functions which in certain countries are entrusted to local bodies, such as gas, electricity, transport. In India, the tendency for these things is not to be municipalised but nationalised. It is sometimes suggested that local bodies can run banks as is done in Birmingham. It is better to leave out both transport and banks from the jurisdiction of municipal corporations. Town planning should be on a regional or State-wide basis, but its implementation and execution should be with the larger local bodies.

Regarding the suggestion that certain companies and concerns should be under the control of the city government, *a member* argued that the functions of a local body should not be extended because it is impossible for a local government to carry on with this business due to inadequacy of finance and shortage of necessary personnel. These things could only be undertaken by the Government itself. So far as town planning is concerned, it should not be confined within the territorial limits. There should be an idea, a plan, for a better living habits of its population. He fully agreed with the importance of planning and other improvements ; but it should be undertaken at the beginning to the extent of a local body's jurisdiction. As regards the implementation of town planning schemes, it requires not only sufficient finance but also a large number of technical personnel. Before a scheme is undertaken by a local body, it must have public participation. Development in a sense also means better living habits. We will have to organise the development schemes, but you will find deterioration in the course of 10 years or so if it is not properly maintained.

A member observed that in general there is a very heavy amount of work on a municipal corporation at present. We are not able to manage even our mandatory and obligatory duties like health, sanitation, communication, water supply and similar things. If we add other things to the discretionary duties of a corporation like transport or electricity, we have not got either the means or the agency to do that. We have no specialists in electricity. We have to pay very heavy salaries to the engineers and wages to other employees. Some corporations like Bombay, Delhi, Calcutta, etc., may choose to take over any of the other functions, it is rather very difficult to undertake such establishments for the corporations whose income is, say, below rupees two crores.

A participant here stated that the functions of local bodies are very comprehensive. The most important subjects that are carried out by the local bodies are, health, sanitation, water supply, lighting and so on. In Madras, there are about 50 to 60 corporations and district municipalities and the functions of all these institutions are confined to the extent of their ability and capacity. Their functions, he suggested,

should be confined only to the extent of their position. If the municipalities are in a position to discharge their duties, so far as they are entrusted to them efficiently and for the betterment of the community, then they can work. But the danger is that these institutions have to depend on grants and loans from the State Governments, since the local bodies do not have adequate finances to meet their expenditure. Therefore, the scope of the functions of a local government should not be extended more than is feasible. In fact, there is a general tendency in certain States to deprive them of the functions already entrusted to them, such as high schools, hospitals, etc., as they are not in a position to run these institutions due to inadequacy of finances. His point was that the State Government will be in a better position to provide finance and run these institutions, than the local bodies.

All along we have been trying, he continued, to enlarge the scope of municipal bodies. An important feature is that if the local bodies are allowed to manage their own affairs without interference from the State, the public will take interest in municipal affairs. In such a case, he felt, that the municipalities will get people's participation and private investments in the local bodies. If we feel that the local self-government has got a value of its own, then whatever may be the functions, they can be effectively discharged in a particular local body or in a city government even though it does not have adequate finance.

It is an accident, he remarked, that some taxes are appropriately levied by the Central Government; some by State Governments; and some others by local bodies. It is not correct that the Central Government alone should enjoy all the proceeds of the tax as it collects. There should be an equitable distribution of tax proceeds from State and Central Governments.

Regarding finance, one present felt that we have to apply a few considerations as compared with the growth of the functions of a municipal corporation.

"We must remember the Industrial Revolution and rise of the wealth acquired by the cities. Thus municipalities and municipal corporations have grown richer and they act in their own way. Some of the corporations abroad are even running universities under their control. There are so many functions to be performed by the municipalities; but we cannot prosecute all of them in our country. The things in which Government have nothing to do, which go to improve the civic life of the people, these matters can be taken by our corporations and municipalities under their control. These functions should be exercised by any municipality, whether it is of a smaller size or of a bigger size. But the bigger the size of a municipality the more the functions it should perform and the smaller the size only such of the functions that it can generally perform.

"As regards city transport which runs within the four walls of the city and is under the jurisdiction of the municipal corporation, it should not be allowed to be run by the State. When they cannot allow a corporation or a municipality to tax people, at least why should they not allow the latter to take over this concern. The only alternative for us, in order to enlarge the scope of functions and finances, is to have these public utilities; otherwise we cannot increase our finance and introduce better amenities for the people."

Another member explained that in Bombay, they have nationalised transport and the municipal corporation has been given charge of the city transport. In Ahmedabad and Poona, they have municipal transport service and they run buses not only within the municipal area, but also about five to eight miles beyond the municipal limits. Because people who are living in villages outside the corporation area have to come

for their daily professions in big industries, situated in the cities the Ahmedabad Corporation has been allowed to ply buses even more than five to eight miles beyond the Corporation limits similarly.

Intervening, one present wanted to know what is the limit beyond which corporation buses should not ply?

Replying to it the previous speaker said, "We look to the requirements and convenience of the people. People living outside the municipal area have to come to places within the city for their daily professions."

Realising the significance of the liberalisation of functions, a *speaker* considered that the addition of functions is likely to bring in a very substantial source of revenue to the municipalities. He agreed that if we are satisfied that there is a capacity and confidence of managing any of the concerns, such functions can legitimately be added to the municipalities. Even in regard to the transport business, as a matter of fact, there are a number of individuals who are plying buses between two points. He wondered that if a municipality comes forward and is prepared to run a bus service between two stations within its limits, and if it has necessary resources and facilities, why it should not be allowed. It means an additional revenue by undertaking additional functions.

Thereafter he dealt with education. He did not agree that the municipalities concerned should take over the burden of education. Under the Constitution, he contended, it is the duty of the State Government to take over the responsibility of providing education to the children between the age group of 6 to 14. In fact, there is no reasonableness in any municipality, a municipal corporation or even State Government, undertaking the responsibility for education when it cannot fulfil other primary needs. He felt that it has become a fashion in almost all the municipalities to undertake primary education, technical schools, high schools, etc. He advised that it should not be permitted at all.

Intervening, the Director of the Seminar remarked that certain activities are in the nature of social service. Education is one such according to the Planning Commission. Social service should ordinarily be decentralised to the lowest possible administration. That is why even today we are taking rural government more and more in terms of bringing local bodies undertaking at the village level the scheme of education.

Continuing, the former speaker clarified, "I am afraid, I do not know what the Planning Commission has said. The Central Government and the State Governments are trying to disown their responsibilities for education. Supposing the municipality does not undertake that responsibility, what can you do? It is entirely dependent upon the State. It is not a question of whether you can do. It is a question of the primary obligations and primary functions of a municipality. Now we are in the subject of elaboration of functions."

Another present said that the municipalities and corporations are expected to give better facilities to the people. Whatever may be their functions, so long as they are in a position to look to it and to give better facilities to the public, then they can undertake the functions such as education, hospitals, etc. Those functions can certainly be given to the municipalities provided they are in a position to discharge them. We see in many municipalities that they are not even able to take water supply under their control. In fact, water supply in Bangalore, he informed, is not yet handed over to the Corporation.

Serious doubts about city government were expressed by another. He asked if true city government exists at all when its very object and existence is questioned by the State Government. "There are certain schemes of a city government and for every scheme the State Government comes into the picture. We are talking about functions and finances. They are both relative in terms and these terms will have to be defined before going into what the city is and to what extent a city can extend. If a city is allowed to go on extending indefinitely without any proper limits, then it will be a difficult job for a city government to work within the scope of its functions.

"The founder of Bangalore city, Shri Kempegowda, had thought of certain limits and I think that thing may be considered seriously. At the time the population of this city was about 1 lakh or 1½ lakhs; in the year 1951, it was about 7½ lakhs, and to-day about 11½ lakhs. By the time of next census it may be doubled of what it is today.

"Whatever may be the functions of a municipal corporation, whether we may think of elaborating them or not, first of all, the basic principle should be of having the city boundaries well defined; and secondly there should not be any scheme of expanding the city without what may be called satellite towns. That takes us to that aspect of city growth indefinitely. Without having a proper demarcation, the city is extending indefinitely because our plans are so indefinite. Industrial concerns are brought into being within the corporation area and beyond it, because they find facilities of communication, water supply, etc. As a matter of fact, the Government of India is slowly realising that there should not have been more number of industries in a particular area. It is a difficulty that Bangalore Municipal Corporation is facing today, such as Bharat Electronics on the one side, Hindustan Machine Tools and Hindustan Aircraft on the other side, and so on. All these industrial concerns came in with utter disregard of the problems, *i.e.* housing, water supply, etc.

"First of all we talk of about improving a city, we must know what that city is and how far it extends and how far it should extend."

Another stated that there must be some legitimate functions of the municipal corporation. But the question as to which functions should be undertaken will naturally depend on the financial position. There is one thing that has to be done *viz.* providing basic amenities and implementing the programme for the well-being of the civic life. The programme needs proper integration.

The Director observed here: "Many commissions and committees have investigated into this subject, but I wonder whether enough thought has been given to one or two aspects of the matter. First of all, have the city governments shown a willingness or have been able to exploit the resources available to them in an adequate measure? If not, what have been the difficulties? What are the *anti-dotes*? To what extent is the financial stringency that affects the city governments, due also to laxity in the matter of collection of taxes quite apart from the inability or refusal to levy taxes? To what extent is our machinery geared to efficient and maximum collection. Here again we can consider any other measures in the light of the position prevailing in other countries. In the third place are the spheres of local taxation unduly encroached upon by State or other governments. If it is, is there any compensating increases in general grants, specific grants, *ad hoc* grants? Do they make up adequately for any encroachment on the legitimate sphere of taxation of local bodies? I would state the points for consideration.

"Are the local bodies exploiting the resources properly? Are they utilising their taxation powers in the adequate manner? If not, why? How can we overcome these difficulties? Secondly, is the financial stringency also partly due to laxity in the collection

machinery? How should we organise the machinery for assessment and collection of taxes? Thirdly, are spheres of legitimate local taxation encroached upon? If they have been, are there compensating increases in the grants given? Are such grants adequate? What system of government grants is available? Above all, in the light of optimum taxation policies of local authorities, is additional finance necessary? Should it be on the basis of specific grants given by Government?"

One present suggested that special attention should be given, of course, to the finance, on which the local bodies develop services. Finance is the biggest problem for every local body. House tax is one of the important sources of finance and it is quite obvious that they cannot increase it, without considerable condemnation. It is quite clear from my experience of local bodies that there is laxity in assessment and collection. But unless government comes forward with adequate finance, local bodies will not be able to run. This habit of depending on the loans and grants from State Government in the long run, will be disastrous for the development of local self-government in our country.

The question is, how to increase the financial position of a local body. There are certain taxes which are being exploited by the State Government. These taxes are being paid by the people who are living within the limits of a local body, such as sales tax, professional tax, entertainment tax, and so on. In the place of loans and grants, if the State Governments were to give the local bodies the authority to assess and collect these taxes from the people within their territorial limits, then the financial position will be improved and the local bodies need not rely on any other assistance. Another important point is housing policy. There are certain areas which are backward within municipal limits. Much importance should be given to the improvement of these backward areas. There are, of course, certain other important works with which the local body has to deal with, such as water supply, drainage, etc. But I do not attach much importance to electricity. Housing, water supply, sanitation, drainage, these are the basic functions to be performed by the local bodies. In order to provide all these things for the better living of the people, a good amount of finance is required.

Another took the view that "when we think of the resources of any local body, the first question that strikes my mind is as to how we should spend them. I know from my personal experience, whenever a question of levying taxes arose, there was a hue and cry in front of the town hall of my local body. There was agitation and demonstration. The greatest criticism that is levelled against any local body is this that there is a lot of corruption, laxity and mismanagement. First of all, let us have a real return for the taxes that are paid to a local body. This is the most important question we must consider before thinking of the augmentation of resources. Certainly we should tap all sources of income and we should do whatever possible to increase the revenue to give maximum amenities to the people. We should thoroughly look into the ways we expend money. As regards the first aspect, that is, the willingness to exploit available resources, I think every local body has exhausted all its resources.

"As regards laxity in the collection of taxes, with my personal experience, I can say that the taxes, collected from the people who own houses, came to about ten thousand rupees a year. They went on increasing. More houses have been taxed. Tax collectors have been sent to every house. Checking was done and assessment was made thoroughly. During the last three years, the revenue from the house tax alone rose from 45 lakhs to Rs. 55 lakhs."

Another member stated that certain unexpected things are being done. It is being demanded that the Electricity Board surcharge should go to municipal corporation,

because the people who live within the municipal limit, use the electric energy. Further, the city transport should go to the municipal corporation as the motor vehicles are using the municipal roads. Demands are being made for a share in taxes as sales tax, income-tax, entertainment tax, etc.

To this *another* suggested that there are many ways of augmenting the resources of a municipal corporation. Taking the slums, which are adding to the liabilities of a municipal corporation, the private owners of the land on which these slums have come up get an enormous income from them. They are getting thousands of rupees and are not paying even a fraction of the income by way of tax to the municipal corporation. That is one source that should be tapped. Secondly, the municipalities should get the entire amount of entertainment tax or at least a major portion of it. Most of the income from it is being derived from the inhabitants or the people within the municipal corporation area. The third is transport service. Almost 99% of the income of the City Transport Service is derived from the inhabitants of the city.

The Government may take the income from the State Transport Service which operates all over the State. But so far as the City Service is concerned, it should be made over to the corporation. The fourth way to which no one referred so far is a municipal corporation should raise loans from private individuals on its own accord. If they could ask for loans from Governments, there is no reason why they should not raise loans on their own responsibility. Let them tap private resources. Lastly, a portion of the excise duties, which are paid by the inhabitants of a city, must be given to the municipal corporation.

He further informed that Bangalore city itself contributes more than Rs. 60 lakhs as excise revenue on drinks and narcotics and these revenues are generally paid by the slum dwellers. If only a sizable portion of this is handed over to Bangalore Municipal Corporation improvement of slum areas can be undertaken.

Advocating the case of State Governments, a participant said : "While there can be no doubt that the resources of the local bodies are inadequate, there is something to be said on behalf of the State Government also. For the execution of piped water supply schemes in Bihar, the municipalities were given 50% of the cost as grant and 50% as loan. They had, however, no resources to pay back even the 50% loan. So they were given powers to impose taxes on trades and professions. No municipality, not even the municipal corporation at the State headquarters, could impose this tax. Whenever they attempted to impose it, people in hundreds and thousands surrounded the municipal halls. They practically compelled the municipal councils to decide against the imposition of the tax. This has resulted in the failure of the municipalities to pay any instalment of the loan that had been given to them."

The Director sought clarification by asking : "In a situation like that would it be justifiable for the State Government to levy such a tax and assign it to the local bodies?"

Elaborating his previous statement, the member continued : "This is under consideration now. It is proposed to levy the tax which will be deemed to have been levied by the local bodies. The point is that after all the State Government is meeting 50% of the cost of water supply schemes and 75% of the cost of drainage schemes. Then there are other similar schemes which need not be mentioned. It cannot be said that over and above these grants, the State Government should also make over to the local bodies a portion of entertainment tax, surcharge on electricity duty, etc. The Constitution does not give unlimited powers to the State Government to levy

taxes. Practically all the items on the State list have already been utilised by the State Government.

“Secondly, there is the capacity of the people to pay. This has also to be taken into account. The State Government cannot go on increasing taxes without considering this question.

“Thirdly, if the principle that the State Government must bear the cost on improving the sanitation and water supply in urban areas be accepted, it may amount to saying that the towns improve at the cost of the villages. A good proportion of expenditure must necessarily go to the villages.

“On these considerations, it has been very difficult for the State Governments to take a decision for the allocation of these taxes to the municipalities wholly or partly. It has also been calculated that in most cases the proceeds of the taxes allocated to municipalities will probably be much less than the grants that the State Governments are giving for the execution of these schemes.”

Analysing the *per capita* incidence of taxation, one present said: “If we consider the *per capita* incidence of taxation for 1947-48 it is about Rs. 44 in Bombay, Rs. 15 in Calcutta and Rs. 20 in Madras. Therefore, there is still scope for further taxation, at least in municipal corporations other than Bombay. There are many municipalities which do not levy even house tax. There is scope for exploiting the existing taxes and this can be done. In the case of assessment and collection also there is much scope. The Calcutta Corporation Investigation Commission has found that there is much scope for improving collection. In many other cases also collections can improve. Land values have increased during recent years but assessment and real values have not changed. If we assess on the basis of the increased values, I would say that the income can be doubled.”

It was revealed by *another member* that the inadequacy of finances of local bodies has been studied by many authorities. He cited an instance of Prof. Hugh Tinker of London University who has brought out a book on this subject. Prof. Tinker was a civil servant of India and he has published the book on Local Finances in India. He has said that in most of the local bodies, including cities, the middle classes that are represented on the various City Councils never show any desire to levy additional taxes, because they will have to impose taxes on themselves. “I do not know,” the member said, “how far he has conducted any real survey in coming to this conclusion. But this view has been expressed also by the Local Finance Enquiry Committee and the Taxation Enquiry Commission. To some extent this is borne out by the fact that the rates of property tax vary from one municipal body to another. In many North Indian cities they have not been levying property tax in the same manner as in South Indian cities. Even permissible taxes are not being levied. There is a certain amount of unwillingness on their part to tax themselves.”

Further he said, “Adult franchise has been introduced now and in course of time it is quite possible that those who belong to the lower categories of society will be elected in larger numbers to the City Councils. The Taxation Enquiry Commission also enquired into this. But they could not get satisfactory answers as to whether the position in the municipal bodies has undergone any change but a change is bound to come. If it happens then this unwillingness of the middle-class representatives to be taxed might become weakened. In the natural course of things many municipalities having a larger number of representatives of lower classes will make for better utilisation of the tax resources than what is being done all along.

"Another point is whether the State Government should prescribe minimum rates at which these taxes are to be levied or should it be left to the discretion of the municipalities? Should the State lay down statutorily the minimum rates of taxes? Opinion seems to be in favour of such a prescription. If that happens there is a possibility of more revenues being collected from existing sources.

"Regarding assessment and collection of taxes a similar opinion has been expressed. So far as property tax is concerned the Taxation Enquiry Commission has come to the conclusion that there should be an independent board of valuation in respect of houses and buildings. There is in existence such a board in England. At present the system of assessment is not quite satisfactory. It is to be hoped that the State Government will provide for independent valuation boards or commissions. Regarding collection also, a similar opinion has been expressed. If the Executive Officer is independent of the deliberative body then this will provide us a better machinery for collection of taxes. After the commissioners were appointed in Madras State, collection was much better than it was before. But here one difficulty arises in practice.

"There is always a difference between the principles we lay down and the way in which things are actually done. There is a large amount of interference from the councillors. No amount of legislation can put an end to this. Generally the Chairman or the President is a very influential person. They are leaders of political parties with considerable pull with the State Government. They are, therefore, able to interfere in the discretion of Executive Officers and prevent them from exercising their authority. Even at the State level the elected representatives interfere with heads of departments and other officers. This is a general problem. What is the remedy? I am not in a position to suggest any remedy. But the situation is there and we must recognise it. But even in cases where there are independent Executive Officers the collection of taxes is not as it should be. Another point is that adequate attention is not being paid by the Government to appointing the right sort of people as Commissioners. They are not given proper training and recruitment. If some steps are taken to recruit a better type of personnel to the office of Commissioner, then the assessment as well as the collection of taxes can improve a great deal.

"Now, has the State Government encroached upon the sphere of local taxes? This has been enquired into by the Taxation Enquiry Commission and they said that the charges were not well founded. Except in Bombay and PEPSU (now merged in Punjab), the State Government were not taxing urban immovable property. In Bengal, the State Government were levying some kind of profession tax. Except for these they have not found any encroachment in the sphere of local taxes. This is the case even though there is no separate schedule of local taxes in the Constitution. In the 1919 Act there was such a list. But it was not there in the 1935 Act and it is not there in the new Constitution. The question of encroachment by the State Government does not, therefore, arise.

"I may now compare State Government grants given to local bodies. The grants given to rural local bodies are much more. Many rural authorities get as much as 50% as Government grant. But in the case of urban municipalities it is as low as 1.5% of the total income and the maximum grant in the case of some municipalities is only 25% of the total income. It looks as if there is a large amount of discrimination between the grants given to rural local bodies and the urban. If Government should give grants to municipalities also in the same manner as they give to rural local authorities, there is a possibility of municipalities getting even more income. Before any grant is made the needs of the local areas should be taken into consideration.

The municipalities have to make provision for water supply, drainage, sanitation, etc. This is not so in the case of rural bodies. Therefore, even if we look at the question from the point of view of needs, there is a strong case for giving larger grants to municipalities than at present.

"A large number of workers come from outside the municipal limits to work in cities and towns, as in the case of Bangalore. In Guntur, this is the position. It has a population of about 2 lakhs. There is a big tobacco-curing factory. The tobacco grown in the district is brought to Guntur for curing. Every day ten to fifteen thousand workers come into the city and spend most of their day in the city itself. Now they enjoy all the facilities available in the city but they do not contribute anything to the municipal revenues. The same thing exists in Vizag also. There is a shipyard there and also an oil refinery. Daily 6000 to 7000 workers come from nearby villages. Now the question is whether something should be done to compel these workers who come from nearby villages to pay for the amenities which they enjoy. Some device should be adopted for the purpose of making the workers contribute to municipal revenues. There can be a tax on wages, or a portion of the profits of the factories can be given to the municipalities. There can be a tax on factories. These are all special problems for particular cities. These also must be taken into consideration.

"Finally, I refer to the public utilities to be run by local bodies. It is said that most of these public utilities like transport, electricity, etc. should be given to the local bodies. But these have been nationalised. At present, municipalities are running markets but they do not yield a large amount of revenue. Some people suggest that municipalities can run co-operative stores, rice mills, cloth shops, etc. But all this only shows that the number of public utilities that can be given to the local bodies is very very limited. Of course we can say for our mental satisfaction that these public utilities should be given to the municipalities. But for all practical purposes it is not possible to think of any such public utilities and no large amount of revenue can be given to local bodies. This is the position today.

"My conclusion is that with better representation of the poorer classes in municipal bodies, municipal finances can be rehabilitated and that they cannot expect very much from public utilities or from minor taxes that are provided for in the various statutes."

Another found that the problem of functions is distinct from the problem of finances. Municipal finances are not adequate. But if you treat an all-India problem on all-India scale, he thought, it is not helpful. Municipal finances are not adequate; the level of administration is poor. That is true, but not very helpful. "We would not look at it from an all-India angle. We should take up individual cases. We should take up a particular problem of a particular municipality in a particular State. We should create the right psychological atmosphere in the municipalities and the Local Self-Government Departments."

If a particular function has to be discharged and if money is required for this, he suggested, the matter may be discussed with the State Government and money may be found and it will be found. This is one way of solving the problem. If a particular municipality can put forward a concrete scheme, money will be found by the Government. "I think this should be the basis for discussion," he said. "Similarly I would suggest that the opposite also must be true. The question of supersession is a very important one. Here also a more general policy could be pursued. If a particular municipality does not carry out a particular function, instead of superseding the municipality, supersede that particular function. I am, therefore, suggesting a more practical approach to the problem, a more functional approach to the problem.

If this functional approach is followed I think we can move in a reasonable period of time towards better municipal government."

A participant strongly advocated that the Government should accept all the recommendations of the Taxation Enquiry Commission in regard to allocation of funds to be made to the local bodies. This will strengthen the hands of the local bodies.

In regard to exploitation of taxes within the limits allowed to the municipalities," he explained that this is not being done. "I can say from my personal experience that in Mysore State the municipalities are not realising even 25% of the resources which have been given to them. The reasons are obvious. I could not say that this is due to political reasons in all the cases. But it is so in a large majority of cases. It is a question of the tendency on the part of everybody to refuse to be taxed to the maximum extent. This can be changed only if our national character improves. But this change, I know, will not come about in the near future.

"In regard to the financial stringency created by laxity in collections it is also true. In fact the difficulty is not in regard to collection from the poorer people, or the middle class; it is from the influential people. It is always the more influential people, the more prosperous people, who refuse to pay. We have posted senior officers as Revenue Officers, like Deputy Collectors, etc. But even then the collections are poor. This fact is being mentioned in every annual administration report. Collection of taxes should be enforced mercilessly. For this, it is necessary not to separate the executive from the deliberative wing.

"With regard to encroachment by the State Government on the sphere of local taxes, I do not think that in Mysore State there are any such cases. As regards grants and subsidies to village panchayats and municipalities it is a question of relative importance, relative urgency. There is a cry that the villages are being neglected and the municipalities are being favoured. According to the municipalities, the municipal corporation is being favoured. The corporation says that Government is not paying enough attention to the capital city of the State. But the villages should receive first priority. Any residuary amounts only will have to go to municipalities. Considering all aspects, I am in favour of *ad hoc* grants. Instead of forcing loans on these municipalities, I am in favour of *ad hoc* grants and subsidies both from the Central Government and the State Government. As the Second Finance Commission (Santhanam, Chairman) has said 'it is better to give grants instead of loans'."

Balancing all the viewpoints, a member tried to moderate the atmosphere of discussions and said, "It is admitted on all hands that the finances of the local bodies are not what they ought to be. But then we have to remember one thing. India as a whole is a poverty-stricken country. Poor people's Government is also poor. The second point is that with the acceptance of adult franchise the rural areas have become conscious of their rights. We have to admit that the rural areas have not got for centuries even the prime necessities of life and, therefore, as a popular Government, it is the duty of the Government to see that it serves those whose needs are the greatest.

"Our local bodies are trying their best to serve their people within their jurisdiction. But we have got to pool the resources, either at the Central Government or at the State Government or at the local bodies' level. And the resources come from our people. They have a definite capacity to pay. We have to be satisfied with our common pool and distribute it as judiciously as possible. As a result we find that our representatives in every State Government are clamouring at the time of the budget, as in the State of Bombay also, that our taxation has reached the saturation

point and that there is no scope for further taxation. It is true in a way. We tell the Central Government that it is difficult to raise any more resources. So for some years to come we have to try our best to increase our production—both industrial and agricultural—and income to see that it is fairly distributed. Our First Five Year Plan and Second Five Year Plan are intended for that very purpose. We want to see that the national wealth is increased and equitably distributed. When we have got very limited resources, it is difficult to satisfy all these people.

“People from villages come to cities like Bombay or Bangalore. They ask us: what sins we have committed that we do not have a single good road, not even drinking water. But in Bombay every person claims that he should get 30 gallons or 40 gallons of water per head per day. As a Government we have to adjust all these claims and therefore we have to help the local bodies. How is the State Government to give you further grants? Either you increase your own resources or you do not expect any grants from the State Government. We must admit that the resources of a big city are bigger than the resources of the rural areas. We have to look at the requirements of the entire population of the State. We have to take from those who can afford to pay more. So situated as we are, for certain years to come, we have to be patient and we have to see that one whose needs are greater is served to a greater extent. The representatives from the rural areas in the State Assembly are in majority and if once they feel that they are being neglected what will be the position? The State Government has to play a very difficult role. They have to satisfy the legitimate needs of the various sections of the State population and we try to see that most of the legitimate demands of local bodies and municipal corporations are met. Government is giving loans and grants. I think after 1947 the grants paid to the corporation and other municipalities have increased considerably.”

Here the Director expressed a desire to know liability of Government properties to local taxation in the different States. He suggested that if anybody could deal with that aspect of the matter it would be helpful.

To this, a participant replied that all the best sources of taxation accrue to the Centre. The States have been left with a few and it is no wonder that they are themselves chary of making the sources independently available to local bodies. The traditional sources which are made available to the local bodies, are taxes on buildings, houses, licence fees, etc. Octroi which is one of the most important source of revenue in North India is not in force in West Bengal. The Local Finance Enquiry Committee considered entertainment tax, motor vehicles tax, tax on electricity, etc. to be the legitimate sources of local revenue and to the extent they have not been made over, the State may be said to have encroached on local finance. When the motor vehicles tax was taken by the State from the Calcutta Municipal Corporation more than two decades ago, the realisation was only four and a half lakhs rupees, and although it now comes to about a crore, the contribution of Government to the corporation remains the same. Under the Constitution Rs. 250 is the limit of profession tax, which unfair restriction should be raised by an amendment of the Constitution.

Assessment of lands and buildings presents several problems. The Calcutta Municipal Act provides that assessment should be on rental value whether the owner lives in the house or lets it out, and this has raised taxes two, three or four times over the previous rate. This is particularly hard on owner-occupier and the poorer owners who let out part of their premises as, in India, unlike England, taxes are paid by owners and not occupiers. The radical increase in rental value is only notional in the case of the owner-occupiers and in their case the assessment should be based on the construction, less depreciation. The position is different in England. There the

tax is paid by the occupier so that even if there is a hundred per cent increase in rates, the owner is not hit.

In West Bengal and probably in other States, the State is as liable as any private individual to the fullest amount of the rate based on valuation. The Centre, however, is not. The Constitution protects the Union Government by providing that no fresh tax can be imposed upon any Union property without its consent and that the pre-existing taxes remain in force only till they are repealed by Parliament. The local Finance Enquiry Committee recommended that this unfair discrimination in favour of Union properties should go. More and more houses are being built and occupied by the Central Government offices in the larger municipalities and corporations and the value of properties owned by the Central within such area is gradually increasing through increase in land values so that to exempt such property from local taxation means depriving the municipality of a profitable source of revenue.

Continuing he said : "Very recently in Calcutta some sort of compromise was arrived at. The Government of India said that while they would not pay any consolidated rate, they would pay service charges at reasonable rates.

"Is there any laxity in full utilisation of the resources available? In Calcutta, the Corporation's attempt to impose differential fees on cinema houses on the basis of income has been modified by the High Court. Laxity, if any, is due to the subordinate staff. As regards lands and buildings, of the two possible departments where laxity is possible, one is assessment and the other is collection. If the assessment is defective, the responsibility lies with the Corporation staff and not on the councillors. Both assessment and collection are within the jurisdiction of the Commissioner. In ordinary municipalities, the Councillors are entitled after the assessment is made, to hear appeals and reduce the rate. In Calcutta, appeals are heard by the Commissioner or the Deputy Commissioner or some officers specially appointed for the purpose. The Councillors have no right to interfere, though they sometimes try to influence unofficially. In England, since 1948, assessment of all the local bodies has been taken over by the Inland Revenue Commission.

"Grants in England constitute 53 per cent of the local revenue, while in West Bengal it forms only seven per cent. The Calcutta Municipal Corporation receives from Government 80 per cent of the D.A. paid to the Corporation staff, but little else by way of grant. All these are percentage grants and do not amount too much. Recently in the Industrial Housing Schemes and Slum Clearance Schemes adopted by the Government of India they have agreed to pay Unit Grants at a certain percentage and on certain ceiling of costs which are too low. As regards these grants, local bodies have a legitimate grievance. I am in favour of Unit Grants or General Grants but not percentage grants. The defect of percentage grant is that the different Departments of Government determine which particular service a local body should render to qualify for grant on the basis of percentage of that cost. The Departments wish to push through their own schemes only and the total need of the local body as a whole is not considered. If you can rely upon local bodies, it is best to leave them to decide to what extent the total amount of a general grant should be utilised for various purposes.

A member said: "One of the recommendations made by the Taxation Enquiry Commission is to levy terminal tax in lieu of octroi. In respect of many municipal corporations, it works as a hardship because they are now levying only octroi. Most of the municipal corporations, of course, Delhi probably is in a more fortunate position, are levying terminal taxes. But the sudden imposition of this and the removal of octroi may work as a hardship. In fact the Corporation of Bangalore is getting

something like 30 to 35 lakhs by way of octroi. The levy of terminal tax may not fetch the same amount of income. It may be true in the case of many other corporations also. I suggest that instead of immediate imposition of terminal tax, some time may be given within which the Corporation may be able to adjust.

“Mysore State Government has, of late, begun to levy what they call non-agricultural assessment in addition to the levy of the conversion fine. So far as the corporation area is concerned, I feel that whatever may be realised by way of non-agricultural assessment should legitimately go to corporation. The slender resources of the corporation should be augmented by such measures. Hitherto, the conversion fine realised was four to five thousand rupees in respect of the non-agricultural area within the corporation. This varied from place to place within a distance of two miles from the corporation area. Now they have brought it to the deal level of Rs. 1,000 or so and they are now trying to impose non-agricultural fines.

“There are several townships existing and they are enjoying all the amenities but still they are not being taxed. Quite a number of townships have sprung up in Bangalore in the industrial area. There is an exodus from the rural areas and in the wake of their influx several townships have sprung up and they are escaping assessment. Once they are given amenities like water supply, lighting etc., I see no reason why they should escape assessment which can be claimed by the corporation.”

Another member struck upon two points. He said : “We should look to the capacity of the taxpayers and the people whose resources are limited. The other point is what is the percentage of the local bodies’ income out of the total national income. In progressive countries the share of local bodies’ income in relation to the national income is much higher. We should find a way out to determine the proportion of the total national income that should go to the local bodies. How can we do it? The local bodies require more and more money for many functions that are being transferred to the local bodies by the State Governments. After all these are all the functions of the State, whether they are discharged by the Central Government, the State Government or the local bodies. This point has not so far been touched upon.”

There are three systems of giving financial assistance to the local bodies—by allocating certain independent taxes to the local bodies, by increasing the rates of taxes of the Central or State Governments and assigning them to the local bodies, and by Government grants. Whatever be the system a larger share should be given to the local bodies. For this allocation, “will it not be necessary or useful to constitute a standing committee or commission at the State level, as in the case of the Central Finance Commission which meets every five years” he asked? This State Level Committee, he proposed, should meet every year or at certain intervals and should consider the whole situation such as the functions of the local bodies, the amount of expenditure, etc., that will be required and then assign certain incomes to the local bodies. These incomes should be guaranteed to the local bodies. A member agreed with this and suggested that it should be examined further.

Thereupon a member explained that in the Bangalore Municipal Corporation area there are certain revenue lands which have not been taken over by the municipal corporation. These lands are assessed for land revenue only and they are in private hands. These private people pay land revenue to the Land Revenue Department and they pay no taxes to the municipal corporation. They collect huge amounts by way of ground rents. These lands should not be put to any non-agricultural use but this is being done. The corporation has no jurisdiction over these lands as they are under the State Revenue Department. The corporation has

tried to take over these structures but the courts have given judgments that the lands cannot be assessed over by the Corporation.

Another member observed, "I wish to place the question of finances before you. This is actually the other way of approaching the functions. I would like to suggest that the question of finances should be approached in an integrated manner—integration of Central, State and local bodies revenues. The Government grant in respect of some municipalities in Mysore State is very low. With such a grant how can we expect any municipality to run any institutions. These grants or subsidies from the State Government were based perhaps on the position somewhere in 1924 or 1930 or 1936. Later on, in spite of the magnitude of functions having increased, there has been no increase in grants. Therefore, I say that there should be an integrated approach to the problem of finances, they should be co-ordinated and the finances should be pooled together. There is another aspect. Whenever the Central Government plans a scheme, it fixes a time limit within which it should be done. But there is no such time limit fixed in respect of local bodies' plans. Water supply schemes are being done for years. For instance, the Central Government is thinking of financing the water supply schemes of the Bangalore Municipal Corporation. In many cases the local bodies may not have the technical personnel to carry out the schemes. My submission is that the technical personnel at the corporation level will not be able to carry out capital works in addition to their day-to-day works. The Government should constitute a sub-division to carry out such capital works and finance them, and see that they are executed within a time limit. It is no use saying that the State Government has given the finances."

The Director wondered whether it would not be possible for the plans of local bodies to be fitted into the national plan. In the national plan there is an allocation of resources to the States etc. and certain responsibilities placed on them for raising the resources on their own. "Can something on these lines be not done for local bodies also, at any rate, for the larger cities? Up till now, planning for local bodies has been done in a somewhat halting manner, as in the case of water supply schemes. Would it not be desirable to take a more comprehensive view and pin down the local bodies also to raise certain resources, just as the Central and State Governments have now to conform to a certain pattern."

Another member dealt with the integration of finances and functions and said: "I am pressing for the integration of finances and functions because of certain happenings in Bangalore. Here two technical people have different views about the drainage system, the disposal of sewage. Since 1940, because these two technical persons differ, even though we have lakhs of rupees and the scheme has been sanctioned, Bangalore suffers for want of a proper drainage system."

There is another point on which the Government has usurped the funds of the corporation, he remarked. Primary education is a State responsibility in Mysore. But the corporation runs many primary schools. The Government collects education cess but it does not pay anything to the corporation. Similarly health services and hospitals are being maintained by the corporation. The Government collects the health cess through the municipal corporation but does not pay anything to the corporation. Entertainment tax is being collected by the Deputy Commissioner on behalf of the municipal corporation and in spite of repeated requests, no share is being paid to the municipal corporation out of the education and health cesses. Road cess was fixed in 1936 on the basis of the number of vehicles. Today there are 10 times the number of vehicles but still the same revenue is being given to the corporation. Government buildings are not subject to corporation taxes in spite of all the facilities they enjoy. In spite of the Central Government coming to our rescue

in this matter, the State Government has not agreed. These are some matters on which action should be taken, if necessary, by amending the law.

There are some matters which the Government thinks should be tackled by all the authorities—the Centre, the State and the corporation. For instance, malaria eradication. All the three authorities are thinking that this should be done by some one else. The fact is that none is doing it.

A member informed that in Kerala, State Government properties are subject to municipal corporation taxes. But certain properties were taken over by the Central Government after independence. The same question of levying taxes on Central Government properties is now facing them. "The Central Government says that it is not liable to pay the tax. Our legal adviser is of the opinion that the Central Government is liable to pay the tax for the properties taken over by the Central Government. If these properties are not taxed, the finances of the Trivandrum corporation will suffer seriously."

In Mysore, the State Government properties are exempt from corporation taxes, stated *another member*.

Another member clarified that originally there was no such provision for exemption. Only recently when the Bangalore Municipal Corporation Act came into force such a provision was introduced.

This concluded the discussion on Functions and Finances.

THIRD TOPIC

DEVELOPMENT AND REDEVELOPMENT

Introducing the third subject, 'Development and Redevelopment of Cities', the Director of the Seminar said, "There are four or five aspects around which the discussion might centre. First of all, we talk about cities growing bigger and bigger and creating fresh problems. There are many town planners, architects and others who say that something must be done to control and limit the growth of cities. In that context the question to be posed is by whom should this control be exercised? What are the mechanics of control? What can we do to control the growth of cities and in what manner can we attempt to control the growth? After that, we shall go on to the current idea—one of the most important things in the urban areas—that a master plan is necessary for development and redevelopment. This is suggested as the most efficacious method of bringing about an orderly urban scene. So far as the master plan is concerned, what should be the area covered by the plan? Should this include the hinterland or the bordering area also or should it be limited only to the administrative limits of the municipal corporation? Should we resort to what is called regional planning? Connected with this is the question as to who should have the administrative control of the area of the hinterland when that area is outside the administrative area of the municipal corporation or the city?"

Continuing he asked: "Who should be the planning authority? Should it be the city corporation? Should it be an independent authority set up for definite reasons? Should it be a State agency which will plan for all the cities in a State? Connected with this is, of course, the question of execution. How will such a master plan be executed from the point of view of administrative agency? I referred to administrative control even when I talked of the area of the plan."

In regard to execution, he sought some answers and said, "What should be the stages of development? We have in mind particularly two situations which have arisen with the pressure of population of cities. Should we plan for quick development of bare necessities like shelter and plan for water supply, and other essential services to come later? Or should it be a simultaneous development of all these? In certain places it has happened that the problem of housing has been tackled but there are no services like, water supply, schools, hospitals, etc. Therefore, we would like to have opinions in the manner of development: whether the development should be quick in one or two directions or should it be a reasonably comprehensive development?"

The next speaker on one subject said that for some years, a great deal of emphasis is being placed on the planning of cities and controlling the growth of cities. In certain cities, he remarked, that growth has taken place in a haphazard and unplanned manner. As a result, very serious defects in community life have come in, like the absence of water supply, and community facilities like schools, hospitals, playgrounds, etc. Controlling city growth is a complicated subject, because there are certain activities in the city which are controlled by the Central and State Governments. Citing an example, he said that in Bangalore city, the Central Government have established various organisations and institutions as a result of which the city has grown and there can be no control over this by the local body. Further he took the case of Delhi, where the Central Government is increasing its activities in the Capital, which means that increasing population comes in for serving Government offices etc.

That population requires certain services and facilities which, in turn, bring in other people.

Unless the growth of the city is controlled by Government itself, he stressed, it is not possible for any local body to do so. But the local bodies, he advocated, should be empowered to restrict the growth of activities; they should have the power to say 'no', to refuse services like water supply, etc., if any institution is started against their desire. But from the administrative point of view, he realised, it will be difficult to do this. It will be difficult for the State Government to give these powers to local bodies. Therefore, the growth of towns will have to be controlled by the State Government only.

This can be achieved in one very simple way which has been suggested to the State Government by the Central Government. It is to set up a State Planning Agency with legal sanction for it. The local bodies do not have the requisite personnel to draw up plans. This is difficult even for bigger cities. He disclosed that it is impossible in a State like U.P., where there are a large number of smaller municipalities. Even in a period of three years they cannot draw up a plan. The State Planning Agency, he suggested, should draw up a list of towns and cities which need planning and then place them according to priorities and undertake the plan itself relative to the needs of the situation, drawing up a master plan for all towns and cities in an order of priority. This should not be left to the local body. The State Planning Agency would remain in touch with the Government and would generally be aware of the Government's plan for five years. It will know whether the Government is setting up a steel factory or a soap factory in a particular area. The State Planning Agency can follow these and make plans for them. Even though the State agency is aware of Government's objectives, it should have the power to say 'no' under the statute for starting particular factory in a particular place, because the town may not be able to provide for services like water, etc.

In Delhi, he stated, Central Government activities are steadily expanding. They raise the level of economic development. If too many industries are started in and around Delhi, difficulties crop up. The lag that already exists will become bigger in ten years' time. "When we point this out we are criticised for hampering the industrial growth of Delhi. But we say this because we know that it is not possible to provide for such growth now," he said. He further continued and said that it is necessary, whatever the authority to determine the growth of a city, to indicate why certain developments should not take place in a particular town or city. This brings in the question of a phased programme. The master plan should take into consideration the services required during the various stages which may be for thirty or even forty years. Finances may not be there; the personnel may not be there; electricity may not be there. Implementation of water supply and electricity schemes should be planned ahead. "What is happening; how is that people come in first," he said, "and the development follows later. This has landed us in a grave situation in Delhi. Now if we want to bring about development first and then the people, it can be done only in a planned way. The control of growth of cities cannot be left to the local bodies. But they do not have the technical knowledge, the finances or the personnel. In Delhi we are planning up to 1980. This has brought very interesting problems before us. Even approximately to make an assessment of the financial picture will be difficult. The amount required will be colossal. No local body can think of such a solution. Therefore, this aspect of the growth and planning for the growth of cities can be with the State Government only. It should set up a statutory planning agency to collaborate with the State Government's development activities and then to determine the development of cities on a priority basis."

Another speaker considered it essential that the control of growth of cities should be controlled by the State agency, because the local bodies cannot control growth. Giving an example, he said that Bangalore had only an area of twenty-one square miles some years ago. But since then the population has increased enormously as also the area. Therefore, if the municipal corporation and the City Improvement Trust Board were to be the agencies for planning, he felt, they will not be able to carry out the tasks efficiently. He, therefore, proposed that the State Planning Agency should have representatives from the municipal corporation, the Trust Board, other local bodies, representatives of private industries.

Disagreeing with the view that town planning should not be a part of the municipal corporation activity, *another* stressed that the State Town Planning Agency cannot be independent of the municipal corporation and others who have real knowledge of the area, should be intimately associated with it.

Raising some points, the next speaker remarked that to prevent the city from extending beyond optimum limits, regional planning or State-wide planning should be done by a planning agency set up by the Government. This agency need not go into the detailed planning within a city. That might be left to the corporation or to the Improvement Trust. The State Planning Agency lays down broad features for town planning and regional planning. It also, in consultation with the corporation or the municipal body, lays down the limit beyond which the city or town should not extend. There should be a limit separating the new towns. But within the limits of a town let the municipal body, if it is a competent body, do the detailed planning.

The other point he mentioned was that we do not realise that the Constitution sets certain restrictions on our planning activities. We generally confine our reading to text-books prepared in England, but English Law and Indian Law are fundamentally different in one aspect. In England, there is the Parliament which is supreme and which can pass any law affecting land and its values. In India there is the Constitution which cannot be overlooked. You may find it difficult to prevent the owners of properties beyond the city limit, from using them as a building area and compel them to keep the land as a green belt, although in the interest of planned development it is essential that the growth of a city beyond the optimum limits should be prevented. Within the city limit, the distribution of population and the distribution of business and trades and residences and shopping places and commercial areas should be on a rational basis. All these things may interfere with what is now considered to be an individual's right to property, guaranteed by the Constitution.

A member who had earlier talked about the State Planning Agency but did not refer to its composition thereof clarified his viewpoint. He said that the local bodies should be very strongly represented on it. We cannot avoid it. "You will notice that on the Delhi Development Authority, in addition to two Corporation Councillors on it out of a total of eleven members, there are three members of Parliament."

He advocated that whereas the preparation of detailed plans and filling in details will be in the hands of the local bodies, comprehensive and general planning should be given to the State agency. In regard to the State Planning Agency, representation of the local body concerned is provided for. Without that it is not possible to make a master plan. But what is wanted in the master plan is the framework. Filling up of details should be left to the local bodies.

Continuing further, the speaker admitted that there are difficulties. He revealed that he had two or three cases in Delhi after the Development Act came into force.

He told that the courts gave the opinion that the use of land for a particular purpose could be prescribed under the Act and the courts gave their opinion in favour of the Delhi Development Authority. The Authority also consulted many lawyers who said that the use of the land can be prescribed in public interest. "But this is an open question," said he, "I cannot dogmatise on it."

"It may be difficult for the local body to control the growth of a city," remarked one present who followed. "After all we must look into the causes for the growth of the cities. So far the causes are not tackled, it will be impossible to control the growth of the city. The result will be that more people will start to live in the same houses. That will create more slum areas; that will create more difficulties. After all, we have to see what attracts the people to the city and that is a thing which cannot be tackled,—not even by the State Government—but only by the Central Government. Unless these attractions are provided outside the city, it will be impossible for everybody and anybody to control the growth of the city. My submission is that this is a question which should be tackled at a very high level by the Central Government and then by the State Government and not by the local bodies."

There are two aspects of the question. One is of drawing up plans for development and the second is controlling the growth. The authority to draw the plan must be altogether different from the authority that controls the development. Drawing up of the plan will take some time and in the meanwhile development may go on in a haphazard way. This question has been often raised by the Bangalore Corporation for several years past. Government have been requested to declare that the area within a radius of five miles from the boundaries of the municipal corporation should not be used for building purposes until a regular plan has been drawn up, as otherwise there will be a haphazard growth. If any houses have to be constructed, the municipal corporation and the State Government should be consulted and previous sanction obtained. That will go a long way in preventing haphazard growth. If this is not done, before we draw up the plan and before we constitute the controlling authority, there is nothing to prevent the people from using the land for non-agricultural purposes and thus creating problems for us. The first step to be taken to prevent this is to declare by special legislation or by ordinance, if necessary, that no land shall be utilised for non-agricultural purposes within a five miles radius from the boundaries of the corporation. The second is to constitute a body to draw up these plans. When the plan has been actually drawn, the next question arises—who should be the controlling authority and how should the controlling authority be constituted? Because the Central Government, the State Government and the private sector in industry are all contributing to the growth of the city, this controlling authority should consist of representatives of the Central and State Governments, of representatives of the public and private sector industries, and of the municipal corporation. It must also be made incumbent upon any one thinking of starting an industry to take the prior sanction of this authority whose decision should be final.

Another felt that because we are not able to stick to the definite limits of a city, we are creating more problems. We are landing ourselves into all these complications and troubles. Our grants from the Central and State Governments are not adequate. And also the controlling authority, which we are now thinking of, has already lost all its control.

Citing an instance he said, "We have the City Improvement Trust which is laying out and bringing in areas within the Corporation limit and the latter is finding it difficult to absorb them. Water supply for the entire city is being controlled by the Government. The City Improvement Trust has become a defunct institution on account of one impediment, that is, no water can be given to the new areas. Let there be

planning, let it be examined by some other technical body, let it then be examined by Government or by the legislature. One more difficulty has come up because of certain Government orders. No doubt the Government should be the authority to control the growth of cities. In Bangalore, a great difficulty has been experienced in respect of the City Improvement Trust Board. The Board, being an independent body, laid out certain areas which could not be absorbed by the City Corporation. It was not possible for it to take over and maintain these newly-developed areas. The Government, therefore, thought of giving statutory powers to the City Improvement Trust Board, of levying and collecting independently taxes on such properties. Obviously, it is another parallel 'corporation' that is functioning within the corporation area. The municipal corporation must be one co-ordinated, well-knit and influential institution; anything else can only be subordinate to it.

"There is another anomaly. Just because the corporation is not given proper representation in the city road transport agency, there are no bus shelters. As a result of this, when it is raining, the children do not attend schools or the people are left at the mercy of the weather. Statutory bodies functioning within the corporation limits should not be without due influence exercised by the corporation. We will be defeating not only that institution but also doing something against the welfare of the people.

"Newly developing industrial concerns must provide basic amenities to their working classes. They must start providing these facilities as they start construction of these industrial institutions. It is essential to inhabit the labour colonies with a cosmopolitan mixed population. There should be a good deal of inter-communication amongst all types of people. They should be brought together in order to change their outlook and make them useful citizens."

Taking objections to some of the remarks made by earlier speaker, the next one said, "We are industrially backward. So we want to have more and more industries. Industries grow up in places where there is a good climate, power, raw materials, etc. So how anyone can restrict the growth of industries in the name of restricting the growth of towns and stop industrialisation of the country."

A member narrated some of the problems facing Delhi. His intention was to give an idea of what can be done elsewhere, also with modifications, to suit local conditions and probably that study should also answer some of the problems here. One of the important points is that while the plans are being made, two things might happen. First, certain untoward events may take place and throw into jeopardy the ultimate plan itself. The second is the amount of impatience about the plan.

Planning imposes a certain amount of regimentation and restriction. On the other hand, without a plan, a great deal of mischief can be done which cannot be undone. In Delhi the Central Government set up a Delhi Development Provisional Authority with powers to declare certain areas as controlled areas. Within the controlled areas there could be no development unless sanctioned by the Authority. For the sake of administrative adjustment certain built-up parts of the city were excluded from the Municipal Committee's jurisdiction over them. It was felt that nothing much could be done thereof. There was no point in impending what can be done by way of repairs, etc. But side by side the Government set up a Town Planning Organisation charged with the function of making rapidly an interim plan. The Organisation worked out for Delhi, within a brief period of eight to twelve months, an interim plan. What areas were suitable for development, what area for location of industries and for current activities could not be given immediately with precision. But some indication was given and the local bodies were requested to adopt them for the time

being. In the meantime steps were taken to draw up a Master Plan. Some regulation of that sort everywhere is desirable.

The Uttar Pradesh Government have drafted a Bill on those very lines at my instance. They can declare any area within the State as a regulated or controlled area. To give an illustration just around Delhi inside the Uttar Pradesh border there has been rapid development because of controls of Delhi. He personally felt that if we do not stop that, our plans will be upset. There I made the suggestion to the Uttar Pradesh Government. It is for the consideration of other State Governments also whether such legislation should not be undertaken. If that is not done, haphazard development, pending the preparation of a master plan, cannot be avoided.

The difficulty we are facing, he believed, arises to some extent from the local bodies. They have no town planning organisation to undertake basic surveys themselves. In the Western countries, most towns have up-to-date information about their towns. In our country, for instance, we have no survey maps for Old Delhi. For that we have to engage a whole lot of people. Every house is being marked on a map. The houses and conditions of buildings have to be shown. A socio-economic survey has to be made. We have to undertake detailed surveys of commerce, manufacturing, industry and trade. We must study the economic life of the city. If this is done by the local bodies themselves it will be comparatively easy to prepare a master plan. His recommendation was that local bodies should collect information right from now onwards. In this connection he considered it necessary to mention that the master plan should indicate only the broad features. But it is not a land use plan. It is a complete plan in so far as it projects itself into the future. The master plan should have to be for at least two decades, or even three. The plan should indicate not only land use in a more specific way but also indicate the phasing, how the finances are to be raised, how the taxes should be levied, what town planning structure the local bodies should have for implementing it, etc. "I am afraid we cannot run away from this responsibility."

He informed that the Central Government have set up a Central Regional and Urban Planning Organisation. The main function of this organisation at present is to help in the preparation of the Master Plan of Delhi and to tender to State Governments and local bodies any advice if they need. Of course, it will be occupied in the beginning with tendering advice to the Central Government itself in regard to its new townships, etc. It will be in a position in the long run to tender advice to the local and the State Governments in regard to the new towns. In the initial stages, it can only help in framing legislation with a view to control city growth and prepare master plans. A master plan will indicate or should indicate zonal regulations for sub-divisions. The master plan should be a regional plan, really speaking. Certain areas outside the cities will also be controlled. The Delhi Plan has taken them as far away as 100 miles. What raw materials come from other places, what finished products go from Delhi, all these things will have to be studied. In relation to Western countries we have one tremendous advantage. In the West, industrialisation preceded city planning by 100 years and even more. Here we are in a situation where we can plan first and then industrialise. Now taking all these factors into consideration we can put an 'urbanisable limit' for a town. When we study all these things we can arrive at the urbanisable limit, that is, some basic indication about the territorial size of the town. In his view industrial location is not a simple matter. All orthodox thinking found in text-books about industrial location has been completely exploded. Industrial location is actually far away from orthodox ideas about raw materials, etc. Take the case of Delhi. It was traditionally a trading centre. But now a large number of industries have grown up there, because licences and permits can be had easily in Delhi itself. Merely because there is raw material in

a particular place there is no reason that development of industries should take place there itself. Industries should be located in the public interest and not in the interests of the private industrialists only.

Regarding question of satellite towns, he said that a satellite town can be a complete failure if it is not co-ordinated with the main town itself. It has to be given a very strong economic basis. A satellite town has to be studied in relation to the regional and master plan of the central town.

Concluding his remarks he said "In Delhi today there are three distinct local bodies—Delhi Municipal Corporation; New Delhi Municipality and Delhi Cantonment Board. The services extend through all these local bodies. Therefore, any plan, that is made, will have to be by a body which is detached from all these three organisations. The services have to be common to all the three territories. I do not know if this difficulty exists elsewhere. We have to keep this also in view. I therefore, emphasise that apart from other reasons a detached master plan or regional plan is desirable. A master plan should be on a regional basis rather than on the existing territory of the city itself. In the long run, a regional plan will subserve the interests of the town better than a plan for the city alone. In fact we will not be able to achieve that unless the preparation of a plan for the city is on a regional basis; at least for the bigger towns it is unavoidable.

Here another problem arises. A regional plan for Delhi will have to take into consideration the question of jurisdiction in Uttar Pradesh and Punjab. You will have to take the advice of all the three Governments. Otherwise the repercussion on Delhi will be disastrous."

One present informed that the Calcutta Improvement Trust started a socio-economic survey, call it diagnostic survey of the slums four years back. But now probably one-fourth of Calcutta has been covered. There are detailed and comprehensive investigations whose result is being classified and reports drawn up on its basis so that in tackling these questions in future we may know what is the total population we have to provide for by rehousing, what is the type of housing that we would require, what are the areas where they earn their living so that we may conveniently site new houses.

At this, the Director put forward a point of view on the question of agency and area. He said, "I have myself felt that town planning should be a process which springs from the people themselves from below. It must maintain a close intimacy with the Centre for which you are planning. Now, if we think of large cities, it is arguable whether the Central or State planning agency is fitted for the task of preparing the detailed master plan for, say, a dozen cities; whether it can produce such plans within a reasonable measure of time. I have myself liked the approach to these problems in Bombay where the responsibilities had been placed on each city government to prepare the plan for its development and redevelopment. The Act gives power to a city administration to look a little outside its jurisdiction to the extent that the administration feels that bordering areas are really dependent on the city itself for their growth or prosperity. The city administration has been given the authority to produce such plan which will try to look on these areas as subserving the needs of the city administration itself. It has been possible thereby to look at things from a somewhat broader view of future development. By associating the city administration with these processes of planning, it is probable that the final plan that emerges will prove more acceptable. There is not the feeling that a plan is being imposed on a population from a far off distance by an agency which is not closely associated with the actual preparation of the plan. Once the plan has been

prepared it is sent to Government for sanction. The Government has reserved to itself final power of sanction. There, of course, an advisory agency at the Central level or State level may be necessary. But such an agency is rather different from the agency which is actually drawing up the plan itself.

"This approach can look a little ahead for the future of a city, of the extent to which the adjoining territory is dependent, must be made to subserve the needs of the city itself. This approach has also the advantage of facilitating the quite complex task of expanding the geographical jurisdiction of local administration. We are then trying to do this on an *ad hoc* basis. Just as we find that some new development is taking place, we are considering whether that area should be brought within the administrative jurisdiction of the local body. But there has not been sufficient looking-ahead. But the Bombay approach facilitates the consideration of this important aspect well ahead of time.

"In case, a city government has produced a well conceived plan, the State Government, if it is satisfied that it is necessary for the orderly growth of the city, may extend the jurisdiction of the city. By orderly growth I mean also the examination of financial resources. What happened in Bombay was that as soon as certain controls were planned within the city limits, the industries, which were for all their services dependent on the main city itself, started going outside the city and were escaping the legitimate levy which would have helped to augment the resources of the corporation. But alongside industrial location, it is necessary to plan the orderly development or redevelopment of new residential areas to be built up. That is one facility which we achieve in an integrated administration. At the same time we can secure to the city the maximum benefit which industrialisation or other new development which is on the borders of city can give.

"So, leaving aside the city like Delhi which may have got special problems, we should consider as regards the bigger cities whether a Central Planning Agency is a wise course, whether this plan should be decentralised and made primarily the responsibility of the various city administrations concerned."

A member informed that in Madras, there is a Director of Town Planning with some technical personnel and municipalities have been asked to prepare the master plan and submit it to him. The Director has fixed the time limit also for plan preparation. Of course, it takes a long time to prepare the master plan; in Madurai this time limit has been extended up to 1960. With regard to the areas apart from the master plan, the municipalities have their own detailed planning schemes, that is, for the various localities. As regards various industries, extension areas and old built-up areas, the question of redevelopment comes in. The difficulties there are much greater.

Elaborating the discussion, the Director remarked that at the State level, there is an expert agency which scrutinises and sanctions the local master plan. This is the Bombay model and is in force in Madras also. The advantage of that is that once the Government sanctions it, Government is obliged to observe the contents of that plan. The Government cannot say that they shall build where they like. Once the Government approves the local plan, it implies that Government also submits to the contents of that plan.

That is absolutely there, of course, in Delhi, was stated by *another member*.

A member said Bihar has also been trying to follow the same lines which were explained by the earlier speakers. There is an Act called 'The Bihār Restriction of

Uses of Land Act'. It is brought into force in the cities which are desired to be town-planned. According to the provisions of this Act, it is possible to limit the growth of the town and also control the construction buildings in advance of the master plan. Important towns are proposed to have Improvement Trusts. Two Improvement Trusts have been already started and a master plan for each is under preparation by them after making civic surveys.

The Director intervened to ask why this work was not entrusted to the corporation.

The member continued and replied that it was considered that the Improvement Trusts, being specialised bodies, would be able to do it quicker than the corporation which has already many duties. There is also a Town Planning Organisation at the State headquarters which when expanded will be able to take up the preparation of master plans in the district headquarters towns. The main difficulty being faced is the lack of adequate finances and personnel.

The member who spoke next said as follows :

"Most of the towns are growing primarily because of industrialisation apart from the natural growth in population. If you are to limit the growth of the cities now, the authority that is responsible ultimately for any action must be the authority which must decide where industries should be located at the preliminary stage. If it decides, where industries should be located, where they are to be distributed, there should be proper data on the basis of which any other authority might work out the master plans itself. So industrial map of the country as a whole, and of a certain State, must be clearly marked out. That preliminary stage is again there. It is only after that that it will be possible for us to go into the details of the master plan and of such things. It means that we cannot leave drawing up of the master plan to the municipal authority of a particular city. There must be by certain means of co-ordination between the State authority on one side and the city planning agency on the other. There must be a town planning body in each State, the Central Organisation in each State and under the direction of this body each city must be entrusted with the responsibilities of drawing up of the master plan itself. Of course, several points have been mentioned about this.

"However, I think the primary responsibility of drawing up the plan must be in the city authority, because ultimately it is that authority that has to provide the amenities. Moreover, the citizens in a particular city have a little idea of its limitations and its resources. Under these circumstances the initiative for drawing up of the master plan must be with the city authority itself. The plan may be scrutinised and finally approved by the State agency.

"Now, from the time we have the master plan approved by the State agency, the implementation of the plan must be entirely under the control of the city authority itself. Various zones will be marked e.g., industrial zone. Even when a particular industry has to be started by the State Government or Central Government, the municipal authority must give necessary permission and licence. When you draw the master plan you must provide for the limit and the size of the population of the city; to what extent the city must grow.

"I envisage three stages in drawing up these plans. The Central Government will determine and distribute the location of industries in a tentative manner; on that basis each city authority will draw up its own plan and finally these plans will be approved by the State agency. If we proceed on this basis it will be possible for us to get a kind

of planned development which all of us have before us. In Madras, many of the cities are not in a position to finance the preparation of these plans. In some cases this expenditure comes to Rs. 50,000 or even Rs. 1,00,000. So, apart from the lack of technical personnel, unless the Government gives the necessary aid to many of the cities and mofussil municipalities, they will not be in a position to draw up a plan. That is the main reason why there is so much delay in the preparation of the plans.

"In spite of our desire to check the further growth of big cities we have not been able to do so for various reasons. We must understand that there are certain historical reasons and certain forces which led to the growth of the cities. Unless we meet these forces, our desire to check the growth will not bear any fruit. The main forces are the concentration of industry in the big city and the lack of employment in the rural areas. That continues even today. In Bombay State, therefore, we thought that no more industries should be permitted within the big cities. We have taken a decision but the difficulty is that the industries have a tendency to concentrate in a particular area and it is difficult to compel them to have the location of these industries at other places in the mofussils. The Government, therefore, thought of having certain industrial estates in various parts of the State and we are providing all the necessary facilities that are required for setting up of new industries in these areas. Good communication, water supply, electricity, availability of raw materials are also taken into consideration. We have not been able to achieve any practical results yet but it is our decision that industries should be decentralised.

"In the new Town Planning Act, 1954, it has been laid down that each municipality shall prepare its own town planning scheme within a period of certain years. The Bombay Municipal Corporation has its own town planning scheme and town planning authority. But almost all the municipalities in the State have requested the Government to prepare town planning schemes on their behalf for want of technical personnel. But Government also have not got necessary personnel.

"We desire that necessary training centres may be set up for personnel. We, therefore, requested all the universities in Bombay State to have certain diploma courses, post-graduate courses for training the required personnel. But unfortunately no university has come forward to take up this scheme. Ultimately, Government is now thinking of starting this training course."

He stated that the subject of town planning has changed considerably. Previously town planning meant only certain lay-outs in the city but now town planning means looking ahead for about 20 years for development of a city. That requires more thought, more consideration and more technical personnel.

"If necessary", he recommended, "we may invite foreign experts to advise but the decision should lie with the people. We may have their advice. But they should not have power to take decisions. We should look to the local conditions in which we have to work these town planning schemes. The responsibility, therefore, for taking decision of how to implement these town planning schemes should rest with the local people and not with these experts.

"We have great ideas to develop our rural areas and small cities. But finance is the great handicap. There is a common pool from which all have to distribute and unless we raise our finances for these schemes it will be difficult to implement them within a short period."

Here a proposal was made that the seminar should recommend that each municipality should introduce the Town Planning Act and implement it in an effective manner.

The Town Planning Act should be implemented effectively wherever it is already in force and where it is not, it should be brought into force. Further, in regard to the responsibility for getting these plans drawn up, he expressed his doubts and said that it is far beyond the capacity and the resources of the town municipalities to shoulder the responsibility or to foot the bill. He felt that with a little effort we could take up an aerial survey of the more important cities of our country. That means a little expenditure but we can do better by getting at facts by an aerial survey. But if any master plan is to be drawn up it must be by an independent establishment, subsidised or completely financed by Government. The municipalities will never be in a position to do this.

He confirmed the correctness of the view that the Central Government should be asked to indicate in advance where exactly the industries will be set up so that the plan could be drawn up. But he added that the State Government itself should make provision for locating industries having regard to the raw materials available in the area and decide what industries should be set up, without leaving it to the Central Government. The master plan should be drawn up 10 or 15 years ahead, or even say 25 years. Even from that point of view it must be a State responsibility. Further when once these plans are drawn up, there must be a central agency at the highest level to see that they are implemented. If you leave this to the municipalities concerned, he elaborated, various factors will come in, vested interests will come in and it will be difficult to implement them. When a statutory board with sufficient powers is constituted at the State level it should be in a position to enforce the plan and give concrete shape to it. Further, he suggested that on the statutory board, there must be adequate representation for the Central Government, being interested in the all-round development of the country, the State Government, and the municipal corporations. Also, groups of municipalities put together should be given adequate representation, he added.

Further he observed that in most of the municipalities there is an unhealthy tendency to extend the limits of the towns. A large number of unauthorised constructions are coming up. No permission is taken for starting industries. Even a village panchayat makes a claim for licence fees. The Central Government and the State Governments also make claim for licence fees. He called for an end to the confusion and doubtful jurisdiction amongst the various authorities. In view of these considerations it is very urgent and necessary to move in the direction of drawing up a master plan. The responsibility for implementing the plan will be with the municipalities themselves. No lopsided development should be permitted when once the plan has been drawn up. It should be within the four corners of the plan.

About the cost of an aerial survey of a city, a member informed that for Delhi alone the cost came to Rs. 12 lakhs.

Another member said that for an aerial survey of Calcutta the cost was much less. But this was before the Second World War.

A member stated that some people expressed the view that the responsibility for drawing up the master plan should be on the local body. But the local bodies are lacking technical personnel. Most of the municipalities are now in moribund condition. But the agency to take up the task of drawing up a plan should not merely be a governmental agency. It should be of a representative character. The Corporation, the Trust Board, the Housing Board, Transport and Electricity Board, etc., all should be represented on it. This agency should draw up the basic framework of a master plan and the details should be worked out by the various bodies like the Corporation, the Trust Board etc., themselves and they should work together. Till the master plan is prepared no land should be converted into non-agricultural use. There should be

legislation for the purpose. Otherwise, by the time we prepare the plan, it will become difficult to implement the recommendations of the State agency. There should be a Central agency for taking up the plan on a top priority basis.

Speaking about the redevelopment of existing built-up areas, *a member* opined that it is mainly a problem of slum clearance. Slum clearance and housing will have to go hand in hand. Therefore, he suggested that all the available resources should be harnessed towards a solution of this problem. It must be the responsibility not only of the Government and the municipality but also of industries. There should be some sort of compulsory legislation to compel industries to set apart a certain portion of their profits for housing alone. Provision should be in the balance-sheet as we provide for depreciation, income-tax, etc. Similarly, Government should provide for housing of Government employees. If this is done, many buildings will be released for the general public. Private capital also must be encouraged by giving them some reliefs. Private people should be exempted from income-tax.

“You will be surprised to know” he said, “that lands five mile from the city of Bangalore are fetching as much as Rs. 6,000 per acre. When I was a Municipal Commissioner I had acquired at Rs. 500 per acre and even at Rs. 200 per acre. In certain areas of the city the rate per square yard is as much as Rs. 40. There is speculation, not that the land is really worth so much. People hope that their lands can be converted into building sites. Therefore, I suggest that we should think of passing an emergency ordinance saying that within a radius of five miles from the city, the value of the land will be fixed, when it is taken over, at the present value only. The municipality will pay for the acquisition only at the present prices; as in the case of forward trading, the prices should be fixed. Lands should not be converted into non-agricultural purposes. Unless we take some such measures it will not be possible to solve the housing redevelopment problems.”

While agreeing with the view that there should be Central Planning Agency, a participant pointed out certain difficulties. In Orissa there is a Town Planning Act. But this could not be enforced because of lack of funds. There should be a directorate of town planning. But for this finances are required. The State Government should have sufficient support from the Central Government.

About land prices, *another* pointed out that the Planning Commission had some two years ago suggested to the State Governments that they should enact legislation to peg the prices of land in urban areas. Bombay is the only State, he believed, which has done this in 1948. The point of constitutional admissibility has been carefully examined by our legal advisers and if we have this legislation, he said, we can bring down prices and carry out development schemes, specially slum clearance, better than in the past.

Clarifying his earlier remarks which he made in the beginning, he still felt that the preparation of the State plan should be left not to the corporation but should be outside it, but in close collaboration with it. He was quite convinced that the execution and implementation of the plan will have to be naturally left to the various organisations like the corporation, etc. For instance, there will be water supply, electricity supply, schools, playgrounds, etc. There will also be other organisations functioning in the areas. For example, there will be Government housing; there will be development of industry. Both development and making layouts and provision of internal facilities will have to be left to the respective organisations. Implementation cannot be confined to one organisation. It should be undertaken by various organisations concerned. In fact, the basic development should be left to the corporation to take the responsibility.

The master plan will indicate the resources available for the plan. When we come to the resources of the plan we come to the list of priorities also. When the Government approves this list it is bound to ensure Government participation. For instance, Government agrees to undertake housing on a large scale according to the plan, say during the ten years it will build at the rate of 5,000 tenements a year. Similarly local bodies will be responsible for water supply, and other cognate matters. The manner of implementation will depend on the nature of the plan, the scope of the plan and the functions of the organisations who are implementing them.

As far as the finances go, he pleaded that the Government will have to provide finance to some extent. It is also possible to levy a betterment fee and recover some of the costs thereby. In the Delhi Development Authority Act, there was no provision for the collection of a betterment fee. Now a provision has been made for this purpose and the Authority can recover a part of the cost and plough it back for development. The Authority should see how best it can augment its resources. Because of the stagnant resources of the local bodies, Government will of course have to help.

On the question of betterment fee, one present believed, that we cannot be very optimistic. He disclosed that the receipts from betterment fees in Calcutta are very negligible. Unless this rate is put very high, the collection cannot be high. Even then the receipts will not be appreciable.

The earlier speaker informed that in Delhi the betterment fee is four annas per square yard.

Concluding the discussion, a member said any improvement to a large extent depends on how we are going to tackle the slum clearance problem. Even before 1946 the situation was very bad. Now it is increasingly being felt that unless an adequate and proper solution is found, this problem, whatever we do in other matters, will continue to grow. There is no question of finances for this problem.

Further, he said, "The problem in the city of Bangalore, for instance, is not one of finance. Since the past three years, finances are available. But we are blocked by the problem of acquisition of land. Government is at it, more or less on the lines of Delhi and Madras. It is a question of effectively tackling the problem in the city. Who is to do it? Is it the Government in the Revenue Areas? Is it the Trust Board in the newly formed layouts? Is it also the Corporation in its own jurisdiction? Or is it private people who are encouraging slums and getting a good lot of amount? To many persons a slum is a paying proposition. In a master plan, it is generally recommended that we should keep open extensive green belts. How can you expect a private man to leave such wide areas unused? We have had difficulties in acquiring these lands. Invariably, the green belts provided in any master plan have turned into slums.

"Now we have to think of the legislation to utilise the available funds. There should be an authority that can effectively tackle the problem and we should not leave it to the corporation to take the initiative in the matter. We must create one particular distinct authority which can tackle these problems."

FOURTH TOPIC

CITIZEN PARTICIPATION

Initiating the discussion on the fourth and last topic, Citizen Participation, the Director of the Seminar assumed that there is no argument over the point that citizen participation is necessary for improving city government. An increasing measure of participation by individuals has been recognised essential for the success of city governments everywhere. Starting from that assumption, he divided the subject into two broad headings. Firstly, in what matters is citizen participation specially desired? Secondly, what is the proper agency or the right method for enlisting or securing that participation?

A member felt that there could be no difference of opinion about the desirability of citizen participation in civic matters. This should be the basis of civic administration. But the citizens do not participate in civic administration. They do not feel so keen and enthusiastic about it, and take no pride in it. That is very unfortunate thing. It is absolutely necessary that we should devise some method whereby citizens could have a real voice in the affairs of the civic administration. There has been a tremendous change with the introduction of adult franchise. To a certain extent this has aroused the conscience of the people and they have started taking some interest in civic affairs. But this has not solved the problem.

Continuing his speech, he said, "If the device of democracy is going to succeed, we should concentrate more and more on the establishment of those bodies on a sound basis. I think, apart from other measures that we might adopt, the most important measure is to create the enthusiasm and keenness in the mind of the ordinary citizen to take interest in the affairs of his own city. I should like particularly to draw your attention to the suggestion to constitute ward committees. In respect of municipal corporations, municipalities, etc., we have to devise different methods. We cannot think of ward committees in smaller municipalities. In big cities like Bombay, Madras, Calcutta, and Delhi, besides having the Council at the higher level, we should also have a second system of civic administration at a lower level. In Calcutta there are borough councils. My experience is that an average Councillor is dissatisfied because he is not able to satisfy the needs of his locality; he is not able to get the local grievances redressed. The system has become too much centralised. Of course, there are standing committees and these can be associated with public opinion. But these do not serve any real purpose. I, therefore, want that we should split up a city into a number of zones and these should have councils. These councils should be invested with powers and members elected from these various councils will be on the city council. This is one way of bringing more and more citizens in active participation in the civic affairs of a municipal corporation.

"It is absolutely necessary to have a Public Relations Officer to help arouse the consciousness of the people. As a matter of fact we have never cared to educate the people about the duties and responsibilities of citizens. Again, in small towns we can bring out small pamphlets about the historical importance of a town, functions of the council, etc. At the same time we can enlist the co-operation of voluntary organisations—such as the Bharat Sevak Samaj, All-India Women's Conference etc. We can invite them to help us, and to suggest ways of improving civic life. In bigger municipalities there should be social service department."

The Director stated that in the recent Delhi Corporation Act, there is provision for the constitution of ward committees. The idea is that councillors and a certain number of non-officials, say about three from each ward, should be co-opted on these ward committees. The Act does not say what functions are to be assigned to the ward committees. It is left to the discretion of the corporation to assign the functions. But the Act does not envisage the investing of any powers in these bodies. As a matter of fact, the ward committees are to assess the needs of the areas and bring them to the notice of the corporation. After all, each ward will press its own needs and will look at them in a local way. But somewhere—at the corporation level—a line has to be drawn. These ward committees can have a great deal of influence in providing services which are to be rendered to the areas. They can see whether the machinery of the administration is functioning well.

Further he said that in Bombay some such idea was tried informally. The corporation constituted such ward committees. The experiment was tried with reference to sanitation, public health, vaccination, etc. There was a great deal of enthusiasm in the beginning but within a period of six months interest slackened. The non-official members somehow faded away.

Another participant observed that the distrust in civic administration was not there before 1947. This has come in only since then. The politicians are responsible for this. The Opposition political parties hinder the smooth functioning of the administration. Unless the politicians restrain themselves, the present state of affairs will continue. This aspect has to be tackled.

A member pointed out, "It seems to me that there is a dichotomy in thinking. The city government itself is an application of the concept of citizen participation in civic administration. It is not a question of how to ensure citizen participation but of how to increase the participation in civic affairs. The point is about the matters in which participation can or should be secured, for instance, urban community development. It is in this sphere of developing urban community life that citizen participation can best be achieved. In adult education we can get increasing participation of the citizens. During the Second World War, the distribution of rice, sugar, coal, etc., was done through citizen committees. To make citizen participation more effective and to evoke enthusiasm we may also think of encouraging civic sense in the primary schools. We can teach the boys from the beginning the importance of this matter."

To take citizen participation effective and to evoke more enthusiasm in the people, the next speaker suggested there should be ratepayers' association in each ward. This is better than ward committees, since the latter are being formed by the municipal corporation. They are looked upon as being thrust upon the people from the top. But this is not so in respect of ratepayers' association. To make the municipal corporation more responsive and to make the ratepayers' association more effective he proposed that joint committees should be formed in each ward, consisting of the president and the secretary of the ratepayers' association, the Executive Officer of the corporation and the Councillor of the particular area. This joint committee may consist of six or seven members. The ratepayers can represent their grievances in this committee. The local officers can explain the reasons and offer their explanations. The Municipal Council will take up the question later when there is a regular machinery to press their needs and to see what can be done in the matter?

A member thought that we must give up the approach of thrusting anything from above. There must be an approach from below. There must be legislation. Further, he said that there would be borough councils on the lines of London Borough Council. There is an element of centralisation even there. We must create borough councils

with greater rights and more duties. The people must be induced to express their grievances. "If we can narrow down the area of local administration we can compel the officer of the local Government to visit the area in a routine way. If the area is small he can find out complaints about water supply, sanitation, etc. more easily.

Another member informed that in the Calcutta Municipal Act there is a provision for borough committees. A borough covers four or five constituencies, and a borough committee consists of all the councillors of these constituencies together with a few co-opted members. They are given some funds to be spent for the benefit of the wards and they spend it on matters for which there is demand. To that extent they have done satisfactory work and maintained citizen participation. "Citizen participation would have been more effective if the citizens could ventilate their grievances and get them redressed. If we extend the scope of these committees, there could be greater participation of citizens in the sense that grievances are ventilated and redressed quickly."

Another member felt that participation need not limit itself to suggesting certain improvements. The people should also co-operate with the municipal administration by following the municipal laws, rules and regulations.

With regard to the two-tier system, he pointed out certain obvious difficulties, and said, "There will be bigger and smaller bodies too. Should there be a common agency for certain things? What should be the proportionate expenditure between them? What proportion of the resources should be pooled or divided?"

One present here remarked that unless the business of the municipal corporation or the municipality is conducted better than it is now and unless the services performed in respect of health, education, etc., are improved, we cannot expect citizen participation in tackling any problem. He considered that one of the conditions for the success of citizen participation is primarily a better conduct of municipal business. Secondly, the mechanics of citizen participation does not consist only in bringing up grievances or in constituting borough councils. The solution lies in creating voluntary bodies for specific purposes. Mere official bodies will not serve any purpose. Only voluntary organisations can see that the purposes and policies of a municipal corporation are enforced. For this very small organisations are necessary.

Another member added that facilities should be provided for better utilisation of leisure by the people through open-air theatres. In addition to this urban community development centres could be developed.

Concluding the discussion, a *member* said, "I would like to call it peoples participation. With the introduction of adult franchise we find that, nowadays, representatives come from middle class and even from labour classes. In Bombay, the Corporation Act has been amended enabling payment of monthly *honoraria* to its councillors. Secondly, in Ahmedabad, there is a practice of the Commissioner's rounds. The Commissioner visits a particular locality in each month. There are voluntary agencies which look after the complaints of that area. They can represent their grievances about the services rendered by the corporation like education, health, water supply, etc. Complaints of such nature are also forwarded some two or three days in advance to the Commissioner. The representatives discuss these problems with the Commissioner. The Commissioner takes with him his subordinate officers and they meet the people. The difficulties are mutually solved. This way, efforts have been made to evoke greater participation of the citizens between the administrative staff of the municipal corporation and the elected representatives."

Before the Seminar adjourned, Prof. V.K.N. Menon thanked Shri Nayak, the Director of the Seminar, and all participants for their valuable contribution to the discussions; he also thanked the regional branch of the Institute as well as the Government of Mysore for the excellent arrangements made for the stay of the participants in Bangalore.

PART II

BACKGROUND PAPERS

RELATIONS BETWEEN DELIBERATIVE AND EXECUTIVE AGENCIES

POLICY MAKING AND MUNICIPAL ADMINISTRATION

(SHRI M.C. SHAH, Minister for Local Self-Government, Bombay State)

In general, there are six types of executives in the municipal administration; these have been gradually developed in various countries. They radically differ from each other in substance and form. These are briefly explained in the following :

(1) *The Council as Executive :*

In this system, the council itself exercises all the executive as well as the deliberative powers. The powers are exercised through or with the help of committees of the council. Certain powers are delegated to the committees. In respect of other matters, the committees merely report to the council. The Mayor usually occupies a position of dignity and civic prestige without much power. This system is to be found in the U. K. and some of the Commonwealth countries.

(2) *Executive Committee Appointed by the Council :*

This system is followed in Stockholm, Montreal, Copenhagen and Rome. The council delegates all executive power to an executive committee appointed by it.

(3) *City-Manager Plan :*

Under this system, the council appoints a City Manager who is entirely in charge of the executive administration. The council confines itself to making legislation and appointing the City Manager. This system is being adopted on a large scale in the U.S.A. Complaints about interference by the members of the council in the work of the City Manager are, however, not rare.

(4) *Elected Committee as Executive :*

In this system, executive power and sometimes also legislative power is exercised by an executive committee, elected by a direct vote of the citizens. Each member is in charge of an assigned department. Two prominent examples of the system are Toronto and Zurich.

(5) *Executive Appointed by the State Government :*

In this, the Chief Executive Officer is appointed by the Government. The elected council usually sanctions funds, makes rules and bye-laws and lays down general policies. Within the framework of these appropriations, rules and bye-laws, the Chief Executive Officer carries on the day-to-day administration. The major cities following this system are Rio-de-janeiro, and Paris. In some cases as in Rio-de-janeiro, the Government appointee

combines in himself the role of the Chief Executive Officer as well as the President (Mayor) of the elected council.

(6) *Elected Mayor as Executive :*

A Mayor elected by the whole electorate exercises executive power in this system. The system embodies the twin doctrines of separation of power and popular choice of executive. There are two sub-types in the system—(i) the “Strong Mayor” type obtaining in New York in which the Mayor exercises considerable powers and (ii) the “Weak Mayor” type in which his powers are comparatively limited—Los Angeles is a typical example of this system.

None of these six types obtains in a pure form in the Bombay State and probably anywhere in this country. By and large two types of executive have evolved. The first is the system obtaining in cities like Bombay which have a Chief Executive Officer called Municipal Commissioner appointed by Government. This is not, however, purely an executive of type (5) referred to above, because, in addition to the Commissioner, there are also certain statutory committees of the Corporation such as the Standing Committee, the B.E.S.T. Committee and the Improvement Committee which exercise certain powers including power to sanction contracts. Even cheques are required to be countersigned by a member of the Standing Committee. The Municipal Council also exercises certain powers of appointment which are essentially executive. It should also be noted that the Municipal Commissioner has to function within the framework of the policies laid down and the funds sanctioned by the elected council. Even in spheres which can be considered exclusively within his purview, it is not easy for him to ignore the wishes of the Council. The cases of conflicts and differences between the Council and Commissioner are therefore rare. Further, the Council can demand the removal of the Municipal Commissioner and if such a resolution is supported by 5/8ths of the whole number of councillors, the State Government is bound to recall the Commissioner.

We need not go into the historical evolution of this system; but it must be noted that the system owes much to the healthy attitude adopted by the old city fathers, particularly Sir Pherozshah Mehta who was a strong supporter of the system. According to him—

“the municipal council is not to administer and govern for which it is radically unfit, but has to fulfil its proper function to watch and control the executive Government, to throw the light of publicity on all its acts, to compel a full exposition and justification of all of them which anyone condemnable, and if the men, who compose the executive, abuse their trust or fulfil it in a manner, which conflicts with the deliberate sense of the people, to expel them from office.”

Further, in his opinion, the vesting of executive authority in a municipal council—

“would have been to substitute in the place of the responsible executive officer, a heterogeneous body of men equally powerful, men incapable and difficult of being controlled and with their responsibility so attenuated by division and sub-division, as to render them practically and really entirely irresponsible.... It would be a retrogressive step, plunging the municipality into a gulf of mismanagement, insufficiency and jobbery such as the wildest rumours have not dreamed of.... The only safe and efficient way of disposing of the executive authority is to vest

it in a single responsible officer controlled by a representative assembly. Town councils with executive powers would only prove centres of inefficiency and jobbery."

These words are just as true today as they were in the days of Sir Pherozshah Mehta—or probably more. With the crystallisation of political parties during recent years, the cleavages in local bodies are becoming sharper and are mostly along party lines. It is also our experience that these are not stable parties having any specific ideology or programme and continuous efforts are therefore made (desirable and undesirable) to make some members change sides. This results in deadlocks and inefficiency. In such circumstances, the administration of executive functions by a council controlled by a party or faction may degenerate into a "spoils" system. An independent detached executive which can execute policies laid down by the elected council without any hope of favour or fear of victimisation, is therefore all the more necessary for local bodies today. In recent years, therefore, an increasing number of cities—the latest being Delhi—have been adopting this system. In the pre-Reorganisation Bombay State the system was extended to the cities of Poona and Ahmedabad and the tremendous improvement and development in these cities since the establishment of corporations is sufficient testimony to the soundness and efficacy of the system. The absence of an independent executive is one of the factors responsible for the inefficiency of many of our local bodies in the mofussil.

The system may not satisfy puristic supporters of local self-government, but it has stood the test of time and is best suited to the circumstances obtaining in this country.

Recently, a conference of Mayors at Hyderabad has recommended that Mayors should hereafter be invested with executive powers. But this does not seem feasible under the existing circumstances. It should also be noted that despite the lack of executive powers, the Bombay Municipal Corporation has attracted some of the best talents in the City.

Quite a different system of executive administration has evolved in the mofussil municipalities. To start with, these municipalities consisted entirely of nominated members with a Government official as President or Chairman who also looked to the executive side of work. In such a state of affairs, there could not probably be much scope for any conflict between the executive and the Council. Towards the end of the last century, there was a trend towards an increase in the elected element and the system of elected President. The elected non-official President did not have sufficient time or experience to attend to the day-to-day work; and the Bombay District Municipal Act, 1901 and later the Bombay Municipal Boroughs Act, 1925, therefore, made a provision for the appointment of a separate executive officer for the bigger municipalities as the executive work was getting too complex and continuous for the President. The executive officer, called the Chief Officer, is appointed by the municipality and performs most of the executive work *subject to the general control and supervision of the President*. He has also certain limited independent executive powers conferred by the Act or delegated by the Municipal Council. He can be removed by the vote of at least two-thirds of the whole number of councillors. (Later on it was found that this provision made the Chief Officer almost irremovable and a provision was therefore introduced in the Bombay Municipal Boroughs Act, 1925, empowering the State Government to remove the Chief Officer on a simple resolution passed by the municipality.)

In later years, some other States adopted this system of a statutory executive authority—some of them adopted it as late as in 1933.

Executive power is also administered in the mofussil municipalities in two other ways. The first is through committees. This conforms more or less to type (1) described above, *i.e.*, executive government by the municipality itself. In England, such committees play a very important part in executive administration, and an attempt was therefore made to transplant the system on the Indian soil; but it appears that except in the pre-Reorganisation Bombay State, committees have not been able to do much useful work in India. In Bombay, on the other hand, the existence of numerous committees has proved a source of hindrance to efficient and speedy administration and the Local Self-Government Committee, 1939 (Kale Committee) recommended the concentration of all work in a single Standing Committee.

Finally, the President himself exercises considerable executive powers particularly in the smaller municipalities where there is no statutory executive officer. Even where Chief Officers are provided for, they are supposed to work under the general control and supervision of the President. This is probably a vestige of the days before the appointment of a separate executive officer, when the *ex officio* Chairman was also the head of the executive. In recent years, some States like Madhya Pradesh have tried the experiment of a "Strong President" elected by the direct vote of the electorate and invested with several executive powers. Experience shows, however, that this leads to frequent conflicts between the President and the Council resulting in deadlocks and consequent dissolution of the Council. So far as the Madhya Pradesh areas merged in the Bombay State are concerned, we had to amend the C.P. and Berar Municipalities Act, 1922 to do away with this system of Presidents elected by the direct vote of the whole electorate.

At present, therefore, the executive in mofussil municipalities is of a mixed type the powers being exercised partly by the Council itself, partly by the President and partly by the Chief Officer. The brunt of the executive work is, however, borne by the Chief Officer and most of the shortcomings of municipal administration can be attributed to the presence of an inefficient Chief Officer or a Chief Officer who is unable to act independently. It is true that the Municipal Acts do provide some safeguard in so far as he cannot be removed except—

- (i) by the municipality on a resolution supported by two-thirds of the whole number of councillors; or
- (ii) by the State Government on a simple resolution by the municipality.

Despite these safeguards, his position is not very secure and he has often to perform a tight rope performance between the two opposing parties in a municipality. Often the Chief Officer himself enters the arena and tries to play off one party against the other. An executive dependent on a Chief Officer appointed by the municipality and who can be removed by the municipality has not, therefore, proved very successful. In recent years, several committees such as (1) the Administrative Enquiry Committee, Bombay (1948), (2) the Local Finance Enquiry Committee, (1950), (3) the Taxation Finance Enquiry Commission (1953-54), and (4) the Punjab Local Government (Urban) Enquiry Committee, (1957) have all recommended the separation of executive and deliberative functions through the constitution of centralised cadres of executive officers.

POLITICAL DEMOCRACY AND ADMINISTRATIVE EFFICIENCY IN CITY GOVERNMENT

(SHRI GURBACHAN SINGH BAJWA, M.L.A., Formerly, Minister for Local Self-Government, Punjab)

In the present democratic set-up of the governmental structure, with an adult franchise as the base, the elected body is, no doubt, desired to be the repository of all authority but the necessity of an efficient executive, to carry out the decisions of the popularly elected body, needs no emphasis. Self-Government must mean good and efficient government for the people. With a Republican Constitution while it is necessary to maintain the sovereignty of the people and the administrative machinery is required to work in a spirit of service to the people, it is equally necessary that the chosen representatives of the sovereign body do not try to govern by authority and that they do not unnecessarily interfere in the day-to-day working of the administration so as to result in the lack of initiative on the part of services and their ultimate demoralisation and inefficiency.

The question, therefore, often arises, especially in the working of the city governments and other local bodies as to what should be the relationship between the deliberative body and the executive? Should the Executive whose only function is to carry out the resolutions of the elected deliberative body, be totally independent of it without any sort of control over it by that body? Or should it be completely under the control of the deliberative body?

The first course, that the executive should be completely independent of the elected body, is bound to lead to constant friction between the two bodies which may result in bringing the whole machinery to a complete standstill while the second course *viz.* the executive being completely under the control of the deliberative body, may lead to unnecessary interference by the elected members in the day-to-day working of the administration resulting in lack of initiative and the demoralization of the services and thus ultimately resulting in inefficiency.

Any consideration, therefore, of the subject of relationship between the executive and the deliberative body especially in the context of city government must bring forth a conflict between the political democracy and administrative efficiency. To achieve both these ends, it is highly desirable that those who have the authority must know how to use it, not for their selfish and personal ends but for the general public good. They should be men of integrity with high moral standards and good administrative ability. And those who have to execute the wishes of the authority must know that they have to do it in a spirit of service and cooperation. They have not only to carry out the orders to the letters but to the very intention with which they are made. They should be men of experience who should be able to devote the whole of their time towards their responsibility to efficiently execute the wishes of the elected body without any fear or favour.

In democracy, with adult franchise, it is not possible to lay down any qualifications for an elected representative without coming into conflict with the fundamental rights of the electors, and without that it is difficult to expect that a majority of the elected representatives will be good administrators. Popularity and good administrative ability going hand in hand is a rare occasion. Rather a good administrator has more chances of incurring unpopularity. Without a proper background, sometime with the personal, selfish or group interests working at the back and on the pretext of a desire to help his electors to the maximum, the tendency in the present day elected

representatives is to interfere more and more into the day-to-day working of the administration. There are lack of initiative and loss of interest in their work by the services and their dependence for their existence in their jobs not upon their own ability and capacity to work but upon anyhow securing the support of this or that elected representative who could bring pressure upon the person in authority. The effect of all this is the growing demoralization of the administrative machinery and the resultant inefficiency of the executive. This effect is more demonstratively felt in the city administration where both the scope of getting experienced personnel and the sphere of work are limited.

Whether the power vests in the president or some other elected sub-committee so long as the authority given them depends upon the majority vote behind, the danger of unnecessary interference at the cost of efficiency will always remain. No president or any other body, howsoever their policies be calculated to promote civic welfare and have the support of the general public, desirous of remaining in their place of authority, can afford to displease their supporters in the main body. The office of authority, therefore, becomes a pawn in the game of group factions and party politics. And if the services also unfortunately join such group factions, no improvements can be brought about and no development plans can work.

To reorganise the city administration and to remould the law relating to municipalities so as to bring it in conformity with the spirit of the present day set-up of Government under the changed circumstances, the Punjab Government appointed a committee consisting of officials and non-officials, with the Minister in charge of Local Self-Government as its Chairman in December 1954. The Committee considered at length the question of relationship between the executive and the elected deliberative councils in the various local bodies. The Committee visited the important municipal committees within the State as well as in the States of Madras, Mysore, Travancore-Cochin, Hyderabad and Bombay and discussed this question with the elected representatives as well as with the officials and executive heads of those bodies. The majority of those whom the Committee examined and consulted was of the opinion that while in conformity with the spirit of democratic functioning of these elected city councils they should be in complete control of all the affairs of the local body whether deliberative or executive. The functions of the deliberative body and its executive should be clearly demarcated so as to ensure least interference into the day-to-day working and efficiently carrying out of the policies and programmes of the council by the executive. While the council should have (a) complete policy control, (b) full and overall financial control it should have itself or through the authority to whom it delegates its powers, only a supervisory control over the executive whom it should guide and co-operate with wherever necessary. While the council's work mainly should be to deliberate and formulate policies and schemes for development for the greatest good of the people at large, the day-to-day working in order to execute those policies and programmes of the council should be left to a Chief Municipal Officer who should be the head of the whole municipal staff. The qualifications of such an officer should be fixed by the council and he should be appointed by some such independent body as the Public Service Commission etc., and he may be removable by a certain fixed majority say, 2/3rd or 3/4th. But after appointment he should be made responsible for carrying out the decisions of the council through his staff who should be responsible to him. The President of the council should have a right to write remark in the character roll of the officer and some of the decisions of such officer may be made appealable to the President or the council who should have power to call for any paper from any head of a department through the Chief Officer but subject to such supervisory and overall control. The Chief Officer should be allowed a sufficient amount of freedom to control his subordinates and get work from them so as to ensure discipline and efficiency.

ROLE OF THE EXECUTIVE IN CITY GOVERNMENT

(Prepared in the Institute)

The line separating deliberative agency from the executive one is very thin. The subject-matter is of great significance at all levels of government and for all times, in every part of the world. Much thought has been given to it by politicians, legislators, administrators and political philosophers. Due to obvious reasons, the subject is of a controversial nature and does not permit statement of concrete facts and figures. It deals with subjective feelings, experiences and difficulties on both the sides. The object is to know whether the separation of these functions has worked well, what difficulties, if any, arise and why; and whether there are any suggestions for overcoming the difficulties, if any of them are of a valid character.

Municipal government is a matter of administration of civic problems. It is necessary that it is manned by skilled and technically qualified personnel in order to grapple with the day-to-day problems quickly and effectively. The matter is of great importance at the local level, perhaps more than at the higher levels of government. As a result of this, it requires that a larger area is separated from politics or political controls—an area where specialisation and permanence of tenure are desirable. The types of city government may be classified according to the character of the executive. On the one side, there is the need for a strong executive, responsible to the deliberative agency, and on the other, of an enlightened deliberative agency watchful over its executive counterpart. The methods of control by a deliberative agency of the executive authority include a variety of practices, by the several agencies of control. The political parties, pressure groups, vested interests, unions and associations have their own techniques for controlling administration. Efforts are made to maintain control of the local administration either by the direct action of the electorate or by their representatives being placed on the Standing and sub-committees. In the local sphere much depends upon the exact relationship between the executive and deliberative agencies. If the executive is wholly or in part an appointee of the State Government, able to impose its authority on the elected councils, the very essentials of local self-government are not fulfilled. Moreover, when an executive is given a completely free hand for administrative functions and duties, the process of local self-government cannot be educative and enlightening to the citizens.

Although there is a wide sphere of purely professional and technical practice on the one hand and of administration and management on the other, in which the deliberative agency is well advised not to interfere, but to judge its executives by their actions and results, it cannot be forgotten that full responsibility for all branches of work, policy, execution and administration is being taken by an ordinary citizen and elected councillors. And it is impossible for them to be indifferent to or disinterested in the activities of its executive officers. Moreover there is a middle sphere between pure "execution" and pure "deliberation" which is not always capable of easy definition or demarcation and in which executive officers should act in close consultation with the responsible elected representatives. The elected representatives should decide policy while officials should give advice and implement decisions. The officials should be non-political and their recruitment and promotion should be on the basis of suitability for the position, and not because of party political sympathy. The local officer should be responsible to his own authority. Broad questions of policy must be determined by the deliberative authority leaving the executive a reasonable measure of latitude to administer within the policy

so determined. Where such delegation or separation of functions has taken place, there must not be undue delay on the part of the other side in dealing with any subject-matter referred by one to the other. Whether delegation of a function is deemed appropriate, the degree of delegation should vary according to the individual function in question, and also vary according to the characteristics of the local body concerned. In most of the local bodies the general flow of important business is upward from departments to Committees, and in the more important matters from Committees to Council. In large cities, the Council becomes an organ of control and authority rather than a body which in its meetings as a full assembly initiates activity or administers directly.

H.J. Laski writing about the relations between the elected amateur and the expert official says : "On the whole, and granted a right relation between the elected representative and the expert, I think it probable that the classic model of Anglo-American has the largest advantage on its side. It ensures a direct and continuous relation between government and public opinion. (The Anglo-American system, on the other hand, has retained omnipotence in policy for the elected amateur; and the expert official has been like the King in the English Constitution, a person who may advise and encourage and warn, but cannot pass beyond counsel into the self-determined exercise of power. The American system of commission government, in which a small elected body, usually of some half-dozen persons, devote their whole time to oversight of the expert administrator seems to be a compromise between the English and the German methods.) It breaks the rigidity of outlook to which the professional mind is too often prone. It prevents the assumption, not uncommon with the expert, that he possesses a technical competence about which amateur opinion is simply irrelevant. And most of the dangers implicit in control by the untrained amateur can, I think, be obviated by proper use of the expert and by the fact that as service on local government bodies becomes more and more a full-time paid service, there will be greater opportunity for the disappearance of the amateur who remains incompetent. Largely, of course, the relationship between the elected member and the expert is not susceptible of definition; it is a habit of mind, a tradition, which can be recognized when seen, but eludes the printed word. We know that it is not the relation between Mr. Nupkins and his clerk; and it is not relation of overwhelming dominance which, on occasion, has been the characteristic of an English town-clerk near the age of retirement. But anyone who has seen an English municipal body at work will have realised that the whole difference between efficient and inefficient administration lies in the creative use of officials by elected persons."¹

Further he says : "We can, fairly easily organize room for this creativeness in the structure here envisaged. Local administration is largely government by committee; there, above all, is found the centre where policy is finally determined. We can, I think, transform the composition of these committees so as to ensure that expert opinion carries its full weight. Each committee should be compelled to co-opt to membership representatives of the vocations allied to their work. The latter could not, of course, vote; but they would speak, and they would see to it that the officials were allowed a full opportunity to develop their plans. We should then have teachers on the education committee; doctors and dentists and nurses on the health committee; architects, surveyors, building operatives on the housing committee; accountants on the finance committee; representatives of the local Trades Council and the Chamber of Commerce on the establishment committee; these would, I think, bend the energies of the council to the proper appreciation of technical competence. They would also provide a link between the elected body and its advisory committees of great value

¹ Harold J. Laski, *A Grammar of Politics*, George Allen & Unwin Ltd., London, 1951, p. 424.

for they would be able to trace, as the public cannot now trace, the real responsibility for lack of constructive thought in administration. An official, so bulwarked, who could not get adequate consideration for his ideas would either be a genius so far ahead of his time as to invite misapprehension, or a man not competent for his task. For it is not the least part of the expert's function to be able to make plain the importance of his conclusions. It is not part of his duty to play the Cassandra in local government."²

'If, therefore, the administrative machinery of a municipality is to run on sound lines, keeping a continuity of policy in regard to its administration, irrespective of the party which may capture the council and wield power for the time being, it is both essential and advisable to organise an executive machinery so as to strengthen the executive head; he must have facilities to run the municipal administration smoothly and efficiently at all times. To attain this end, the officers forming the executive machinery of the municipality should be so organised that the head of the department will have certain powers in his own sphere of action, subject of course, to the overriding condition that all actions of the executive machinery will be directed towards implementing the policies and programmes of the council and the chairman. While the chairman as the executive head, may, no doubt, have powers over the executive officers of the several departments in the municipality working under him; it should be possible for these departmental officers to discharge their individual duties and responsibilities to be prescribed by the Government without let or hindrance, so that rules and regulations laid down in the interest of efficient working of the municipal administration may always be implicitly followed and the necessary advice in regard to such rules and regulations is always made available to the chairman."³

The system of local self-government in urban areas is in need of urgent reform; the case for representative local self-government is the case for democracy. The existing structure is no longer suitable for modern requirements. In view of the fact that the local self-government has become responsible for such new and increased duties as public health, community welfare, town planning and fire services, it is essential that the schemes for the decentralisation of these of the new services involving a substantial amount of detailed administration are put into operation.

II

In municipal system, the deliberative agency at its fortnightly or weekly meetings cannot supervise adequately a fraction of the decisions for which it is responsible, and so the demand has arisen that its authority should be delegated and decentralised. Such delegation attempts to secure speed, economy and efficiency in administration at the expense of some loss of democratic control in so far as the elected representative may be less able to influence details of administration.

There is full constitutional liberty for individual councillors to raise matters in the Council; and it is important to note that, although the role of the Council may be to concern itself mainly with the major issues of finance and policy, it is authorized to enforce its judgment through statutory committees. These committees work on the basis of the factual surveys and analyses presented by the executives for their consideration.

The deliberative agency sets up a number of sub-committees, special committees or *ad hoc* committees, which are responsible, within limits, for the administration of

² *Ibid* pp. 424-5.

³ *White Paper on the Reform of Local Administration in Madras*, 1953, pp. 83-84.

a particular service in a particular field. Usually, the majority of members of these statutory committees are nominated by the deliberative agency. There are, however, some persons associated with these sub-committees, on account of their expertise knowledge or skill in a particular field. They exercise a varying amount of discretion in their day-to-day deliberations. These committees are the principal agencies through which elected council as a whole maintains its supervision over the officers and to which the officer in turn goes with his problems and suggestions.

Despite the statements made to the contrary, the national or state political parties exert greater influence upon the activities and relations of the deliberative agencies at the local level. The pattern of hierarchical control from national to local level is crucial because it helps to determine to what extent a citizen responds to a particular political programme. A special Magistrate recently appointed by a certain State Government, to inquire into the affairs of a Municipal Committee, observed in his concluding remarks :

“I must say that the Municipal Committee is in a very sorry state of affairs. The staff is thoroughly demoralized because of too much interference by the municipal councillors in their day-to-day work. They are more keen to dance attendance on the councillors and to perform undue favours to their friends and relatives rather than to do their work properly.”

The statutory committees set up by a municipal council have virtually become centres of power and authority in which groups and individuals operate with considerable effect upon the formulation of policy. The councillors would perhaps rather aim for the posts on these committees for themselves than curb or abolish them even when other circumstances favour their abolition. They as members of these committees get preferential treatment while making requests. The heads of the municipal departments will try their utmost to accommodate at the cost of some inconveniences and disturbances. The chairmen of these committees obtain unusual access to the heads of the departments and to their office records. They become the channels through which the operations and needs of these heads of the departments are projected before the entire council. Consequently, the decentralized structure of local self-government allows its chairman to challenge the executive agency for the primary loyalty of its subordinates.

It is, therefore, of great significance to ensure that the character and volume of work devolving upon the committees will afford ample scope for the maintenance and development of local interest and enthusiasm on the part of members both elected as well as nominated and the executive heads in this important field of public administration.

With the rise of democracy and industrialism, any effort to define the duties and activities of the executive agency in such a detailed manner as to make administration almost a matter of mechanical and compulsory routine, is out of date. What is needed is confidence in the executive agency by the deliberative, leading to the grant of broader discretionary powers. It is possible to say, on the one hand, that the responsibility for framing a policy cannot appropriately be entrusted to the executive agency; on the other that the scope of the executive agency should not be so narrowly defined as to take away from the executive its capacity to achieve effectively the purposes of its creation. However, it is not desirable that the executive agency is confined merely to the role of executants of a policy, initiated by the part-time amateurs. “The official must be the mainspring of the new society; suggesting, promoting, advising, at every stage. The time when the amateur control is all wise for either seeing or saying what ought to be done, and the official’s job is merely to do what he is told, is now completely past,

Only the skilled and trained official can really be relied upon to keep continuity, system, impartial interpretation, tradition, and disinterested impetus.”⁴

Advocating the cause of the executive agency in making its contribution in the municipal affairs, J.H. Warren says: “There is, indeed, a wide recognition in the world of Local Government of the officers’ right to advise on policy. In the most progressive Local Authorities the Officers are expected to do this. It is obviously only the officer, spending his daily life at the centre of the Local Authority’s activities, who can measure the impact of the Local Authority’s existing policies; who can know the resources of the Local Authority so intimately as to be able to measure their adequacy in conditions of change and growth; whose knowledge of the services is so close, and whose experience so well bedded down, as to make foresight possible; whose conspectus of needs can lead to long-term policies, in which the many-sided requirements of a place are brought into balance and proportion. All this is not to say that the expert’s view is invariably right. It is in fact one of the virtues of the Local Government administrative system, as distinct from many others, that it provides so many opportunities for testing the expert’s advice and discussing it with him, for correcting his tendency to be obsessed by questions of technique and for examining his conception of means in the clearer perspective of ends to often possessed by the intelligent layman. Nor does anything we have said or quoted imply that the Local Authority which welcomes advice on policy from its officers, or accords them a large degree of initiative, relinquishes its own control. Local Government Officers are not unaccustomed to having their more ambitious policies rejected, and it belongs to their professional code of conduct to apply a policy with which they may personally disagree as loyally as if it were their own. Against the type of critic who alleges that energetic officers, jealous for the efficiency of “their” services, ambitious for the progress of these services, and whose advice carried the weight of high ability, are a menace to democratic government because of their influence over policy, it may be urged that it is precisely officers of this kind who usually elaborate in the most effective way the instruments by which the Council is enabled to exercise its essential controls over both administration and policy. It is, for example, able Town Clerks who have worked out most elaborately and effectively the Standing Orders which secure a Council’s control over its committee and its departments. It was able Town Clerks and Treasurers who jointly perfected the rudimentary system of budgetary and financial control; and it was able Treasurers who demonstrated the virtues of costing systems as instruments of management for both committees and departmental heads, and perfected the systems in vogue”.⁵

In big cities, there is a marked tendency, in the machinery of local self-government, to fix responsibility on individual executives over a very large field but subject to the intervention or veto of several other responsible bodies or persons. This naturally multiplies the complications of the matter. Example might be taken from the machinery of a town planning department, or electric supply or water supply. It is very difficult to produce positive results under such a form of responsibility; to secure negative ones is very much easier.

The executive agency has lost its initiative and its capacity to make independent decisions as a result of interference from above and the unwillingness of those below it to respect its authority. Unrestrained criticism by the deliberative agency has also helped to undermine the executive agency’s prestige. That the deliberative authority

⁴ Inaugural Presidential Address to the Royal Institute of Public Administration, 1938.

⁵ J.H. Warren, *The English Local Government System*, George Allen & Unwin Ltd., London, 1953, p. 92.

backed by the political parties has no respect for the executive agency and *vice versa* is true to a great extent.

If an executive comes to influence policy with a varied group of councillors changing at successive elections, it must in the long run be through personality, ability and knowledge. Moreover, the very absence of independent power in the executive forces him to exert his influence by tact, knowledge, argument, and persuasion. The permanent contact which the executive agency has with the deliberative body's work renders his advice invaluable.

III

In U.S.A.

In U.S.A., the form of local government has direct bearing on the relations between the legislative and the executive agencies. The council's control of executive agency is stronger in the commission and the council manager governed cities. Also, it is stronger in the weak-mayor form of government where the council asserts its supremacy over the mayor and over the executive agency by its control of fiscal and administrative matters.

'Under the strong mayor form, the city council is presumed to confine itself to legislative duties, leaving the power to appoint and remove most departmental heads to the Mayor. In the council-manager form, the manager is the former's servant, to keep it fully informed and to follow the policy laid down by it. These obligations of the manager to the council are extremely important. Yet council-manager government cannot operate unless the Council reciprocates by permitting the manager to function as chief administrative officer in spirit as well as in letter. In the first place, the council should have absolutely no part in the selection of the manager's subordinates. Some city charters go so far as to make it a criminal offence for a council man even to suggest the name of a candidate for a position.... Some managers have solved their relationship with the council by framing a written statement of the division of functions between them.'⁶

In 1894, the American National Conference on City Government laid down certain basic principles which should apply in honest and efficient administration on the one side and the relation between the two agencies of the city government on the other :

- (1) Urban communities should be granted full rights of self-government by the states;
- (2) Democratic principles and practices should prevail in city rule;
- (3) City property and franchises should be protected against political and private utility grafters;
- (4) Municipal government should be placed directly in the hands of experts;
- (5) These experts should be made subject to popular control; and
- (6) To make this feasible and practical, adequate popular checks upon city administration must be set up.

The outstanding products of this movement for expert, but democratic, city government have been the commission form of city government, the city manager system and the civil service standards of city officials. Out of this conference grew the National Municipal League, which has since been a driving force in the improvement of urban administration.

⁶ Pfiffner, *Municipal Administration*, Ronald, 1940, p. 46,

Generally, the methods adopted by the deliberative agency to control the executive agency are : by the budget appropriations and audit; by formulating major policy matters and allocating duties of the executive agencies; framing rules and regulations; and finally by asking annual reports and information in accordance with the Acts and holding enquiries and investigations administrative behaviour.

In U.S.A., cities have made wide use of the civil service system in seeking to improve the honesty and efficiency of city officials. But the enormous metropolitan budgets, with their potentialities for political graft and manipulation, have made it difficult in many cities to maintain an efficient civil service procedure.* The authority to whom powers are referred must possess sufficient financial resources and adequate staff to enable it effectively to exercise the powers referred to it. However, the expenditure must be based on estimates which must not be exceeded or departed from without the prior consent of the deliberative authority. Subject to this, estimates should be submitted by the executive authority in such form as to enable the deliberative authority to approve with the full knowledge of the purpose of the estimates, without further reference to the executive authority.

Several suggestions are under consideration for solving the problem of isolating municipal affairs from national politics. The first suggestion is that the national political parties should declare municipal programmes as the basis of election for local officers. The second is that local parties should be brought into existence for municipal affairs. And, the third suggestion is that the municipal elections should be held on a non-partisan basis. Nowadays, a sufficient number of cities are conducting their elections under the non-partisan plan.

In France

The French** local authorities are in a real sense organs of the State; they are a part of the hierarchy of administration with special duties. The local authorities are "mediate" organs depending on a constitutional authority for their grant of power. A higher authority either the Parliament or the Executive is competent to change the terms of reference of the local authorities. The Executive has its own rights and status with which Parliament cannot interfere except by legislation. There are, therefore, certain fields where local authorities are subject exclusively to the rules and orders laid down by the Executive and its agents.

The Executive has a monopoly of police powers; it alone is entitled to issue orders calculated to enforce or maintain public order; public hygiene and public morality. The Mayor, as a member of the Executive can, therefore, order the repair of unsafe property; the Prefect can decide when the hunting season shall open in his Department.

In French local government system, the Mayor is the Commune's executive; and as such he has a three-fold responsibility. First, he puts into effect the decisions of the *conseil municipal* and is responsible to that body for the way he acts in this respect. Second, the law makes him personally responsible for ensuring the public security, morality and hygiene of the Commune. Third, he has to perform administrative tasks devolved upon him by the State, normally comprising the preparation and compilation of reports, statistics and registers. In the last two cases, he comes under the administrative control of the Prefect, and the *conseil municipal* cannot interfere with his activities.

*H. E. Barnes, *Society in Transition*, Prentice-Hall Inc., New York, 1952, p. 421.

**Brian Chapman, *Introduction to French Local Government*, George Allen & Unwin, London, 1953.

The Mayor and the Prefect are the executive authorities in the Commune and the Department respectively. Some of their powers come to them as heads of the local authorities and others by virtue of their status as state administrators. Although the Prefects have additional police powers which extend beyond the Department in which they are resident, they are not executive agents for the whole Region and their extraordinary police powers are normally exercised only in an emergency.

Every Commune except *Ville de Paris* and the Department of Seine in Paris has a *conseil municipal*, elected by the enfranchised inhabitants of that Commune.

The Mayor of a *conseil municipal* is elected, followed by the Assistant-Mayors, in a full-dressed meeting of the *conseil municipal*. The *conseil municipal* has a free hand in choosing its Mayor and Assistant-Mayors, with two minor exceptions; they must not be members of the state financial administrations, and the Assistant-Mayors must not be employees of the Mayor. The Mayor and the Assistant-Mayors together form the municipalite of the Commune.

Contrary to the English Committee system, there is no history of independent *ad hoc* authorities, with legal status and statutory powers, dealing with specific branches of local services. The *conseil municipal* is the only body recognised. No delegation of function is allowed in local government practice; the *conseil municipal* can never give to another authority its own powers of decision, nor can the execution of communal affairs be entrusted by the Mayor to any other body.

He has the same degree of freedom as regards his financial powers. He alone can prepare the communal budget and what he puts in or leaves out is his entire responsibility. The *conseil municipal*, however, has full powers to amend, reject or approve any item on the budget. In addition, as executive head of the Commune, he is responsible for the discipline and efficiency of communal employees.

All the executive power involves some exercise of discretion and in the case of the Mayor the question is whether his discretion goes so far as to nullify in practice his legal subordination to the *conseil municipal*, or whether the *conseil* can always ultimately insist upon its will being made effective whatever the Mayor personally desires. The answer to this question brings out the subtle relations that can exist between French local authorities.

In the presence of these inherent, explicit or assumed powers of discretion, the Mayor is seldom forced into the position of blank refusal to carry out the *conseil municipal's* decisions. If this does happen, however, the *conseil municipal* can appeal directly to the Prefect to order the Mayor to carry out its orders on the grounds, that his refusal is a breach of duty and as such liable to prefectoral intervention..... Alternatively, if the Mayor oversteps his authority the *conseil municipal* can appeal to the law. It may show that the Mayor has acted *ultra vires*, and the administrative courts will then annul the Mayor's decision. Or, if the Mayor has gone much too far, the *conseil municipal* can claim compensation from the Mayor personally.

In a general statute for communal officials, the Law of April 28, 1952, equivalent status has been established between state, departmental and communal officials: for instance, by 1948, a Secretary-General of a Commune of from 40,000 to 80,000 inhabitants ranked with an *attache* of a prefecture, and the Secretary-General of a Commune of from 10,000 to 20,000 inhabitants ranked with an *attache* of a prefecture.

By 1948, the pay and recruitment of communal officials has been to some extent standardised. The General Statute of 1952 laid down a general pattern of pay, recruitment, discipline and conditions of employment, for all permanent communal officials. The law introduces two important structural changes in communal

administration. First, new advisory councils, composed of municipal councillors and communal officials, have been set up to advise *conseil municipal* on staff matters. Second, all Communes employing fewer than 40 permanent officials are compelled to belong to a *syndicat intercommunal*, which will have a joint advisory council to advise the *bureau* of the *syndicat* on this subject. The disciplinary councils have been strengthened. Where such a council covers several Communes it is composed of three Mayors and three communal officials and where it deals with a single large-commune, it has three municipal councillors, and three communal officials.

Except the clerical and manual staff, all the officials for the Department are drawn from the national cadres of the Prefectures, the *Chefs de division*, attaches, and *secretaries administratifs*. It is the only instance of itself that the municipal administration in a particular country is being carried by state officials.

In U.K.

The Mayor or the Lord Mayor is elected by the council for a term of one year. He presides over council meetings and he takes a leading place in the ceremonial and public affairs of the locality. He provides a link between the system of local government and the system of administering justice. He is by virtue of his office a justice of the peace. He may appoint a deputy mayor from amongst the councillors. In metropolitan boroughs the deputy mayor is appointed by the borough council.

No member of the Council has any right to give instructions or to purport to give instructions to an officer. The Council as a whole is alone responsible for the directions to be given to officers and if it delegates such functions, must delegate them to a committee, which again is a collective body. Nor has any individual councillor the right to inspect the work of officers or inspect institutions and plants etc., which the Council own and manage. Officials must be ready to consider suggestions made by individual members and to give them ministerial aid in formulating their proposals for consideration by the appropriate committee; but they cannot take instruction from individuals, and their responsibility is to the Council or Committee as a whole.

All the above considerations apply to Chairmen of Committees no less than other individual members of the Council. They have no legal powers to direct the heads of the departments, nor are they themselves executive chiefs. Although the law requires the appointment of certain statutory committees but these do not possess powers to make final decisions or to act on behalf of the Council. The method of dealing with the municipal affairs through the medium of Committees is a special feature of the English Local Government system and it has been developed to an unusual degree. When the Council is dealing with recommendation from a committee, the Council always has a free hand. If the amount of work to be done by any committee is very excessive, a convenient course is to appoint sub-committees to deal with it. The Chairman of a Committee is understood to have responsibility for its decisions.

Local government officers are employees of the local council and derive their powers and functions from the council. Their tenure of office is fixed by a resolution of the council, or perhaps in practice by the decision of a single committee. In practice, of course, the discretionary powers of the local government officers are strictly limited. In dealing with any important question, they must, as a matter of rule, postpone action until a Committee or the Council has given them necessary instructions in this regard. They can show initiative only by making suggestions to their committee. It is the committee, not the official, which is held responsible for any success or failure of administration.

To some extent, the appointments made by a local authority and the placement of employees into the departments, corresponds with the committee structure. For instance, the Education and Finance Committees will have the education officer and the accountant. The officers of the council have a duty to advise the committees and to implement their decisions.

The Parliament has imposed upon all local government bodies, above the level of parish authorities, the direct duty of appointing certain officers. Every county-borough and county district council must appoint a clerk, treasurer, medical officer of health and surveyor. Borough and county district councils must each appoint at least one sanitary inspector. Deputies to the holders of these compulsory appointments may be appointed. Each local council is master of its own staff. The Central Government can intervene in limited cases; the salary, qualifications and general duties may be laid down by a Minister of Central Government. The actual choice however, rests with the local authority. Except in a few cases, the local authority is empowered to decide the matters relating to personnel administration of a local authority. Except in a few cases, the local authority is empowered to decide the matters relating to personnel administration of a local authority. It has a right to discuss any staff matter but it may be done privately when the council should go into committee. In respect of certain above-mentioned appointments, the holders may not be dismissed without the prior consent of the Central Government.

In the words of W. Eric Jackson, 'The local government officer, like any other employee, is bound by the rules of law implicit in the relationship of master and servant. He must render to his employing authority true and loyal service, obey their reasonable and lawful instructions, and avoid the temptation of bribery and corruption. By reason of his employment in a public service the law places upon him certain special obligations. Every local government officer has a statutory duty to account properly for all moneys and property committed to his charge. Every local authority is required to arrange for appropriate security to be given for the faithful execution of the duties of all their officers who are likely to be entrusted, in the course of their duties, with the custody or control of money.'⁷

In London, every committee of the London County Council is advised by the chief officer of the department or departments responsible for conducting the service with which they are concerned. A clear distinction is made between the sphere of a committee on the one hand, and that of paid officials of the council on the other. Policy is for the former; execution of policy for the latter. Thus, the health committee is advised by the education officer, the fire brigade committee by the chief officer of the London Fire Brigade, and so forth. In addition to these 'service' aspects, there are 'functional' aspects of the business coming before committees on which advice will be often sought from other departments. Thus, the architect will advise the education committee on the design of school buildings, and the medical officer will advise the restaurants and catering committee on matters of hygiene in regard to food. Each chief officer, with the exception of the clerk to the council and the comptroller, is both the head of a service and also responsible for a function which enters into other services.

'The chief officers—and, indeed, the whole official staff—maintain a strictly non-political attitude towards the work of the council. All members of the council, whatever their political party, can rely with confidence on the complete loyalty and obedience of the official staff to the council and its declared policies. Every party

⁷ William A. Robson, *Great Cities of the World*, George Allen and Unwin Ltd., London, 1954, p. 271.

knows that if by obtaining a majority it can determine policy on the council and on its committees, it will obtain the genuine co-operation of the staff in implementing that policy. When it is remembered that the council is composed of politicians who are usually not specialists in the matters for which the council is responsible, the importance of maintaining a satisfactory relationship between the elected and bureaucratic elements is obvious.'

IV

In India

Local Self-Government is a State subject in the Constitution of India. The local authorities are created by the authority of law; there are separate enactments for municipal corporations, municipal bodies, district boards and village panchayats. In every State, there are specific Acts for all types of local authorities. These bodies do not have inherent powers but derive these powers from the Acts, governing their existence. These have well-defined limits of jurisdiction, population and lastly delegated powers. Consequently, these authorities have no rights or powers which are beyond the cancellation, modification and confirmation of the State Governments.

A hard and fast rule governing the relations between the deliberative and executive agencies would be impracticable in the presence of multiplicity of Acts, rules and regulations. In the municipal bodies, the office of the chairman of the municipal council has had a variegated history. He carries the power and duty not only of presiding over the meetings of the council but also of carrying on the executive administration of the municipal body. The chairmen now are mostly elected in general, by the councillors with a term of office for one year. They are assisted by vice-presidents or vice-chairmen and a number of statutory sub-committees in the day-to-day municipal affairs. According to "The Mysore Town Municipalities Act, 1951" the president of a municipal council is required to perform the following duties :

- (i) to preside at all meetings of the municipal council and to regulate the conduct of business;
- (ii) to watch over the financial and executive administration of the council;
- (iii) to perform all duties and exercise all powers in accordance with the Act;
- (iv) to exercise supervision and control over the acts and proceedings of all officers and servants of the municipal council;
- (v) to furnish to the Commissioner for Local Self-Government all necessary information.

Further, the Act provides the municipal council may constitute committees for the purpose of exercising certain delegated powers and functions. Also, the municipal council may appoint individual councillors or committees to enquire into and report or advise on any matters which it may refer to them.

The Assam Municipal Act, 1956, vests certain emergency empowers to direct the execution of any work or the doing of any act which is necessary in his opinion for the service or safety of the public. He, of course, has to report the action to the Board, at the earliest. Also, he is authorised to delegate to the Vice-Chairman all or any of the duties and powers of a Chairman, as defined in this Act. The Municipal Board is authorized to determine and appoint the establishment to be employed by it and may fix the salaries and allowances to be paid to such establishment. A Municipal Board may appoint an Executive Officer with the approval of the State

Government. The State Government may, if it finds essential, appoint any persons as such officer in a particular Municipal Board.

Any councillor may call the attention of the proper authority to any neglect in the execution of municipal work and may suggest any essential improvement. Every councillor has the right to interpellate the president and to move resolutions on matters connected with the municipal administration. The State Government may make rules in this regard. Further, every councillor has access to the records of the municipal council, after giving due notice to the president. In certain cases, the president may forbid such access and explain his viewpoint in writing.

In the municipal corporations, the deliberative and executive functions are separated from each other. The deliberative agency consists of the council, mayor, deputy mayor, standing committee and other statutory committees; these are associated with the executive agency in the day-to-day administration. The executive agency includes the municipal commissioner, deputy commissioner, municipal secretary, municipal engineer and health officer.

The council may at any time call for an extract from any proceedings of the Standing Committee or statutory committees. Also, it may require the Municipal Commissioner to produce any record, correspondence, plan or other document. A councillor may, in accordance with the Bombay Municipal Corporation Act, question the Commissioner who is bound to answer any question relating to the municipal government. However, the Commissioner is authorised not to allow a question if, in his opinion, it cannot be answered without detriment to the interests of the corporation. Unless otherwise directed by the Mayor, every question is to be answered by the Commissioner at a meeting of the Corporation. There are also certain restrictions, provided in the Act, in regard to the nature of questions.

The Mayor is elected by the councillors and presides over the meetings of the municipal corporation. The Standing and other statutory committees consist of varying number of councillors and they generally deal with finance, education, public works, public health and sanitation, water supply, town planning and improvements, transport, electricity, etc. The Council is required to frame regulations with a view to determining the powers and duties of each committee. The Standing Committee scrutinises the budget prepared by the municipal commissioner before it is presented to the Corporation. Similarly, other committees scrutinise the proposals and schemes relating to their subject, before they are considered by the Corporation.

The entire executive power for the purpose of carrying out the provisions of a Municipal Corporation Act vests in the Commissioner. In exercising his powers and performing his duties and functions, in accordance with the Act, the Commissioner conforms to such rules, if any, formulated by the Corporation. A Commissioner may be authorised or delegated with any additional powers, duties or functions by the Council, Standing Committee or any other proper authority. In case of any threatened occurrence of any accident or unforeseen calamity, the Commissioner may take such immediate action as he considers necessary. He must report forthwith to the Standing Committee and the Corporation about the action he has taken.

He is responsible for the custody of all records (including in particular all papers and documents connected with the proceedings of the Corporation, Standing and Statutory Committees) and has to arrange for the performance of such duties relating to the proceedings of these bodies as they may respectively impose.

Except in Delhi and Bombay, all municipal officers and servants are subordinate to the Commissioner. In Delhi, the Municipal Secretary and the Municipal Chief

Auditor and in Bombay, the Municipal Secretary along with his secretariat are subject to the control of the Corporation directly.

In Delhi and Bombay, he exercises the powers and performs the duties conferred or imposed by or under the Municipal Acts upon the General Managers (Electricity & Transport) in their absence or on failure by them to exercise or perform the same.

A Municipal Commissioner is appointed by the State Government usually for a minimum period of three years. However, the Corporation exercises control over him and if sixty per cent of the Councillors vote for his removal, he may be removed. He is assisted by a number of deputy commissioners, appointed by the Corporation, with the sanction of the Government. The Corporation also appoints a Municipal Secretary, a City Engineer and a Health Officer. The Commissioner is entrusted with the duty of superintendence and control over the entire staff under the Corporation. He makes appointments to posts carrying a maximum salary of Rs. 500/- per mensem or less and he also prepares the annual budget of the Corporation. Appointments to the posts carrying a salary of Rs. 300/- per mensem or more are required to be made in consultation with the State Public Service Commission.

The arrangement whereby the entire executive power has been vested in the Commissioner, a permanent official appointed by the Government from time to time, while the Corporation and its various committees confine themselves to deliberations has been found to be quite elastic and has also been able to adapt itself to changing circumstances. However, it is now showing signs of strain. The main factor for this state of affairs is the attempt by the holders of certain elected offices, viz. the Mayor, Chairman of the Standing Committee, etc. as well as individual Councillors themselves to appropriate to themselves executive powers. They have been feeling that it would not be sufficient for them to merely represent the grievances of the citizens to be redressed by the executive staff, which used to be the normal procedure previously, but they should be in a position either to redress the grievances themselves or at least order the redressal of the grievances direct. A demand is being made that the Mayor should be vested with executive powers.

Unless the elected representatives establish and scrupulously adhere to the convention that they would not interfere in administration but would confine themselves to representing the needs and grievances which would be attended to by the executive, the system will not properly work. It is feared that any tinkering with the framework by vesting executive powers in the Mayor etc. would only make the system unworkable. There cannot be any compromise between a full-fledged parliamentary type of set-up whereunder the majority party through its leader assumes the entire executive power and a system of division of the executive and deliberative functions. In the smaller municipalities, it is the Chairman or President, elected by the Councillors, that is the executive authority. This has led to many abuses and hence attempts are being made to separate the executive from the elected body.

A Municipal Commissioner of a premier municipal corporation writes :

“The relations between the executive and deliberative agencies have not always been very happy. The Municipal Corporation being of a very recent origin, healthy conventions which play a very important part in the growth and development of a democratic body on proper lines have yet to be built up. With the introduction of the Municipal Corporations Act, the reduction of powers, particularly in regard to appointments, control and discipline of the municipal employees, has led to a feeling of frustration among the councillors (or corporators). The realization that they have

lost most of their powers—powers which they had cherished most—has created a feeling of bitterness amongst those who were accustomed to wield absolute power of appointments and dismissals in earlier days and the result has been that the executive under the Corporation Act, is now looked upon with a certain feeling of distrust and suspicion. With the increasing realization that though the democracy has lost its control over the staff, it still wields many powers which it can use for good of the citizens, these feelings will disappear.

“It is not unnatural that the elected element should not be able to appreciate the vesting of the executive power in one single—executive—authority as it was accustomed for a very long time to use this power itself.

“The separation of the executive and the deliberative functions, as envisaged by the Corporations Act, has not so far worked quite smoothly, but the difficulties arise mainly not from any lacuna in the law or in the system, but from the lack of appreciation of the point of view from which this separation of these two functions has been made. It takes one sometimes naturally to reconcile oneself to loss of power. Unfortunately, therefore, the tendency to override the decisions of the executive in the establishment matters has made itself manifest on a number of occasions. For instance, the Standing Committee in all appeals submitted to it against the orders of dismissals set aside the punishment of dismissal and reinstated the employees concerned in the municipal service after inflicting on them some minor punishment. This is so even in the case of employees who were dismissed on charges of corruption. Perhaps this was due to a sentiment that no body should be deprived of his job but the fact that this sentiment will, in the course of time, seriously affect the efficiency of the administration is lost sight of. Besides, there may have been the feeling that the opportunity to interfere in the executive decisions should be availed of irrespective of its repercussions on the administration.

“The tendencies are of shortlived nature and they will soon cease with the growth of healthy conventions. The system of municipal government, now established, will be found a far more effective and efficient vehicle of municipal activities than the one it has replaced, without being unresponsive to public opinion. The integrity of administration and unity of command would remain inviolate no matter what groups come into power in the municipal corporation and how policies fluctuate.”

SECOND THOUGHTS ON PROBLEMS OF MUNICIPAL RELATIONSHIPS

(Shri 'S. K. GUPTA, I.C.S., Chairman, Calcutta Improvement Trust)

Writing in 1956 in the anniversary issue of the Calcutta Municipal Gazette, I rhapsodized over the excellence of the principle of separation of powers as regards policy-making and administration which was the keynote of the Calcutta Municipal Act, 1951, of which I was part author. Today, somewhat sobered by the manner in which this principle has been put into practice, I have begun to entertain some doubts. In this paper I propose to set down both my initial eulogy and later qualms so that we may balance both and try to see where the true remedy lies:

My eulogy was in part a reaction against some comments made by Dr. W. A. Robson, M.A., D. Litt., Professor of Public Administration in the London School of Economics. In his introduction to *Great Cities of the World* (1st edition, 1954) of which he was editor, commenting on the distribution of powers and functions in Calcutta and a few other cities, he said, "it is a disturbing fact that in no fewer than six cities the executive organ is appointed wholly or partly by the Central Government. Here we have a group of famous cities. where the executive authority is not entrusted to councillors elected by the local body of citizens or to a person or persons chosen by them and responsible to them or to a Mayor or other high officer voted into office." Later on he expressed himself even more vigorously, although with a slight mixing of metaphors: "How comes it that in these vast metropolitan cities with their millions of inhabitants, their high cultural attainments, their relative economic prosperity, their proud history and tradition, their busy industrial and commercial life, the democratic spirit burns at so low an ebb that the aspiration to govern itself which has inspired every great city since the days of ancient Greece has not been achieved? This indeed affords food for reflection, specially if one believes, as the writer does, that without successful self-government in the local sphere a country is unlikely to attain a satisfactory level of self-government at the national level." To differ with Prof. Robson requires courage and may appear to be foolhardy, but I could not help thinking that his analysis was based on a superficial reading of the text of the Act without knowledge of its actual working or of the disclosures made in the Calcutta Corporation Investigation Commission's Report against whose background the Act of 1951 was framed. After all, even democracy was only a means to an end, and if to ensure that end a compromise was necessary, there was no reason why we should fight shy of it.

Under the Act of 1923, as it stood just before the supersession of the Corporation in 1948, the eighty-five elected Councillors, together with eight nominated Councillors and five Aldermen, were vested with complete powers of administration. They might divide the work among Standing Committees or they might not. The Chief Executive Officer was their agent, for he exercised only delegated authority which, according to the evidence given before the Investigation Commission by a former Chief Executive Officer, was enlarged or curtailed according to the extent of his docility to the party in power. In the absence of defined powers and adequate checks and balances some Councillors thought themselves vested with executive authority beyond what was intended by statute. And since power in such circumstances depends upon controlling a majority within the Corporation and majority depends upon getting one's own partymen returned at elections held on a limited franchise, a temptation to interfere at the time of the preparation of the electoral roll may be difficult to resist. All this is bound to react on the efficiency and integrity of the municipal civil service. If the

Chief Executive Officer is not sure of his power, his control over the subordinate officers is bound to be lax. If the officers think that by pleasing powerful Councillors they might defy the Chief Executive Officer and neglect their more important duties or even do worse things without incurring any risk, they would do so. Many of the officers of the lower ranks would be relatives or proteges of these councillors, for with a job-hungry and poverty-stricken middleclass, distribution of patronage is itself one of the usual abuses of power and also, perhaps, one of the means of remaining in power.

From this vicious circle, the Act of 1951 tried to find a way out by laying down a clear line of demarcation between the framing of policy and its execution. The authority of the elected Corporation was to be supreme in the first, that of the Commissioner, in the second. The Commissioner, as the chief executive agent, should be comparatively unfettered in carrying on his administrative functions. This has led to an outcry that while lip service has been paid to democracy by enlarging the electorate, the 1951 Act has curtailed its powers by setting up an irresponsible executive over it. This criticism did not seem to be fully justified, for a complex administration like that of a city corporation can hardly be a subject of mass participation. Even under a system of parliamentary government individual members of the legislature do not exercise any executive power. That is done by a small Cabinet of whole-time ministers selected for the life of the parliament by the party in power under the leadership of the Prime Minister who runs the administration with the help of his Cabinet colleagues and of the permanent civil service and frames policies in consultation with his colleagues, and party members, with such assistance as he may need from the experience and knowledge of the higher civil service. The role of the individual member of parliament, now considerably abridged under a regimented party system, is to keep the Ministry up to scratch by questions and interpretations, to criticise and amend any proposed legislation and vote the budget. The Cabinet which is the chief executive authority of the Central or State Government has no analogue in the Corporation. The Mayor is not always a party leader, but a dignified figure who cannot devote his whole time to Corporation affairs. His position is more akin to that of the Speaker in the Assembly debates or to the superior appellate authority in case of disciplinary measures and his tenure is short as he is expected to vacate his chair after a year of office. The several Standing Committees are not replicas of Cabinets formed from a homogeneous party. Their functions are compartmental and they are expected between them to utilise the services of all the members of the Corporation irrespective of party affiliation. Where then should the executive authority lie? At the Mayors' conference held recently at Hyderabad it was suggested that it should lie in the Mayor, but without a complete change in our conception of his functions, duties, tenure and emoluments this does not seem to be feasible. The only alternative, therefore, seems to be to vest such powers in an officer of superior calibre and tried ability who can be entrusted with the responsibility of the administration and who should be enabled to work with sufficient freedom within the framework of his powers, subject only to such restraints as may prevent him from defying the Corporation or its Standing Committees in matters of policy or other matters of fundamental importance. One used to hear a lot about the council-manager system of city administration during the concluding stages of the Investigation Commission's work, and it has been suggested that the Act of 1951 has copied the Commissioner's role from this American prototype. There was no need for us to travel so far afield, for Bombay and Madras were ready at hand to supply the model.

Having decided on the Commissioner as the supreme executive, the Act sought to ensure his comparative independence in three ways: first, by a categorical statement that the entire executive authority vests in him, secondly, by making his appointment a function of the State Government, and thirdly, by demarcating the area of

his jurisdiction in the statute itself. Simultaneously, the unfettered right of the elected councillors has also been curtailed in the matter of appointments to Corporation offices and in the preparation of electoral rolls. Of these, the first is merely an explicit statement of what was always implied and the second was intended to keep the appointment of the Commissioner above patronage and party influences. Dr. Robson thought that it was calculated to tighten Government's control over the Corporation, but this is not correct, for Government cannot foist any person it likes on the Corporation as Commissioner but must follow the recommendation of the Public Service Commission which is a body more or less independent of it. It is the third point, *viz.*, the statutorily defined powers of the Commissioner which are much more important. Whereas under the old Act all powers were prescribed in favour of the Corporation and the Chief Executive Officer derived his from it and could exercise only those that are expressly delegated to him from time to time, the 1951 Act made a distinction in the statute itself between powers and functions relating to policy and finance which were given to the Corporation and the Standing Committees and powers and functions relating to execution of policy and routine administration which were given to the Commissioner. All appointments to posts carrying a salary below Rs. 250/- were to be made by the Commissioner in accordance with certain specific rules to be framed, while posts above the limit were to be filled up on the recommendation of the Municipal or the State Public Service Commission, according to the salary scale they carried. It was thought that by this device it would be possible to prevent nepotism in the matter of appointment, while the Commissioner, free from the constant fear of his delegated powers being withdrawn, could act with a more assured sense of security and exercise stricter control over his subordinates. The apprehension that this might enable the Commissioner to defy the Corporation and go his own way was considered baseless, as the Corporation could cut short his tenure at any time by a bare majority vote if he showed any tendency to go off the rails. After all, it is the right of dismissal which is the most potent instrument of control, not the right of appointment, and it was thought that such a right, vested in the Corporation, was or should be a powerful check on the Commissioner.

A writer in the *Economic Weekly* of June 14, 1958, gives unqualified approval to this separation of functions and chides the Mayors assembled at Hyderabad for asking for greater powers. According to him this model, first introduced in Bombay by no less an ardent advocate of civic rights than the late Sir Pherozeshah Mehta, has been highly successful in operation and has again and again been referred to—pace Dr. Robson—by eminent authorities on local self-government, both in this country and abroad, as an excellent contrivance highly suited to the conditions in this country. He is unsparing in his criticism of the councillors selected on adult franchise who are, with rare exceptions, good enough only to rant, with press representatives posted conveniently within hearing. Their whims and vagaries and their amateurist solution, often put forward with an eye to the gallery rather than to the true interest of the Corporation, are checked only by the stand which the Commissioner, conscious of the real needs of the situation and secure in his authority, can take. This is the basic merit of the bifurcation of the functions that prevails in the civic sphere at present. Where this principle is ignored and the chief executives allow themselves, through weakness or exaggerated awe of elected representatives, to be brow-beaten by the domineering group of City Fathers, the result has been bewilderment, consternation amongst the staff and deterioration of the civic services. There is no cause for surprise at this for administration is becoming more and more a specialised job calling for the services of men who are trained to function in a calm, objective and dispassionate spirit.

These comments of the *Economic Weekly* are very flattering to one like me whose long service career has been spent either in judicial or executive administration, but I find it difficult to swallow it whole. It is hardly fair to take the worse type of

councillors and compare them with the best type of Commissioners. I know—none better—the extent to which some councillors can go in playing to the gallery. I have fretted at their lack of a sense of urgency which permits them to waste time on the merest trivial when serious grievances cry for redress and important items remain undisposed of, and I have seen at close quarters their lobbying for position of profit and their special pleadings with departmental officers for showing favour to some party or other who has enlisted his support and made him his spokesman.

But I have also seen sober and serious councillors anxious to do their bit for the improvement of their constituencies and of the city as a whole and devoting a lot of their time to it without any expectation of reward. It would not, therefore, be proper to tar everybody with the same brush. In any case, so long as the councillors are prevented from interfering in the administration, they cannot do much harm except by putting off decisions which call for expeditious disposal. But the harm that an inefficient Commissioner can do is infinitely worse. He is the pivot round which the administration moves or should move. While the Corporation fixes the rate, he assesses the valuation and collects the tax. He sanctions the plans of all new buildings so long as they are supposed to be within rules and refers to the Building Committee only those cases where minor infringements have to be overlooked. The decision as to whether a building is insecure or not and whether a demolition order should issue is his exclusive jurisdiction. While the Corporation has the obligation to provide water, lay down sewers and maintain roads, it is the Commissioner who has to be applied to in order to get water or sewer connection, he can force sewer connection on a recalcitrant house-holder who wants to avoid the cost, and he alone is entitled to take action against infringements. In providing and maintaining these services the vast Corporation machinery has to be moved, plans and designs made, specifications prepared, tenders called and accepted, and work executed. It is the duty of the Commissioner to see that the machine moves smoothly, quickly, unerringly, that officers do their duty to the rate-payers and the citizens promptly without having to be spurred on by illegal gratifications, and that the councillors get all possible assistance by being supplied with information, data and suggestions to evolve their policies and come to their decision. His presence and persuasive arguments at Committee meeting can go a great way in prompt disposal of even apparently controversial matters. The assumption behind vesting the Commissioner with supreme executive power is that he will do all these things. It presupposes that he will be endowed with abilities of a high order and inspired by the highest ideal of public service. As a critic once expressed, it is a gamble in an individual. If the gamble succeeds, the result will be good and the harmonious combination of an enlightened Council and a dynamic Commissioner will be able to work wonders. If it fails, the entire administration may be thrown out of gear. An important contract involving several crores and affecting the life line of the city may not even be signed within a year of the acceptance of the tender, not to speak of the work being started and the Commissioner may yet be completely unaware of the progress of the case and unconcerned about it. Committees may wrangle and members talk at cross purposes without the Commissioner guiding the discussion unobtrusively to the relevant points and a fruitful end. Assessments may show ridiculous variations in the same area without any supervising authority trying to secure reasonable uniformity. Building plans in full conformity with rules may be kept pending for over six months or a year without being sanctioned or frivolous objections taken because the party has not appeared on the scene to grease the palms, while plans in flagrant violation of these rules are passed in no time for reasons which are best left unsaid. Old tubewells may be drawn out and resunk elsewhere and passed off as new without anybody being the wiser. Officers may come late and go early and spend unconscionable long hours at lunch without being pulled up. Office hours may be wasted in gossip, while files accumulate. In fact, all the malaise in the administration due to delay and inefficiency which Mr. Gorwala has stressed so pointedly in

his recent Mysore Enquiry Report and earlier Reports will appear if the Commissioner is inefficient. What would happen if he is also venal, it is dreadful to imagine.

I have intentionally drawn a lurid picture in order to highlight a possibility we cannot ignore if power is given to one without being subjected to adequate checks designed to ensure that he does not show any tendency to backslide. It may be said that this check is already provided by making him liable to removal by a bare majority vote. But is it so really? For one thing, not all malpractices come up to the surface for everyone to see. A party who gets a favour which he is not legally entitled to does not kick up a fuss merely because he has been made to pay for it. For mere delay or inefficiency, in the absence of graver offences, you hardly like to punish an officer, far less to dispense with his services. Moreover, if the election is on party lines it is possible by merely keeping the party boss on his side to hold on to power indefinitely, even if a large proportion of the councillors are disgruntled. Many of these party bosses are not themselves councillors or aldermen but outside leaders of the larger political party of which the party in power in the local authority is only a branch. When this is so, the Commissioner need not placate the councillors as long as the boss throws his protective wings round him. Moreover, it is unreasonable to expect that the councillors would, by and large, be guided only by considerations of civic benefits. If that was the case, there would have been no need to devise safeguards against their intervention in the administration. Personal interests come very largely into their calculation. The largest number of appointments in the Corporation carry a salary below Rs. 250/- which is at the disposal of the Commissioner. This gives him a very useful patronage for distribution amongst councillors who have unemployed sons or nephews or brothers-in-law to provide for and he may use it as a lever for getting the support he needs. He has also a fairly large emergency fund which he may spend in making minor improvements to roads, footpaths or water supply in the constituency of a councillor whom he wants to keep on his side. There are, in addition, personal ties of friendship or relationship which may transcend the councillor's sense of duty to the Corporation and prevent an objective assessment of the merit either of the Commissioner or any of his acts of omission and commission. A judicious use of these devices may go a long way in giving him a solid backing, regardless of his competence, and the so-called check may prove, in actual practice, to be perfectly ineffective.

Therefore, it is not by merely separating the functions that it is possible to ensure a foolproof administration, efficient in every respect. By keeping the administration above clamorous and interfering councillors, you only provide a negative remedy which may prevent some malign influences from creeping in. The more positive remedy is the selection of the right type of administrator and this seems to me to be much more important. As Dr. Robson said in one of his books, success in local government depends upon four factors, namely, (1) an enlightened and alert electorate; (2) a conscientious body of councillors; (3) an efficient municipal civic service, and (4) adequate finance, each one of which is vitally important. Leaving (1) and (4) aside for the present we should see how we can ensure (2) & (3). A statutory prohibition or a self-denying ordinance by which councillors refrain from interfering in the administration and making undue requests is certainly desirable. No less desirable is a competent staff with dynamic and efficient chief at the top of the hierarchy. And since it is always a question of luck whether the selected candidate for the job will fill the bill, I have no doubt in my mind that it is desirable to devise some really effective checks to keep him up to scratch, though I have not been able to decide what form these should take. Who should play the role of the watch-dog when the ethos of the civil servant fails to work as an effective internal check?

TRENDS IN MUNICIPAL FINANCES OF CITIES

(Prepared in the Institute)

Introduction

One of the most important phenomena of city government is the steady rise in government cost. Within the last fifty years, the expenditures of most of the major cities have increased from four to six times. Since World War II and Independence, these expenses have risen to hitherto unprecedented heights. In spite of the fact that income of these cities is at an all-time high, the city governments are still in dire financial needs. Their financial problems have been thoroughly investigated in recent years by the two all-India high powered committees—the Local Finance Enquiry Committee, 1951; and the Taxation Enquiry Commission, 1953-54. As a result of their recommendations, city governments have resorted to desperate measures in order to finance their activities adequately. They have enhanced considerably their existing tax rates. New revenue resources have been tapped. Yet, the city governments have gone more deeply in debt.

The financial stringency has been caused by many factors, some of which have recently appeared in the past mid-century and others of which are of much longer duration. The two World Wars (1914-18 and 1939-45); Great Depression of 1930; Post-war Inflation and gradual population growth have all joined together to produce a chain reaction that has given a rude shock to the finances of many city governments in the country. By far the most important single factor which is considerably responsible for the financial difficulties of a city government is the population growth.

Improving city government is an essential prerequisite to attain improved service standards, equity in tax burdens and fiscal soundness. It is important to stress the fact that the fiscal capacity of a city government and broadly speaking of a State Government is greatly influenced by the economic base within the area. The economic base rests upon such long-term determinants as the degree of urbanization and industrialization, diversification and expansion of agriculture and industry, growth of commerce and trade, the number and skill of the working class, the richness, and the variety and exploitation of natural resources.

The changing patterns of economic activity and social structure necessitate conclusions and recommendations of a long range and an immediate character. The subject-matter has been thoroughly investigated by expert bodies such as the Local Finance Enquiry Committee and the Taxation Enquiry Commission. Their conclusions and recommendations, while deserving the highest consideration, need to be further validated in view of the fast changes in our economic and social structure.

The collection and presentation of data, in these pages, for the last forty years, provides a basis for examination and appraisal of the trends and problems in the financial affairs of the city governments. An examination of the financial activities of the city governments, individually, reveals the heavy dependence on the property tax and the limitations of this field of taxation. Wide and unpredictable fluctuations of the grants-in-aid from the State Governments and sometimes from Central Government and the inadequacies of other sources of revenues are noteworthy. Some of

the city governments have taken bold steps in imposing new taxes in order to augment their resources. Their experiences and results, in this regard, have to be watched with great interest.

In our enthusiasm to undertake the development and re-development of cities, we should not disturb the tax-paying ability of the business areas. These areas are, as a rule, situated in the blighted central city areas wherein the trade and commercial arrangements were built over a period of decades. For this reason, among others, all schemes of slum clearance, town planning and zoning, decentralization and deconcentration, deterioration of central city areas and functional unbalance undermine the tax base of city governments. The large-scale movement of people from the central city areas to the suburbs results in the dislocation of trade and commerce which consequently reduces the revenues of a city government.

The growth and trends of the municipal finances can be studied in two ways. These are the instantaneous method and the continuous method. According to the first, the total income and expenditure of all the municipalities and municipal corporations in all the States may be compared from year to year, tracing the changes regardless of several political and constitutional developments in the country. These developments broadly speaking are the advent of Independence in 1947; the merger of princely States, the adoption of the new Constitution and finally the States Reorganization in 1957. These have obviously rendered any comparison of data futile. The other disadvantage is the inclusion of finances of new municipalities and municipal corporations in the total figures and thus presenting an erroneous picture. The second method takes into account a representative selection of cities and traces the subsequent growth of their finances during the past four decades. It shows clearly what is happening to the municipal finances of specific cities. It analyses their overall progress with regard to the sources of income, incidence of taxation, items of expenditure, debts and other necessary matters. The representative selection of cities is based on certain important considerations such as political, commercial, educational, historical, industrial and administrative.

This study has made a comparison of the finances of twenty major cities of India, based primarily upon fiscal data taken from Statistical Abstracts of India, municipal annual reports, and budget estimates. Although such a narrow base does not permit broad conclusions concerning the trends of municipal finances, several findings of this study suggest a need for additional study. The appendices, attached herewith, provide some depth of perspective for the study of municipal finances of these cities, by comparing their growth with the past periods, on the one side, and in relation to several major sources of revenue and items of expenditure, on the other.

It may not be possible to conclude from the above-mentioned analysis that one city is operated more efficiently or economically than the other. This is due to the difference in population, area, geographical location, principal economic activities and political factors. Some cities have lower per capita cost of expenditures because fewer services are performed than in other cities. An effort is made to examine the requisites of a sound financial policy for a city government. The future trends of the sources of income and items of expenditure have to be determined in the light of fast developing industrialization and urbanization. The conclusions are to be based on the consideration that the inter-city comparison of financial data should, accordingly, take particular account of the considerable differences that exist among the cities as to their responsibility for various functions and activities. The financial activity of each city is greatly affected by the services demanded by its residents and

the patterns of revenue sources which have developed over a long period of time. However, general trends in revenues, expenditures and indebtedness can be compared by a consideration of the individual financial activities of these cities, during the post-Independence period.

HISTORICAL DEVELOPMENT

The growth of the municipal finances of the cities has been conditioned by two important factors *i.e.* local and institutional. The local factors include the physical resources, population, industry, commerce and trade of a particular city. The institutional factors consist of the development and growth of the local self-government with the constant increase in its powers, functions vis-a-vis finances. Due to the inadequacy of facts and figures, it is difficult to trace the local factors with regard to these selected cities. However, a brief survey of the institutional factors having a bearing on the financial developments of cities will enable us to understand the broader implications of the subject-matter.

The question of municipal finance has played a leading role in the development and growth of local self-government in India. Besides its growth on account of local factors, as enumerated above, a continued struggle for its constitutional and legal autonomy has been going on in the pre- as well as post-Independence periods in our country. Whereas during the pre-Independence period, this question was an essential part of our struggle for Freedom Movement during the post-Independence, it has found expression in our desire for decentralization and a share in self-government.

Owing to the limitations of space, it is not possible to examine and analyse the financial developments in any great detail, but the general observations and recommendations made by the experts enquiry committees and commissions, supplemented by a few comments, if necessary, are given here.

Pre-Independence

In the Presidency Towns of Bombay, Calcutta and Madras, the municipal corporations could trace their beginning to the middle of the 17th century and have a continuous history of their own since 1856. In 1872, the principle of election of councillors (or commissioners) was introduced in all these corporations. Although the period is generally characterized by the local self-government in the real sense, yet the city governments (or the municipal committees) has had achieved a certain measure of distinction, with their own revenue and expenditure and their separate budgets. As compared to the municipal committees of other cities and towns, the municipal corporations, with their large resources, enjoyed a higher status. But, invariably, there was little scope for self-government and in matters relating to the levy of taxation, the allocation of funds, the framing of budgets, and the raising of loans—*i.e.* in the financial sphere—the city governments were subject to a large measure of official control.

The following statement gives the figures of revenue and expenditure of the municipal corporations of Calcutta, Bombay and Madras for 1870-71 and 1881-82. All the three had deficit budgets and spent little on welfare activities like public health and education. The major source of revenue was the tax on the annual value of land *i.e.* local rate. Further, there were significant differences in their sources of income. In Bombay, Town Duty and Tobacco Duty yielded considerable revenues. Similarly, personnel tax in Calcutta, and tolls in Madras were a special feature of the local finances. The conservancy and roads constituted important items of expenditure and police was also a charge on their funds. The debt service had become an important liability and indicated the exercise of borrowing powers on a considerable scale.

**Revenue and Expenditure of Calcutta, Bombay and Madras
(1870-71 and 1881-82)**

REVENUE

	(In lakhs of rupees)					
	<i>Calcutta</i>		<i>Bombay</i>		<i>Madras</i>	
	1870-71	1881-82	1870-71	1881-82	1870-71	1881-82
1. House Tax	10.36	10.00	6.93	10.58	2.16	3.42
2. Octroi	—	—	5.95	6.37	—	—
3. Water Tax	5.18	3.94	3.66	5.24	—	—
4. Conservancy	—	—	2.13	2.81	—	—
5. Lighting Tax	2.14	2.52	2.45	—	—	.41
6. Profession Tax	2.42	2.85	—	—	.68	.56
7. Tax on Animals and Vehicles	1.02	1.58	2.50	2.33	.54	—
8. Tolls	—	—	—	—	.49	.16
(a) Police Rates	—	3.07	—	—	—	—
9. Liquor and Tobacco Licences	—	—	3.04	3.05	.10	.14
10. Miscellaneous	3.58	—	—	—	—	.62
11. Non-tax Revenue	—	3.96	1.80	7.82	—	—
Total	21.12	31.50	23.89	38.20	3.97	6.50

EXPENDITURE

	(In lakhs of rupees)					
	<i>Calcutta</i>		<i>Bombay</i>		<i>Madras</i>	
	1870-71	1881-82	1870-71	1881-82	1870-71	1881-82
1. General Administration & Collection of Taxes	2.80	3.01	1.40	2.85	.81	1.04
2. Conservancy	1.56	10.61	3.46	8.01	1.95	2.41
3. Water Supply	4.48	5.78	3.57	...	...	...
4. Lighting	2.19	2.35	...	...	...	.71
5. Roads and Buildings	3.45	7.56	6.35	9.16	.88	1.94
6. Hospitals and Sanitation	...	.39	5.24	.01	...	.16
7. Education	...	...	...	...	...	...
8. Police	2.78	3.12	...	3.87	1.07	...
9. Debt Service	4.45	10.08	.97	7.47	...	.92
10. Miscellaneous	...	.30	.90	6.43	...	.05
Total	21.71	43.20	21.89	37.49	4.71	7.23

The sources of revenue and items of expenditure of the Mofussil or district municipalities for which provision was made by a series of Acts passed by the Central and Provincial Legislatures in the first decade after the introduction of Lord Mayo's financial reforms, were almost similar to the municipal corporations. These Acts, besides introducing many other changes, enlarged their resources and spending powers.

The Town and Transit Duties had been very largely levied in all the provinces of India, but had been condemned as obnoxious from every standpoint by the Government of India and were repealed in the second quarter of the 19th century. After 1850, they were again revived in Sind, Punjab, N.W. Provinces, United Provinces, Central Provinces and Bombay. The remaining provinces *i.e.* Bengal, (including Assam, Bihar and Orissa) and Madras continued to rely upon Property Taxes as a major source of revenue. This development divided India into two distinct, though not mutually exclusive, areas in respect of the sources of municipal revenue. In the Western Provinces, Property Tax was also levied but was a subsidiary source of revenue and was all over the country supplemented by personal taxes, taxes on animals and vehicles and water tax. This fiscal division has continued for the last ninety years and now presents problems which require special treatment in each revenue area.

The most important items of expenditure of the mofussil and district municipalities were conservancy and drainage which may be considered a most elementary municipal service. The other items were roads, buildings, education and hospitals. Though they did not exercise any local control, yet the police remained a very important charge on their revenues. The Provincial Governments exercised complete control in the financial matters of these municipalities. The constitutional set-up of these bodies provided for an official chairman and official majority of members and the control, therefore, was strictly applied from within as from without.

In 1882, a resolution was issued by Lord Ripon's government with a view to introducing certain reforms in local self-government. These reforms included the widening of elected sector, the enlargement of functions and the increase in powers, financial responsibilities and resources. It was desired that Provincial Governments should apply to their financial relations with local bodies the principle of financial decentralisation. Some suitable sources of provincial revenues along with the corresponding increase in expenditure to be incurred on additional functions were transferred from the provincial account to the local bodies. In cases where larger assignments of funds were required, the receipts from cattle pounds or a share of the assessed taxes collected within the jurisdiction of a local body, were indicated as suitable sources of revenue to be made over. This period is the most significant one in the development of local bodies in the urban areas.

In this period, the principal sources of revenue were¹ :

- (1) octroi principally in Northern India, Bombay, and the Central Provinces;
- (2) taxes on houses and lands in Madras, Bombay, Bengal, Burma and the Central Provinces;
- (3) a tax on professions and trades in Madras and the United Provinces;
- (4) road tolls in Madras, Bombay and Assam;
- (5) taxes on carts and vehicles; and
- (6) rates and fees for services rendered in the shape of conservancy, water supply, markets and schools.

Royal Commission on Decentralisation, 1906 : In 1906, a Royal Commission on Decentralisation was appointed to study and report upon the progress of decentralisation in India including the working of the local self-government. It concluded that the local self-government was a failure due to the reasons of the artificial

¹ Report of the Indian Taxation Enquiry Committee, 1924-25, Vol. I. p.286.

character of local areas, absence of genuine election, want of financial responsibility, inadequate control by local bodies over their personnel and finally too much of Central dictation and control. Amongst many recommendations on varied subjects, regarding the finance, the Commission found that the revenues of the local bodies were insufficient and inadequate without the freedom of formulation of budgeting. It recommended that within legally sanctioned limits, local bodies should be allowed to determine their own taxes, the sanction of the government being needed for varying the taxes only where no legal limits existed. Subject to the maintenance of a prescribed minimum working balance, and except where a board was indebted, it should be perfectly free to determine its own budget. The earmarking of particular sources or percentages of income for specified purposes by Government or law was condemned as wrong. The municipalities should receive assistance in respect to especially large projects such as these concerned with drainage or water supply; and in the case of the poorer municipalities some subvention for general purposes would probably be required. Government control over municipal borrowing should continue, and any permanent alienation of municipal property or lease of the same for periods of seven years and upwards, should require outside sanction.

The Government of India did not accept in full the recommendations of the Decentralisation Commission that municipalities should have full liberty to impose or alter taxation within the limits laid down by the municipal laws, but agreed that the sanction of an outside authority to any increase in taxation should be required where the law did not prescribe a maximum rate. In a resolution, dated the 28th April, 1915, the Government referred to 'the smallness and inelasticity of local revenues', and 'the difficulty of devising further forms of taxation', as some of the factors which impede the free and full development of local self-government.

Indian Taxation Enquiry Committee, 1924 : The Indian Taxation Enquiry Committee, 1924, was appointed with the following terms :

- (1) To examine the manner in which the burden of taxation is distributed at present between the different classes of the population;
- (2) To consider whether the whole scheme of taxation—Central, Provincial and Local—is equitable and in accordance with economic principles, and, if not, in what respects it is defective; and
- (3) To report on the suitability of alternative sources of taxation.

The main conclusions relating to the municipal taxation may be summed up under the three following heads :

- (1) The general rate of taxation is undoubtedly low;
- (2) too much reliance is placed on indirect taxes on trade and transit; and
- (3) in the rural areas the jurisdictions of the local bodies are too large from the fiscal point of view.

"It is perhaps hardly necessary to emphasise the fact that the finances of local bodies all over the country are inadequate for the services which they have to perform. It is not for the Committee to enlarge upon these services, nor to enter upon an analysis of the comparative weight of taxation as compared with income in different countries, but it is perhaps pertinent to remark that, in this matter of local taxation, the incidence per head of the population in India is 1/152 of that in the United States of America, 1/124 of that in the United Kingdom, 1/18 of that in Japan, 1/14 of that in France and

1/13 of that in Italy. One of the causes of this is no doubt to be found in the development of the local bodies by a process of devolution, to which reference has been made, and another in the fact that the taxation of real property, which should be the main basis of local taxation, has in a great measure in India been reserved for the State. The Committee have suggested what they hope will afford at least a partial remedy for this in the standardisation of the rate of State taxation on the land, accompanied by a development of local taxation of real property. In the case of lands used for purposes other than agriculture, that is, generally speaking lands within municipal limits, they have gone further, and while pointing out how exceedingly lightly this class of property escapes, have suggested that the Provincial Governments should make over to local bodies a substantial part of the revenue that they at present take. This process, coupled with an increase in the very low local rates imposed, and an improved system of assessment, ought to result in course of time in a large increase in the municipal income.

"Meanwhile, the Committee recommended that a strenuous endeavour should be made to get rid of indirect taxation in the shape of octroi and terminal taxes and to replace it, if not by taxation of property and persons, at least by something in the nature of a tax on sales. The tax in its present form is one that is condemned by economists everywhere, and there are visible tendencies to develop it into a regular tax on transit, so much so that the Committee have ventured to suggest that it is a function of the Central Government to exercise more control in the interests of the general trade of the country. Similar remarks apply, but in a less degree, to the case of tolls in Madras. It is certainly desirable that these should ultimately be abolished, the revenue can be replaced. For the present the Committee have recommended the abolition of the tolls in the case of motor vehicles and their replacement by provincial taxation to be distributed by a road board. This could be accompanied, if the development of motor transit is not to be hindered, by a reduction in the rate of the import duty.

"In the case of local areas, the chief check on the development of any taxation other than the rate on land appears to the Committee to arise out of the fact that the jurisdictions of these bodies are so large as to remove them from effective touch with the taxpayers. The Committee are of opinion that the objections to the imposition of tax on houses and persons would be to a great extent removed if the administration of these taxes was entrusted to bodies.

"In accordance with the Government of India Act, 1919, the subject of local self-government was transferred to the Provincial Governments. Amongst many other changes such as elimination of nominated elements and democratising the institutions by the widening of franchise, a schedule of taxes which could be levied only by or for the local bodies. As a result, the sphere of taxation of the local bodies was effectively enlarged."

Simon Commission, 1930 : In 1930, the problem of local finances was thoroughly investigated by the Simon Commission. The general position relating to the municipal finance, as observed by the Commission, is given in the following terms :

"Municipalities are given a wide choice in the form of the taxes which they may levy. Octroi duties, terminal taxes, taxes on personal income, fixed property, professions and vehicles, have all been utilized, while for particular services, such as education and water supply, special taxes or cesses are imposed. The Government's control in financial matters is limited generally to cases in which the interests of the general public call for special protection. It has the right to alter a municipal budget, if it considers that due provision has not been made for loan charges and for the maintenance of a working balance....."

"It is a commonplace of administration in India that financial resources are generally quite inadequate to meet needs and this is specially true of local self-government. Undoubtedly one of the reasons for the failure to develop a trained municipal personnel is the poverty of the municipalities and the district boards. But it is not only actual poverty which camps their resources but the reluctance of the elected members to impose local taxes. This is a feature by no means confined to India; indeed the willingness of a community to impose high taxation on itself for common needs is proof of a very advanced civic consciousness.... The system of grants-in-aid has done much in our country to stimulate the development of particular services but such grants are generally made conditional on the imposition of adequate taxation and the acceptance of a considerable measure of central control by the local authorities themselves. In India, the giving of grants, often unconditionally, to local authorities has gone so far as to divorce control of policy from financial responsibility."

"Another very general criticism is directed to the prevalence of embezzlement by employees. This is clearly to some extent the result of the failure to pay salaries sufficiently high to secure trustworthy officials. But it is also due to carelessness, want of system and inefficient supervision. Generally speaking, the management of the finances of local authorities has deteriorated since the Reforms, and this laxity is not adequately corrected by such powers of audit as the provincial governments possess."

After Independence

With the achievement of Independence, certain developments in the sphere of local finance and the powers of taxation have weakened the local self-governing institutions and compelled them to look towards State Governments for any financial assistance and grants, to a great extent. In the Union List of the Constitution of India, the terminal taxes on goods carried by railways have been incorporated; the limit has been imposed on the amount of the profession tax leviable on any one assessee and the Union properties have been exempted from local taxation. All these factors have considerably reduced the powers of taxation and the financial resources of the local bodies. Further, the Constitution of India following the old pattern of Government of India Act, 1935, includes only two lists, Union and State. This has totally ignored the claims of local bodies for a share in the taxable capacity of the people and this has created new problems in regard to the formulation of an adequate and satisfactory system of local taxation and finance.

In 1948, a conference of State Local Self-Government Ministers passed the following resolution :

"The Conference agrees that the financial resources of the local bodies are inadequate. It is also recognised that even the available resources are not fully utilised, the evils of under-assessment and failure to collect taxes in full being widespread.

"In view of the complexity of the problem of local finance the Conference recommends that the Central Government should appoint a committee to enquire into the question of the finances of local bodies and to make recommendations for the improvement of local finance."

Local Finance Enquiry Committee : In 1949, a Local Finance Enquiry Committee was constituted with the following terms of reference:

To enquire into the question of the finances of local bodies and to make recommendations for the improvement of local finance and for that purpose;

- (1) to examine whether the existing resources are adequate for the performance of the functions assigned to the local bodies and to consider whether and, if so, what further sources of revenue should be provided;
- (2) to examine the methods of Government assistance to local bodies; and
- (3) to examine the existing machinery and methods of (a) assessment and (b) collection of taxes.

The Committee, after a careful scrutiny of the problems of local finance, recommended one tax from the Union List and twelve taxes from the State List, to be reserved for utilisation by or for local bodies.

They are :

Union List : Terminal taxes on goods and passengers carried by railway, sea or air.

State List :

- (1) Taxes on lands and buildings (Item No. 49);
- (2) taxes on mineral rights subject to any limitations imposed by Parliament by law relating to mineral development, (Item No. 50);
- (3) taxes on the entry of goods into a local area for consumption, use or sale therein (Item No. 52);
- (4) taxes on the consumption or sale of electricity, (Item No. 53);
- (5) taxes on advertisements other than advertisements published in the newspapers (Item No. 55);
- (6) taxes on goods and passengers carried by road or on inland waterways (Item No. 56);
- (7) taxes on vehicles (other than those mechanically propelled), (Item No. 57);
- (8) taxes on animals and boats (Item No. 58);
- (9) tolls (Item No. 59);
- (10) taxes on professions, trades, callings and employments (Item No. 60);
- (11) capitation taxes (Item No. 61); and
- (12) taxes on entertainments including amusements (Item No. 62).

Regarding the finances of the Improvement Trusts and Development Boards, the Committee recommended the following sources of revenue :

- (1) Annual contribution of 2% of the annual ratable value from municipal funds;
- (2) share of the proceeds of the entertainment tax;
- (3) share of the proceeds of the terminal tax on passengers coming by rail, road or inland waterways;
- (4) betterment tax; and
- (5) Government grants.

Taxation Enquiry Commission : In 1953, the Taxation Enquiry Commission was appointed to conduct a comprehensive enquiry into taxation. Some of the terms of reference having a bearing on local finance are given below :

- (1) To examine the incidence of Central, State and Local taxation on the various classes of people and in different States;
- (2) to examine the suitability of the present system of taxation—Central, State and Local—with reference to (a) the development programme of the country and the resources required for it, and (b) the objective of reducing inequalities of income and wealth; and
- (3) to make recommendations in particular, with regard to (a) modifications required in the present system of taxation and (b) fresh avenues of taxation.

The Commission stated that 'the total inadequacy of municipal finance for the work that remains to be undertaken in many cities and towns in respect of important items such as water supply, drainage, and slum clearance has been brought pointedly to our notice by many State Governments'.

The Commission experienced great difficulties in obtaining necessary data with regard to the revenues of local bodies. Nevertheless an attempt was made to demarcate and cover the bulk of the local authorities in India with a view to indicating the broad pattern rather than a precise picture of the size of local revenues. The Commission observed that the growth of the revenues of the local bodies as compared to those of either Central or State revenues has been very less. There has been an increase of a little over two and a half times in local revenues in 1951-52 as compared to 1938-39. It is more than offset by the wider coverage of the rate and general rise in prices. Tax receipt as a proportion of total revenues of local bodies shows a small increase over 53% to 56% during this period. The grants from the State Governments account in 1951-52 for about 1/5 of the total or little less than what they were in 1938-39 the proportion is much higher in respect of district boards than for municipalities and corporations; receipts from the commercial activities are very small, contributing less than 2 per cent of the total income.

Property taxes (including house tax and service charges for water, lighting and conservancy) continue to be the mainstay of city corporations and municipalities; octroi and terminal taxes are also an important source of municipal income in some States. The district boards depend mainly on the local fund cess, which is in the nature of a surcharge on land revenue and reflects the inelasticity associated with that major head of State revenues. Local property taxes account for about one-fourth of the total revenue of local bodies but form less than 3 per cent of all public revenues including Central and State revenues. The property tax is an optional levy except in some of the city corporations including Bombay, Calcutta, Poona and Ahmedabad and a few municipalities where it is compulsory. It is generally levied at a flat rate, except in Madras, Ahmedabad, Poona, Lucknow, Indore and a few other municipalities where a mild degree of progression characterises the tax. Even in its limited form, the tax is not fully exploited in India. It is a source of comparatively small importance for municipal revenues in Uttar Pradesh, Punjab, Madhya Pradesh, Rajasthan and PEPSU and most of Part 'C' States. In several of the Part B and Part C States, local government is still in an initial stage of development. Even in relatively advanced States like Mysore and Travancore-Cochin, the tax rates are below. To an even greater extent than State and Central Governments, local authorities in India are generally faced with the problem of inadequate resources to finance essential functions; at the same time, any proposal to augment local revenue merely by transferring a share of State taxes only accentuates the problem at the State level.

As for octroi and terminal taxes from which a revenue of about Rs. 10 crores is derived, octroi is much the more important source. Food articles are the main group

subject to octroi. These taxes are relatively a more important source of municipal revenue in the north and the western parts of the country, in States like the Punjab, Uttar Pradesh, Madhya Pradesh, Madhya Bharat, PEPSU and Rajasthan, where property taxation is not so important. The proportion of yield from this source to total local revenues rose from 4 per cent before the War to 10 per cent in 1951-52.

The taxes to be reserved for exclusive utilization should be such as may, in fact be devolved on local bodies. In the result it was recommended that the following taxes should be reserved for local bodies in the sense as already explained :

- (1) Taxes on lands and buildings;
- (2) taxes on the entry of goods into the area of a local authority for consumption, use or sale therein, popularly known as octroi;
- (3) taxes on vehicles other than those mechanically propelled;
- (4) taxes on animals and beasts;
- (5) taxes on professions, trades, callings and employments; and
- (6) taxes on advertisements other than advertisements published in the newspapers.

In addition to these, it was considered that the two other taxes, viz., the theatre or show tax, and the duty on transfer of property (levied along with the stamp duty collected by the Government) as suitable taxes for utilization by local bodies and the Commission recommended that the State Governments should permit local bodies to levy these two taxes. The duty on transfer of property would be collected through Government agency and should appreciably augment the revenues of local bodies.

The Commission also recommended that two other taxes viz., taxes on goods and passengers carried by road or inland waterways and tolls should be permitted to be levied by local bodies; the first as a complementary levy by those local bodies where the terminal taxes on goods or passengers carried by railway, sea, or air are levied by the Union Government for the benefit of the local body and the second, where the local body incurs expenditure for the bridge in respect of which the toll is to be levied.

It was added that these recommendations should not be construed as precluding the transfer of other taxes to any local body, wherever appropriate, if the State Governments consider such a course desirable.

Sharing of Taxes: The Commission was of the view that as a rule, taxes of which the local bodies get some benefit should be taxes for which they bear some responsibility. Where the element of responsibility is absent, assignment of a share of tax amounts merely to a grant-in-aid unspecified as to amount and unrelated to the principles usually governing grants-in-aid. It was held that normally grants-in-aid should be preferred to assignments of shares of taxes as a method of financing local bodies. To this, two exceptions were made. They are in respect of the motor vehicles tax and land revenue. The tax on motor vehicles is not so much as assignment of a share as a reimbursement of local revenue foregone. It was recommended that the local bodies, especially municipalities and district boards, should receive an adequate share of the State Government's proceeds from the motor vehicles tax and that not less than one-fourth of those proceeds should be earmarked for the purpose of such distribution.

Grants-in-aid: As already stated that the assignment of shares of States taxes should be limited to certain specified items, and that, as a rule, grants-in-aid should be

regarded as the better method of financing local bodies. The present position is that, except for district boards, grants-in-aid do not form a significant part of the revenues of local bodies.

In most instances, the grant is a fixed, uniform proportion of the expenditure on the specified item or service; it usually does not, for different local bodies, take into account their different needs and resources. No State has in this context, a grant-in-aid code that embodies simple and well-defined principles. Further, of course, both the amount of the grant and the payment of the amount are in actual practice contingent upon the State Government's own finances as those vary from year to year; and complaints have been voiced that the promised grants, not infrequently, fail to materialise. The Commission recommended the adoption by each State of a system of grants-in-aid based on the following principles :

- (1). There should be a basic 'general purpose' grant for each local body other than the bigger municipalities and corporations;
- (2) the local bodies eligible for such grant should within each category (municipality, local board, panchayat, etc.) be classified into a few simple divisions based on population, area, resources, etc., and the grant itself related to these factors as well as to the size of the normal budget of the local bodies;
- (3) the basic grant should be such that, after taking into account its own resources, the local body will have fairly adequate finance for discharging its obligatory and executive functions;
- (4) the basic grant should be assured over a reasonable number of years say three or five and, save for exceptional reasons, not be subject to alterations from year to year within that period; and
- (5) there should in addition be specific grants (annual and other) which, as at present, will be for particular items and services. These should be conditional on (a) the particular service being maintained at a prescribed level of efficiency and (b) the local body exploiting its own resources to the extent indicated by Government from time to time.

POPULATION GROUPS TRENDS

The population growth is mainly responsible for the growth of finances of various cities in the country. Though the corresponding growth of the two factors may not be commensurate, yet the significance of the growth of the latter cannot be denied. The financial pattern of a city is greatly influenced by heavy concentrations of people whose 'capacity to pay' and 'desire for better civic amenities' are accelerated in a normal way. In the words of Kingsley Davis,²

"The city is where social change begins, where the specialization, talent, and organization necessary for originating and executing new ideas are available. City development is, therefore, a good index of past economic progress and a safe augury of new progress to come. In many ways what is happening in the city today is what will be happening to all of India in the future."

The percentage of the growth of the urban population runs as follows :—

1881	9.3
1891	9.4
1901	10.0
1911	9.4
1921	10.2
1931	11.1
1941	12.8

² *The Population of India and Pakistan*, Kingsley Davis, 1951.

In the accompanying table, the growth of population of the twenty cities is given. It shows that Calcutta and Bombay have changed places several times, thus occupying the first or second position. But Madras has always been third and Hyderabad fourth. There were only three cities (Calcutta, Bombay and Madras) over five lakhs in 1901. They have increased their population almost three times in half a century. Delhi's position has considerably changed in view of the large scale of displaced persons from Pakistan during 1947, the population having increased eight times in the last fifty years. Similarly, the populations of Kanpur, Amritsar, Bangalore, Ahmedabad and Hyderabad have maintained an ascending and accelerating trend in their size and growth. It is clearly evident that urbanization is itself a factor in still greater urbanization.

In 1951, the fifteen largest cities had a combined population of sixteen million, or 4.55% of the total population. Sixty years before, in 1891, the fifteen leading cities had only four and a half million inhabitants, or 1.60% of the total population.

	<i>Total Census Population</i>	<i>Population within largest fifteen cities</i>	<i>Percentage of the total Population</i>
1891	279,593,000	4,500,000	1.60%
1941	388,998,000	10,000,000	2.57%
1951	356,879,394	16,245,877	4.55%

The fifteen leading cities at each census *i.e.*, 1891, 1941 and 1951 are shown below :-

	<i>1891</i>	<i>1941</i>	<i>1951</i>
1.	Bombay	Calcutta	Greater Calcutta
2.	Calcutta	Bombay	Greater Bombay
3.	Madras	Madras	Madras
4.	Hyderabad	Hyderabad	Delhi (including N. Delhi)
5.	Lucknow	Lahore	Hyderabad
6.	Benares	Ahmedabad	Ahmedabad
7.	Cawnpore	Delhi	Bangalore
8.	Delhi	Cawnpore	Kanpur
9.	Lahore	Amritsar	Lucknow
10.	Allahabad	Lucknow	Poona
11.	Agra	Howrah	Nagpur
12.	Patna	Karachi	Agra
13.	Jaipur	Nagpur	Madurai
14.	Ahmedabad	Agra	Benares
15.	Amritsar	Benares	Allahabad

According to 1951 census, there are 71 cities with a population of over a lakh each; out of these 41 cities possess a maximum population of two lakhs each; 13 cities a maximum of three lakhs each; 6 cities with a maximum population of four lakhs each; and the remaining cities with a population varying from four lakhs to 45 lakhs each.

The question for examination here is not the rate of population growth of these cities but its inter-relationship with the municipal finances. The rapid increase of population means crowded cities, and progress and development in the fields of industries, trade and commerce, transport and other spheres. Generally, there are variations in

all the components of this population growth. But there is a consistent interrelation between these components and the municipal finances. Thus the urban and the economic development has tended to enhance the stature of the city governments as well as their finances. These interrelated trends in the components of this population growth may be transitory but these may indicate patterns in the growth of municipal finances.

Generally, urbanization and industrialization go side by side. Except in a few cities like Bombay, Calcutta and Madras, the other cities which are in the process of rapid population growth are outdistancing the rate of economic development. The symptoms of this malady in many cities are insufficient municipal revenues, low incidence of taxation, low levels of living, inadequate housing, the almost complete absence of sanitary facilities, the presence of filth, slums, disease and high rate of mortality.

The cities which are in the situation just described are faced with the difficult choice of allocating such of their limited municipal revenues as are available for various civic needs. For example, primary education, public health and sanitation, water supply and slum clearance are the necessary prerequisites for healthy surroundings in a city.

The problems of different population growth and the adaptation of the population to its environment are complicated by economic changes. The over-populated and congested areas create slums which require huge financial resources for clearance and redevelopment. But they do not by any means exhaust the situation. Most of the people who migrate to the cities do so with a view to improving their existing poor circumstances and many of them find it difficult, if not impossible, to eke out a bare existence. Such state of affairs, necessitate many municipal measures to alleviate their difficulties and hardships. These measures are poor housing schemes, slum clearance and redevelopment schemes, community welfare projects and provision of free municipal services. Such activities put a heavy drain on the municipal resources.

Incidence of Income and Taxes

Available statistics reveal that the incidence of income and taxes of the city governments generally increase with the growth of population. It is difficult to determine with any accuracy the incidence of certain types of taxes, that is, where the burden ultimately rests. In general a study of incidence of income and taxation shows the contribution being made by each citizen in the aggregate revenues of a city government and total amount derived by way of taxes.

The payment of the municipal taxes and dues is always the first obligation of a citizen. With an increase in the nature of number of municipal functions, new taxes are to be levied, old taxes are to be retained and their rates enhanced. Also, the rates of various fees and fines are to be raised with a view to raising more revenues. In all these circumstances, the incidence is an important consideration. Both the deliberative agency and the common man should know who bears the burden of the impost. But it may be noted that this is by no means the only element in the problem. A levy that rests more heavily on the poor than on the rich may still be a desirable impost. Similarly, a tax that burdens the rich more heavily than the poor may be liked all the more. The question who pays the tax or dues ultimately produces its effect on the social or economic welfare. This issue is of fundamental importance. The incidence of taxation is invariably only the first step towards an appraisal of a tax.

A fundamental difficulty confronts anyone who would, from general principles, determine the incidence of particular taxes or dues. Little information is available on the subject-matter. Few factual investigations of incidence have been made. In view of this dilemma, our inquiry is based on the very few facts available in respect of

some city governments. Taking the incomes for the years 1925, 1935, 1955 and the population for the years 1921, 1931 and 1951, the incidence of income for the twenty cities has been worked out, as given in the table. A study of this table shows that there is a general rise in the rates of incidence and in certain cases the trend is spectacularly radical. In addition, the figures for the incidence of total income and incidence of taxation for Madras, Bombay, Calcutta and Poona are given below, based on the annual administration reports of the local bodies concerned.

In the table entitled 'Percentage Increase of Population, Income and Expenditure between 1921 and 1951', the general trend is that all the three factors have registered an overall increase. The more the increase in the population growth, the more the increase in the municipal revenues and expenditures. However, the percentage increase in any of the factors does not correspond proportionately to the increase in the other factors. All the three factors including population, income and expenditure are closely interdependent and produce corresponding effects.

Years	Madras		Bombay		Calcutta	
	<i>Incidence of total income</i>	<i>Incidence of taxation</i>	<i>Incidence of total income</i>	<i>Incidence of taxation</i>	<i>Incidence of total income</i>	<i>Incidence of taxation</i>
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1894-95	.. 2- 6-11	2- 0- 3	11-14-10	6-12- 7	6-10-10	5- 0-10
1907-08	.. 5- 0- 6	2-11- 8	12- 5- 5	10-14- 7	8- 9- 6	6- 1- 5
1918-19	.. 7- 5- 5	5- 0- 5	17-15- 3	15-11- 5	14- 0- 4	10- 2- 5
1925-26	.. 13- 1- 0	7-10- 6	26- 1- 1	23- 2- 8	19- 0- 5	15- 1- 7
1932-33	.. 10- 4-10	7- 0- 8	25-13- 8	22- 1- 1	19- 1- 9	15-12- 2
1935-36	.. 11- 3- 7	7- 4- 2	27-14- 5	22- 5- 1	21- 2- 0	17- 8- 0
1939-40	.. 12- 0- 5	8- 6- 2	29-13-11	24-11-11	22- 6- 2	18-10- 7
1940-41	.. 10-11- 7	7- 9- 7	23- 1-15	19-13- 7	22- 3- 8	18- 5- 0
1946-47	.. 16- 2- 2	10- 2- 3	36- 0-10	30-10-11	13- 0- 2	8- 4- 0
1947-48	.. 20- 0- 8	10-15- 0	44- 6- 5	36- 2- 6	19-12-11	11- 7- 3
1955-56	.. ..	13.16	..	35.94	..	16.53

Incidence of Taxation per Head of Population

	Poona City	Bombay City
	Rs.	Rs.
1950-51	N.A.	24-13- 3
1951-52	17-10-11	26- 6- 2
1952-53	18- 3- 7	30- 4- 1
1953-54	18- 9- 5	31- 8-10
1954-55	19- 9-10	32- 2-11
1955-56	19-15- 6	35-13- 0
1956-57	21-11- 6	N.A.

TRENDS IN THE GENERAL REVENUES AND EXPENDITURES

The city governments all over the country have felt the pinch of rising costs since the end of World War II due to steadily rising prices for men and materials. But the impact has probably been more severe in bigger cities due to several factors operating there, the most important factor being the huge concentration of population in comparatively limited areas.

Despite the fragmentary and incomplete nature of facts and figures available, efforts have been made to collect information about the finances of the twenty cities. The attached tables and schedules are based on information, obtained from the published documents of Government of India, annual administration reports and budget estimates of the city governments concerned and reports of the enquiry committees and commissions.

A more detailed study of the growth of aggregate revenues among the twenty cities in the several population groups shows some significant differences. The situation in the metropolitan cities *i.e.*, Bombay, Calcutta and Madras and Delhi differs from that found in other cities.

The city governments in all parts of the country are facing the problem of increasing expenditures to meet citizen demands for new services. The revenues from the traditional sources such as property tax, octroi, etc. have proved inadequate. Of course, there are property tax rate limitations in many instances, and even where these do not exist, property owners are unable to bear the entire burden of a city government. The city governments are being forced to consider new ways of raising revenues to carry on the day-to-day services of the newly rising urban communities. They have turned to such devices as entertainment and show tax, advertisement tax, cycle tax, health cess, profession tax, etc. The existing fees and rates have also been considerably enhanced.

Certain basic problems are common to all the city governments in regard to the administration of their finances. Important among these are questions of exemptions, tax delinquency, evasions, collection of arrears, corruption, budgeting, appropriations, and auditing. There are great differences of methods and procedures, collection agencies, and other organizational matters in all the city governments.

In general, there is evidence of complex municipal problems in finding adequate revenue required by a combination of factors such as these :

- (1) Population growth;
- (2) Higher price levels, and the consequent increase in the costs of municipal services;
- (3) Developmental plans and the maintenance of the existing municipal utilities;
- (4) A revenue base which does not correspond with factors causing rising expenditures.

The various solutions which may be suggested include economy and efficiency in the administration of finances, drastic reductions of certain unnecessary services, transfer of some costly functions to the State Governments and other philanthropic agencies; increased municipal taxes and enhanced grants-in-aid and loans from State Governments as well as Central.

Though lacking information in regard to many cities, some facts and figures are given in the following pages for certain metropolitan and other cities. The lack of adequate data militates against any detailed analysis of the subject-matter.

BOMBAY MUNICIPAL CORPORATION

Bombay, the Gateway of India, is one of the leading industrial cities of the country. After 1947, its importance as the commercial centre for foreign trade, has also increased.

Bombay bears the highest burden of imposts in the country; but there is also the consideration that no comparable urban area in the land enjoys the amplitude and standard of civic services that Bombay does; and that to maintain, improve or expand them calls for ever increasing expenditure.

The Corporation's main budget is called the Budget "A". The Corporation has a separate budget, called Budget "B", relating to the Improvement Schemes Account. The main items of expenditure which fall within the purview of this budget are housing and slum clearance. The Budget "C" of the Corporation relates to the Bombay Electric Supply and Transport Undertaking. After making a statutory contribution of Rs. 40 lakhs to the Corporation's principal budget called the Budget "A", the remaining surplus is distributed as provided in the Corporation Act. The Budget "D" relates to suburban areas merged in the Corporation in April 1950. The Budget "E" relates to Education Fund. The expenditure on Primary Education is nearly Rs. 187 lakhs.

In 1955, the Corporation floated a loan of Rs. 2.5 crores to finance its development programme. The period of redemption was twelve years, in this case, instead of ten years. The issue price was at a discount of -8/- at Rs. 99-8. The loan carried an interest of four per cent per annum and is redeemable in 1967.

The two loans of the Bombay Municipal Corporation issued in October 1956—one for Rs. 1.1 crores and the other for Rs. 40 lakhs—were oversubscribed within three hours after the opening of the lists on October 15. Subscription to the issues, which carried an interest of 4 per cent and are repayable in 1968, had totalled Rs. 179 crores. Keeping in view the right of the Corporation to keep subscriptions up to 5 per cent in excess of the amount offered, the authorities decided to accept applications for Rs. 3 lakhs and below in full and to give partial allotment for applications in excess of three lakhs.

During the year 1957-58, it raised a loan of Rs. 100 lakhs to finance its various capital expenditure as well as schemes of slum clearing improvement. Of the amount raised, Rs. 90 lakhs was for financing expenditure and Rs. 10 for slum improvement. The debentures would carry interest at 4 per cent redeemable after 25 years.

The Bombay Government made a grant of Rs. 8.20 lakhs to the Corporation towards the estimated expenditure to be incurred on account of the extension of its jurisdiction to the newly merged areas of Greater Bombay. The grant represents 1/3rd of the expenditure proposed to be incurred by the Corporation on the provision, extension and improvement of water supply, sewerage and surface drains in the newly merged areas.

The general tax on properties in Bombay City which has remained unchanged at 17 per cent during the last six years, should be raised to 18 per cent in the coming financial year. The halalkhare tax, hitherto levied at 3 per cent of the ratable value of properties, is also proposed to be increased by one per cent.

The Corporation was authorized to levy the halalkhare tax at five per cent on the ratable value of properties, now levied at only three per cent. It was proposed to increase it by one per cent for 1958-59.

From the point of view of the financial position of the Corporation, it is clear that though the expenditure on all services is mounting every year, the revenue which comes mainly from property taxes is more or less stabilised and is not keeping pace with the growing expenditure.

Not only the departmental demands on essential services have, therefore, to be cut down for want of funds, but it is also becoming increasingly difficult to meet the demands for expansion of existing services and provision of new ones on modern lines.

The need for exploring additional sources of revenues, besides the property taxes, is, therefore, very urgent. Representations have been made in the past for assigning additional sources of revenue to the Corporation, but nothing substantial has come out of them.

It will, therefore, be necessary again to impress on Government the urgent necessity of supplementing the revenue resources of the Corporation for meeting the growing liabilities for providing civic amenities to the city, suburbs and extended suburbs on modern lines.

The main increases in the income were under general tax because of the construction of new buildings, under town duty owing to an overall increase in imports, under interests and profits on investments, under water tax, halalkhare tax and wheel tax.

The rise in expenditure is under all service heads owing to expansion of activities. It is also partly due to the revision of the salary grades of the low paid staff, merger of 50 per cent of the dearness allowance, according to Central Government pay scales.

The income of the civic body will no doubt go on increasing as has been the case so far; but the snag is that this increase, tied largely to a rather inelastic source like the property tax, is not likely to keep pace with the inevitable simultaneous increase in expenditure. The rise in expenditure, unavoidable as it is, even for keeping up the present standard of civic services and extending them to all on an equal basis, is likely to be more so and in a greater degree too, if there is to be any further improvement in the standard which is so desirable. Then one has to look to the yawning gap in the Education budget, the mounting debt charges and the need of spending a good deal of money of the undeveloped suburbs and the extended suburbs, not yet a highly promising source of income. The State Government must be persuaded to release new sources of revenue to the Corporation.

B.E.S.T. UNDERTAKING

The steady progress being kept up by the B.E.S.T. Undertaking since municipalisation is revealed in its *Administration Report for 1954-55*.

Measure of Success : The extent to which the Undertaking has been able to achieve these objects can be gauged from the following :

- (a) The fare schedule obtaining at the time of municipalisation has been maintained (in spite of the enormous increase in the costs of material and labour). The suburban bus fares, which were originally reduced from 12 pies to 9 pies per mile, have been maintained;
- (b) The pre-war electricity tariffs have been maintained except for a small increase in respect of commercial and industrial consumers, to whom only a portion of the increased costs of production of energy has been passed on. This may be claimed as an achievement in the face of an increase of about 300 per cent in the costs of material and labour;
- (c) There has been a distinct improvement in the provision of amenities to the public in the form of comfortable seats in transport vehicles, speedier mode of travel, more shelters, electric clocks etc ;

- (d) The average wage of an employee, which was Rs. 110/- per month in 1947, has been increased to Rs. 160/- per month;
- (e) Welfare facilities to the staff in the form of canteens, rest centres, medical benefits, facilities for sports and recreation, grant of scholarships to encourage education, increased and improved housing accommodation etc. have been registering steady progress.

Judging by the first two of the three criteria mentioned above, the progress of municipalisation may be deemed a notable success.

As regards the third criterion, in so far as the credit of the Corporation has been availed of and to a certain extent also the exemption from the payment of income tax, the Undertaking has in return contributed to the Municipal Exchequer, in the form of annual statutory contributions amounts rising from Rs. 5 lakhs per annum in 1947-48 to Rs. 37 lakhs in 1954-55. The total contributions, since municipalisation up to 31-3-55, including a share of the divisible surplus, aggregate to Rs. 188.41 lakhs.

Electric Supply

The revenue derived from the sale of electricity (including traction and street lighting) was Rs. 274.66 lakhs in 1954-55 as compared with Rs. 242.70 lakhs in 1953-54 in the preceding year. In the year 1957-58, the estimated income was Rs. 985.65 lakhs. The total energy sold during 1953-54 was 317.0 million units as compared with 289.7 million units during the preceding year, and this represents an increase of 9.44 per cent in the consumption of electricity.

Transport Service

The revenue derived from the operation of trams and buses during the year 1954-55 was Rs. 410.45 lakhs as compared with Rs. 378.56 lakhs in the 1953-54 year.

(B.E.S.T.—Bombay Electricity Supply and Transport Undertaking)

CALCUTTA MUNICIPAL CORPORATION

Covering an area of about 38 sq. miles with a population of nearly 35 lakhs, the city has been gradually becoming a problem city as regards provision of civic amenities due to paucity of funds. The per capita incidence of taxation has reached at a level of Rs. 18.43, while two years back, during 1955-56, the figure touched at Rs. 16.53 in Calcutta against Rs. 13.16 in Madras and Rs. 35.94 in Bombay. This shows that Calcutta's per capita incidence of taxation does not commensurate with the services rendered as compared with those of Bombay in many respects.

During 1956-57, it was proposed to raise a loan of little more than Rs. 1.5 crores.

In 1957-58, there was a deficit of Rs. 60.70 lakhs which was proposed to be met out of the opening balance of Rs. 73.25 lakhs. The West Bengal Government had agreed to the raising of a 20-year debenture loan of Rs. 23.7 million by the Calcutta Corporation at 4½ per cent interest. This was the biggest loan yet raised by the Corporation. Of the total amount Rs. 87.45 lakhs would be set apart for issue in the name of the Municipality. The Corporation was also negotiating with several banks and brokers to get a portion of the loan underwritten. A sum of Rs. 15 million would be available for public subscription. The Life Insurance Corporation of India was understood to have agreed to take Rs. 1.5 million worth of debentures. The major part of the

loan—a sum of Rs. 15 million—would be spent on the 72-inch Pultah-Tolla water mains. Other projects to be financed from the loan included a water supply augmentation scheme and remodelling water channels to relieve drainage congestion.

The income from consolidated rate, which constitutes nearly 65 per cent of the total income of the Corporation has been raised by about Rs. 1 crore in the course of five years, although the rates of taxation had been kept at low levels under the present Act with a view to granting relief to the middle-class house owners. The establishment cost of the Corporation had registered a considerable advance, the disbursements which had amounted to Rs. 261.9 lakhs in 1952-53 being estimated to go up to Rs. 335.7 lakhs in 1957-58, showing an increase of 28.2 per cent.

Borough Committees : The institution of Borough Committees is a big step towards municipal socialism and decentralisation of the administration. The Borough Committees had been able to render various beneficial services to ratepayers according to local needs. Whereas in 1953-54 for the first time a small allotment of Rs. 3 lakhs had been made for the Borough Committee, the allocation had been stepped up to Rs. 7.5 lakhs in the following year and since 1955-56, Rs. 24 lakhs was being provided annually. A direction had been given to departments concerned to execute their works programmes in consultation with the Borough Committees, thereby broadening the base of their activities.

The expenditure on primary education on revenue account in 1956-57 was Rs. 23.17 lakhs as compared to Rs. 18.43 lakhs spent in 1952-53.

The income from the Consolidated Rate has been steadily increasing during the last several years. It has increased by about a crore of rupees in course of the last six years. There would have been further increase but for the *mandamus* of the High Court in respect of the amalgamated buildings and other buildings.

In 1958-59 the revenue was estimated at Rs. 803.89 lakhs and expenditure at Rs. 821.93 lakhs, leaving a deficit of Rs. 18.04 lakhs. The deficit, however, will be covered up by estimated opening balance of Rs. 37.97 lakhs, leaving a net surplus of Rs. 19.93 lakhs at the end. The total receipts in the Municipal Fund, including loans and suspense account, would be Rs. 1,924.84 lakhs and expenditure Rs. 1,894.81 lakhs, leaving a balance of Rs. 30.03 lakhs.

There was no proposal for enhanced taxation or revision of the existing rates for yielding larger revenues except a minor revision in case of issuing licences to the cinema houses and in few other cases where rates of service charges had been changed.

The budget for 1958-59 includes a provision of a further debenture loan of Rs. 444.86 lakhs and Rs. 90 lakhs to be received from the Union Government for the Corporation's Water Supply and Sanitation Scheme in connection with the Second Five Year Plan.

The Corporation has submitted to the Union Government a Rs. 2-crore scheme for constructing houses for its low-paid Harijan employees. The Corporation has granted an additional dearness allowance of Rs. 5/- per month to its employees from April 1, 1957, drawing a pay up to Rs. 250/- per month as in the case of the employees of the State Government.

A larger amount has been provided for works under Borough Committees. Each of the 80 wards forming 16 Boroughs will now spend Rs. 30,000/-. These Boroughs are empowered to draw up schemes for improvement of works, such as construction

of roads, pavements, beautification of squares and parks, installation of tubewells and lights and extension of sewers.

A sum of Rs. 5 lakhs is being spent in rooting up corruption among the employees of the Corporation.

The Central Government including the Railway Authorities has agreed to pay service charges with effect from April 1, 1954, in lieu of the consolidated rate for their properties acquired or erected after March 1937. On the properties that were in existence before the latter date, the Union Government has agreed to pay from April 1, 1948, the consolidated rate on the increased valuations. Pending the settlement of the rates the Union Government has made an on-account payment of Rs. 12 lakhs.

The Corporation has undertaken a capital work scheme at a total cost of Rs. 8.67 crores to be completed within the next few years. The undertakings are a part of the Corporation's Rs. 4.5 crores Five Year Plan and the work has been taken into hand according to exigency and considering the prime necessity of the citizens.

Out of the loan of Rs. 225 lakhs allocated to Calcutta Corporation by the Union Government under the Second Five Year Plan, the Corporation has allocated Rs. 145 lakhs for augmentation of water supply and Rs. 80 lakhs for the sanitation scheme.

MADRAS MUNICIPAL CORPORATION

Madras is the premier city in South India. It is the trade centre on the Eastern coast of the country. Its population is 14.16 lakhs.

The receipts under Revenue Account during the year 1955-56 amounted to Rs. 268.45 lakhs and expenditure was Rs. 246.45 lakhs. Government loans aggregating to Rs. 48.17 lakhs were received and the Corporation also raised the second instalment of the private loan of Rs. 14.50 lakhs for improving the extended areas in the city. The current collection of Property Tax is the highest on record, being Rs. 150.30 lakhs, the percentage of collection to demand being 97.61. The Property Tax comprises: General Tax 10 to 12½ per cent. Water and Drainage Tax 5½ per cent and Lighting Tax 2 per cent. The annual valuation of all buildings and land in the City was Rs. 686.45 lakhs. The property tax rates range between 17.5 and 20 per cent of the annual valuation of properties. There is a levy of 18 per cent on the Property Tax Rates, and it is called Education Tax. The Corporation received Rs. 10.57 lakhs from the 5 per cent duty on transfers of property after a deduction of 3 per cent by the Government towards collection charges.

In 1956-57, the Chairman of the Standing Committee stated that the present financial position of the Corporation could be said to be just adequate to maintain the services at the present level. Taking into account its various commitments, its income had to be augmented at least by Rs. 1 crore more per annum. Property Tax was the mainstay of Corporation income and the income under this had been steadily on the increase, though not to the extent to which the city's needs could be met. Unless the recommendations of the Taxation Enquiry Commission were implemented, there was no possibility of augmenting income with existing resources.

The major capital works of the Corporation are executed with the help of loans and grants received from Government from time to time. For 1956-57, the State Government was requested to provide a loan of Rs. 129.48 lakhs and a grant of Rs. 72.11 lakhs partly from the State Funds and partly from the Second Five Year Plan allocation, besides a grant of Rs. 30.50 lakhs for water supply and slum works.

Even after pruning some of the items under Second Five Year Plan, about 6 to 7 crores will be borrowed during the next five years and the annual debt charged towards the repayment of these debts alone will be Rs. 60 to 70 lakhs per year in addition to the debt charges of Rs. 40 lakhs per year on the existing loans. The normal expansion of the revenue during the next five years will be scarcely adequate to meet the debt charges in respect of loans to be raised under the Second Five Year Plan.

The reorganisation of States has led to the movement from the City of offices allotted to other Governments and some firms having their main business in other States with a likely adverse effect on the city's revenues accruing from property tax, companies tax and profession tax.

The revised dearness allowance for Corporation employees on par with the State Government employees, which came into force on November 1, 1956, cost the Corporation an additional expenditure of Rs. 11.35 lakhs per annum. The number of employees of the Corporation is about 15,000. The State Government had announced a further increase in dearness allowance for its employees with effect from March 1, 1957. The Corporation has taken up the question of extending this concession to the employees of the Corporation also. In 1957, the Standing Committee increased the provision under midday meals to Rs. 4.20 lakhs so as to cover all children attending the schools. A scheme is under consideration to collect voluntarily a sum of annas two from taxpayers along with property tax, in order to augment resources for midday meals.

Within a limited scope, the Corporation had been able to increase its income year after year. In 1951-52, its normal income was only Rs. 235.52 lakhs. In the budget for 1958-59, the income is estimated at nearly Rs. 328.62 lakhs. The City Council has been repeatedly demanding implementation of the recommendations of the Taxation Finance Enquiry Commission.

The principal items of revenue in 1958-59 were: Property tax including Education Tax Rs. 154.24 lakhs; Profession Tax Rs. 7 lakhs; Tax on Companies Rs. 6 lakhs.

The Standing Committee had proposed to increase the rates of Profession Tax to the maximum limit prescribed under the Madras City Municipal Act for all income groups except the last class for which a tax of Rs. 2/- as against Rs. 3/- fixed in the Act, is proposed. The Committee hoped to get Rs. 7 lakhs from this to meet the expenditure in payment of dearness allowance to the Corporation employees. An additional yield of Rs. 5 lakhs was expected from the increase in the rates of Entertainment Tax. The Committee also urged the Government to amend the City Municipal Act to enable the Corporation to levy Property Tax at a maximum rate of 25 per cent, instead of the present 20 per cent. The deficit was to go up as it had been decided to revise the Profession Tax downward. The other amendments that had been adopted relate to increased provision of Rs. 1 lakh for the construction of dustbins and an allotment of Rs. 20,000 for Bal Bhawans.

The present financial position of the Corporation will permit maintenance only of the bare essential services and their progress will depend upon the Government loans and grants and the public response to its loans. Among the various methods to augment the finances of the Corporation, it is suggested a loan to provide amenities in the extended areas. Suitable aid is also urged for the water supply and drainage schemes and a fifty per cent share in the Motor Vehicles Tax to keep the roads in good order. It would be difficult to continue payment of enhanced dearness allowance to the employees unless Government subsidised it or the Corporation stepped up taxation.

Following are some of the suggestions to improve the finances of the Corporation :

- (i) levy of a beggar cess of three naye paise in the rupee of tax to tackle the beggar problem;

- (ii) more property tax for properties with higher annual value;
- (iii) substantial tax reduction for proper maintenance of buildings and rebate for prompt payment;
- (iv) levy of maximum profession tax;
- (v) levy of a surcharge on motor vehicles tax equal to $33\frac{1}{3}$ per cent of the present tax;
- (vi) 10 per cent of the collection of the Library cess for the Corporation; and
- (vii) a substantial share in estate duties for the Corporation to improve burning and burial grounds.

POONA MUNICIPAL CORPORATION

Poona is a cultural and educational centre of Maharashtra. Its population is 4.81 lakhs. The old Municipality of the city was elevated to the status of a Corporation about seven years ago.

In view of a high court decree, declaring the levy of octroi on goods in transit as illegal, it was proposed to impose an escort fee on such goods with effect from April 1, 1956. This would fetch Rs. 2.60 lakhs. The Corporation raised a loan of Rs. 25 lakhs for its capital works programme. Bombay Government sanctioned a loan of Rs. 9.50 lakhs for the low income group housing of the Poona Municipal Corporation.

In 1957-58, the deficit was met from the opening balance. The increase of nearly Rs. 11 lakhs in the budgeted income was obtained without any new taxation or without raising the existing taxes. It was proposed to exempt industries in the Hadaspur Industrial Estate from payment of octroi duties on raw materials and machinery. The Corporation proposed to raise a new loan of Rs. 42 lakhs for capital works such as expansion of Shivajinagar water supply; construction of six new primary schools, removal of cattle stables to outside city limits, low income group housing schemes.

A tax is proposed on professions, in the budget estimates of Poona Corporation for 1958-59, as recommended by the Taxation Enquiry Commission. The other taxes suggested are :

- (i) a fire tax as in Bombay City;
- (ii) an increase in water and conservancy taxes;
- (iii) enhancement of the ratable value and general tax in respect of certain properties; and
- (iv) slight increase in the fees charged from patients in municipal dispensaries.

These taxation proposals are expected to bring in Rs. 11.35 lakhs. It is proposed that the Corporation should raise loans of Rs. 42 lakhs for development works, including the development of an industrial estate.

To bridge the gap between revenue and income the Standing Committee has proposed administrative economy, instead of fresh taxes. Money is to be saved on maintenance of public gardens and no additional staff is to be employed. The Bombay State Government has sanctioned a loan of Rs. 26.20 lakhs to the Corporation, repayable in twelve annual instalments and bearing interest at $4\frac{1}{2}$ %.

BANGALORE CITY CORPORATION

Bangalore, the capital of Mysore State, is the rising industrial city of India. It is the pride of the South, in regard to the location of various public and private enterprises. The area of the city is 26.7 sq. miles and the population according to the census of 1951 is 776,170 as against 406,760 in 1941.

The following important recommendations were made by the Committee while considering the Budget Estimates for the year 1956-57 :

To request the Government to pay the proceeds of the Show Tax after deducting 10 per cent towards collection charges similar to Entertainment Tax.

To request the Government to increase the rate of Entertainment Tax from 18½ per cent and to amend the Amusement Tax Act accordingly.

To request the Government to pay the entire collections under Health Cess within the Corporation area to the Corporation.

To request the Government to revise the amount of contribution payable to the Corporation on account of Service Tax, Vehicle Tax and Milage Cess based on the present increased number of vehicles in the Corporation area and also to expedite payment of the lump sum grant of Rs. 5 lakhs claimed by the Corporation.

To hand over all the 4 high schools and the 5 higher elementary schools run by the Corporation to the Government.

To hand over the Ayurvedic, Unani and Tuberculosis dispensaries maintained by the Corporation to the Government.

The main sources of income are assessed taxes, octroi, profession tax, entertainment tax, duty on transfer of property and other miscellaneous items. There had been an appreciable increase under octroi due to the levy of octroi on additional articles and the steady increase in imports.

In 1958, the total revenue under all heads was of the order of Rs. 207 lakhs. The rates of property and other taxes were probably the lowest in the country, and the problem of providing increased civic amenities to a rapidly growing city with limited financial resources is assuming major proportions and calls for a bold, vigorous and imaginative policy for increasing revenue resources.

The Central Government has granted a loan of Rs. 100 lakhs under the National Water Supply and Sanitation Scheme for carrying out water supply works at a cost of Rs. 60 lakhs and underground drainage works at Rs. 40 lakhs during the Second Five Year Plan period. The Central Government has also earmarked another sum of Rs. 40 lakhs for slum clearance work. Fifty per cent of this allotment will be in the shape of loan and the rest will be in the form of equal grants from the Central and State Governments.

In the budget for 1958-59, various changes were proposed in the tax structure which include :

- (1) increase in lighting tax from 1 to 2% which will bring in Rs. 2.73 lakhs;
- (2) levy of octroi duty on copper and aluminium wire which will bring in Rs. 50,000;
- (3) doubling of tax on vacant lands which will bring in Rs. 61,526;

- (4) increase in charges from 9.15 annas to **Re. 1** per 1,000 gallons of water supplied to military which will bring in an additional Rs. 65,000;
- (5) levy of duty on transfer of property even in case where its value is below Rs. 5,000; and
- (6) increase in licence fees of certain trades.

The effect of the proposed lighting and water tax will be to increase the property tax from the present 12.5% for properties with an annual value of Rs. 500 and below to 15%, and others to 10% from the present 14%. It is proposed to pay off the balance of Rs. 10 lakhs overdraft to Mysore Bank, which will lead to a saving of Rs. 45,000 per annum in interest charges.

Government grants and contributions amount to Rs. 19.60 lakhs of which arrears of tax on Government buildings and under the Motor Vehicles Tax amounted to nearly seven lakhs.

On the expenditure side, Rs. 29.26 lakhs have been provided for salaries to the staff and Rs. 17.83 lakhs for dearness allowance.

ALLAHABAD MUNICIPAL BOARD

The municipal limits of Allahabad were extended on November 1, 1956 and the area now is 18.35 sq. miles. Its population in 1951 was 3.32 lakhs.

With effect from January 26, 1957, a system of non-refundable octroi has been introduced in Allahabad city. The Municipal Administration feared that this would lead to a loss of about Rs. 5 to 6 lakhs annually, unless there was a phenomenal rise in trade and greater flow of goods into the city. To meet the loss to some extent, the Board has decided to revise the existing schedule of rates.

The Board had to obtain further loans from the State Government for its drainage and water supply schemes, and its indebtedness has now reached Rs. 6.2 million. During the year Rs. 5.71 lakhs had to be paid to the Government towards repayment charges of the outstanding loans. The Board was in dire need of further finances and the Administrator urged the State Government to assign part of the proceeds of entertainment and sales tax to the local bodies. He had also suggested that the local bodies should be exempted from the payment of electricity duty, which in the case of Allahabad Municipal Board comes to about Rs. 1.80 lakhs and is likely to go up as the Board improves its street lighting, water supply, sewage disposal plans, etc. He had also suggested reduction in percentage charges on works executed through the Local Self-Government Engineering Department. No new tax was imposed during the year.

HYDERABAD MUNICIPAL CORPORATION

Hyderabad, the capital of former Hyderabad State, is one of the leading cities of India and now is in the Andhra Pradesh. Its historical importance cannot be exaggerated. The city of Hyderabad, with a cosmopolitan population of 10.25 lakhs according to the mid-year estimate of 1955 (8.60 lakhs according to the census of 1951) is the fifth largest city in the country. And it has been hailed as one of the most attractive urban centres in India. In 1951, the jurisdiction of the Corporation was limited only to 32 sq. miles; but with the addition of several surrounding areas, it extends now over a territory of 60 sq. miles.

The first elections took place early in 1951, and the new Corporation consisting of 60 elected members and 6 nominated according to the Municipal Act, as it stood then, took up the reins of administration on April 16 of that year. To be exact, the income

of the Corporation has grown from Rs. 41.76 lakhs in 1951-52 to about Rs. 95.81 lakhs in 1958-59. What makes this increase all the more remarkable is that it has not been accompanied by the imposition of any new taxes or any alteration in the rates of taxation.

It may be stated that in the first two years of its career the new Corporation, while attending to basic civic needs, concentrated its efforts on providing underground drains and dust-proof roads; in the third year, on the construction of urinals and latrines; in the fourth, on playgrounds, parks and provision of other recreational facilities; and in the fifth, on the erection of low-rent quarters for low income groups in the staff.

The following comparative table of expenditure during 1941-51 and 1951-56 speaks for itself :

	(In thousands of rupees.)	
	1941-51	1951-56
1. Drains	138	1,614
2. Roads]	789	1,819
3. Asphalt Roads	..	151
4. Metal Roads	..	76
5. Morrum Roads	..	287
6. Latrines	..	103
7. Urinals	..	57
8. Bath-rooms	..	4
9. Playgrounds	8	124
10. Parks	..	16
11. Radio sets	10	13
12. Water Coolers	..	28
13. Fountains	..	4
14. Markets	..	5
15. Street Lights	..	81
16. Clock Tower (1951-56) Misc.	.1	199
17. Houses (1951-56) Gulzar House	59	9
18. Market (Esamia Bazar)		150
19. Electricity (in newly added)		200
TOTAL	1,068	4,940

Octroi duty was levied for the first time on goods coming into Hyderabad city during 1956. In 1956, an income of Rs. 8 lakhs from this source was estimated. The Corporation budget placed revenue at Rs. 76.54 lakhs, leaving a nominal deficit. The Corporation spent Rs. 15 lakhs on construction of new roads, parks and playgrounds, and Rs. 2.56 lakhs on extension of street lighting. An interesting provision in the budget estimates was for Rs. 1,000 for giving spectacles to poor students.

The entire expenditure on collection and assessment departments during the year 1956 (excluding Licences, Markets, Slaughter Houses and Publicity) was Rs. 2,62,000, which worked out to 5.7 per cent of the total amount of taxes collected. The incidence of municipal taxes and rates per head during the year 1957-58, according to the 1951 census of population, worked out to Rs. 6.

Hyderabad Corporation levies the following taxes and rates : Property Tax, Entertainment Tax, Tax on transfer of Property, Toll Tax, Tax on Vehicles and Animals, Profession Tax, Tax on Advertisement and Publicity, Water Tax fees from Markets and Slaughter Houses and Licences. The Property Tax is levied at 14.5 per cent of the ratable value (10.5% General Property Tax, 2% Conservancy Tax and 2% Light Tax).

The total yield in 1955-56 from property tax was Rs. 28.05 lakhs. The Tax on Vehicles and Animals is the second largest source and the yield was Rs. 5.65 lakhs in 1957-58.

The Corporation receives 25% on the amount or value as set forth in the instrument of transfer of every property, and the earning from this source in 1955-56 was Rs. 1.71 lakhs.

An interesting item of the 1957-58 budget estimates was that the Nizam would pay a property tax of Rs. 42,857 for his private estate. Though no new tax was proposed, additional income of about one lakh rupees is estimated from tax on newly constructed houses in the city. The present area of the Corporation is sixty sq. miles, whereas it used to be only 30 formerly.

It is proposed to increase the tax on conservancy and light and levy a further two per cent on property in 1958-59.

APPENDIX

LOCAL AUTHORITIES' FINANCES

Reserve Bank Survey

Total outstanding debt of leading local authorities in India amounted to Rs. 132 crores at the end of the financial year 1956-57 showing an increase of Rs. 38 crores over 1951-52.

This is disclosed in a "survey of borrowings and investment of local authorities 1951-1957" published in the April 1958 issue of the Reserve Bank of India Bulletin. The survey conducted by the Reserve Bank attempts to fill an important lacuna in the financial statistics of the country.

The survey relates to 34 local authorities consisting of 39 municipalities, 11 city corporations and four port trusts. The total number of authorities addressed was 82 of which 65 responded. Of the returns received 11 had to be excluded from the survey either because they were incomplete or because the figures obtained were obviously not correct.

The survey says that of the total debt of Rs. 132 crores in 1956-57, market loans formed Rs. 78 crores and loans from Government (both Central and State) amounted to Rs. 54 crores. "Other debt" was negligible, the survey adds.

While market debt has declined from 76 per cent of the total in 1951-52 to 59 per cent in 1956-57, borrowings from the Government have increased during the period from 24 per cent to 41 per cent. Total amount of market loans issued (mostly by corporations) during the period amounted to Rs. 26.24 crores, borrowing being Rs. 15.17 crores.

Gross borrowing from the Government amounted to Rs. 36.3 crores during 1951-57 of which the major part was from the Central Government. 68 per cent of Central Government loans went to port trusts which had no borrowings from State Government. The terms and conditions of Government loans showed "wide variations" from one local body to another and from year to year.

No foreign loans were issued during the period under review. In fact, foreign debt nearly halved itself during the period declining from Rs. 9.5 crores in 1951 to Rs. 4.9 crores in 1957.

Investment Trends : Referring to overall trends in investments, the survey says that its figures of investments would give an idea of the financial assets of the local authorities, "though this would not be a complete picture of assets in the absence of figures of physical assets."

Total financial investments of local authorities at the end of 1956-57 amounted to Rs. 110 crores of which investments on their own account amounted to Rs. 82 crores of the total investments at the end of 1956-57. Central Government securities amounted to Rs. 30 crores or 27 per cent of the total State Government securities to Rs. 7 crores or six per cent deposits with banks to Rs. 24 crores or 17 per cent and "other investments" (consisting mainly of municipal and port trust securities and debentures) to Rs. 42 crores or about 40 per cent of the total.

Between 1951 and 1957, total investment increased by Rs. 41 crores, and investments on own account by Rs. 33 crores. The percentage of total investments to total debt has arisen from 77 per cent in 1951 to 83 per cent in 1957.

Total income of all local authorities included in the survey amounted to Rs. 99 crores in 1956-57 and total expenditure to Rs. 100 crores showing an increase of Rs. 31 crores and Rs. 36 crores, respectively.

Income Break-up : On the income side, in 1956-57, taxes formed 32 per cent, borrowings 14 per cent and Government grants 5 per cent about the "rest". No detailed information was called for.

On the expenditure side "administration" formed 12 per cent of the total in 1956-57 water supply, drainage, etc. 19 per cent and roads and buildings 7 per cent. Information on expenditure side was called for separately only for a few items.

Expenditure on new construction (roads, buildings, machinery and equipment) would give an idea of capital formation in the local sector. This amounted to Rs. 5.5 crores in 1956-57, the total for the period under review being Rs. 17.25 crores.

The survey says : "Generally, taking the three categories of local authorities, port trusts seem to be in a better financial position than corporations or municipalities. Their income showed a larger rise than expenditure and they had surplus in all the years under review."

I N C O M E (Excluding Opening Balance)

(In Thousands)

Cities	1920-21	1925-26	1930-31	1935-36	1940-41	1945-46*	1952-53	1955-56
1. Calcutta Greater	15,565	21,866	23,813	24,515	25,740	—	—	65,984(1956-57)
2. Bombay Greater	20,202	30,655	32,086	32,405	35,663	—	52,294	58,293
3. Ahmedabad	1,717	2,933	3,374	4,563	5,151	—	—	—
4. Poona	869	1,441	1,866	1,955	2,139	—	11,018	12,689
5. Nagpur	1,011	1,204	1,592	1,676	2,035	—	—	—
6. Kanpur	1,330	1,987	2,007	2,228	2,630	—	7,836	10,468
7. Allahabad	832	1,499	1,498	1,499	1,647	—	6,045 (1953-54)	8,186
8. Aligarh	196	265	208	249	316	—	—	24,16,634
9. Lucknow	1,286	1,682	1,856	2,125	2,279	—	—	1,79,64,051(including Opening Balance)
10. Jamshedpur	—	—	18	28	38	61	216	228
11. Patna	440	399	529	700	683	1,081	4,360	8,863
12. Madras	5,239	6,064	7,113	7,305	8,338	12,790	24,783	29,383
13. Amritsar	1,480	2,052	2,052	2,311	3,929	—	4,214	4,291
14. Cuttack	—	—	—	—	203	—	—	—
15. Delhi	2,271	2,163	2,879	2,524	4,217	—	19,209	28,477
16. Hyderabad	—	—	—	—	—	—	4,933	6,687
17. Bangalore	683	1,026	975	1,216	1,356	2,167	7,546	9,231
18. Trivandrum	—	—	—	—	—	—	1,104	1,376

* Accurate figures are not available for the year 1945-46.

EXPENDITURE (Excluding Opening Balance)

Cities	1920-21	1925-26	1930-31	1935-36	1940-41	1945-46*	(In Thousands)	
							1952-53	1955-56
1. Calcutta Greater	17,315	23,275	31,297	26,364	26,398	—	—	71,210 (1956-57)
2. Bombay Greater	24,742	4,635	35,347	34,362	40,773	—	49,098	51,182
3. Ahmedabad	1,584	3,828	3,430	4,023	5,145	—	—	—
4. Poona	914	1,506	2,282	1,796	1,854	—	9,607	11,916
5. Nagpur	1,075	1,370	1,836	1,566	2,931	—	—	—
6. Kanpur	1,584	1,879	2,056	2,200	2,447	—	7,600	10,783
7. Allahabad	762	1,450	1,436	1,522	1,571	—	5,670 (1953-54)	9,405
8. Aligarh	133	197	303	271	275	—	—	16,07,204
9. Lucknow	1,618	1,862	1,645	2,058	2,173	—	—	106,43,373
10. Jamshedpur	—	—	35	30	—	—	80	165
11. Patna	452	350	433	830	730	1,153	3,617	5,815
12. Madras	5,555	6,546	6,975	7,298	8,727	13,962	24,451	26,963
13. Amritsar	1,431	11,876	2,290	2,145	2,936	—	2,693	8,435
14. Cuttack	—	—	—	—	216	—	—	—
15. Delhi	2,169	2,404	3,108	3,625	3,800	—	19,577	26,153
16. Hyderabad	—	—	—	—	—	—	4,785	6,562
17. Bangalore	811	960	972	1,214	1,280	2,328	7,576	9,394
18. Trivandrum	—	—	—	—	—	—	1,143	1,207

* Accurate figures are not available for the year 1945-46.

STATEMENT OF INCOME AND EXPENDITURE

(Excluding Opening Balance)

		(In Thousands of Rs.)						
Cities		1952-53	1953-54	1954-55	1955-56	1956-57	1957-58	1958-59 (Budget Estimate)
1. Bombay	Income	52,294	50,836	53,478	58,293	—	1,03,213	10,671
	Expenditure	49,098	49,028	49,847	51,182	—	1,06,403	1,11,079
2. Poona	Income	11,018	11,573	12,166	12,689	13,780	—	—
	Expenditure	9,607	9,669	11,332	11,916	14,359	—	—
3. Kanpur	Income	7,836	8,834	9,504	10,468	10,799	12,672	—
	Expenditure	7,600	8,475	9,487	10,783	10,987	12,756	—
4. Allahabad	Income	N.A.	6,045	6,037	8,186	6,500	7,680	N.A.
	Expenditure	N.A.	5,670	6,189	9,405	8,335	6,716	N.A.
5. Jamshedpur	Income	216	242	218	228	248	240	282.
	Expenditure	80	237	167	165	206	570	645
6. Patna	Income	4,360	4,036	3,646	8,863	3,902	4,280	—
	Expenditure	3,617	3,286	3,661	5,815	7,026	7,616	—
7. Madras	Income	24,783	24,262	N.A.	29,383	29,659	31,461	32,862
	Expenditure	24,451	25,286	N.A.	29,963	30,826	33,008	33,484
8. Amritsar	Income	4,214	4,027	4,009	4,291	4,401	—	—
	Expenditure	2,693	8,183	7,870	8,435	5,289	—	—
9. Delhi	Income	19,209	22,866	26,141	28,477	29,689	31,117	—
	Expenditure	19,577	21,139	22,331	26,153	28,362	31,775	—
10. Hyderabad	Income	4,933	5,542	6,532	6,687	8,097	8,914	10,223
	Expenditure	4,785	5,290	6,650	6,562	7,672	8,913	10,218
11. Bangalore	Income	7,546	7,628	9,170	9,231	10,534	11,816	13,056
	Expenditure	7,576	7,609	8,831	9,394	9,857	11,816	13,056
12. Trivandrum	Income	1,104	1,058	1,279	1,376	1,660	2,124	3,066
	Expenditure	1,143	1,954	1,137	1,207	1,350	2,525	3,107
13. Calcutta	Income	—	—	63,500	—	65,984	67,798	65,095
	Expenditure	—	—	68,300	—	71,410	73,868	76,600

CITIES WITH POPULATION OVER A LAKH

	Cities	1901	1911	1921	1931	1941	1951	Net Variation 1901-1951
1.	Calcutta (Greater)	1,474,543	1,711,115	1,827,691	2,075,691	3,534,474	4,578,071	+ 3,103,528
2.	Bombay (Greater)	847,497	1,061,487	1,294,157	1,302,515	1,695,168	2,839,270	+ 1,991,773
3.	Ahmedabad	181,774	214,000	270,775	310,000	391,267	788,333	+ 606,559
4.	Poona	130,539	140,261	180,098	213,680	278,165	480,982	+ 350,443
5.	Nagpur	127,734	101,415	145,193	215,165	301,957	449,099	+ 321,365
6.	Kanpur	202,797	178,557	216,436	243,755	487,324	705,383	+ 502,586
7.	Allahabad	172,032	171,697	157,220	183,914	260,630	332,618	+ 160,263
8.	Aligarh	72,084	66,344	66,963	83,878	112,655	141,618	+ 69,534
9.	Lucknow	256,239	252,114	240,566	274,659	387,177	496,177	+ 240,622
10.	Jamshedpur	—	5,672	57,360	92,459	168,395	218,162	—
11.	Patna	134,785	136,153	119,976	159,690	196,415	283,479	+ 148,694
12.	Madras	509,346	518,660	526,911	647,230	777,481	1,416,056	+ 906,710
13.	Amritsar	162,429	152,756	160,218	264,840	391,010	325,747	+ 163,318
14.	Cuttack	51,364	52,528	51,007	65,263	74,291	102,505	+ 51,141
15.	Delhi (including New Delhi)	208,575	232,837	304,420	439,180	659,857	1,384,211	+ 1,175,636
16.	Hyderabad	448,465	500,623	404,187	466,894	739,159	1,085,722	+ 637,256
17.	Bangalore	181,774	214,000	270,775	310,000	391,267	788,333	+ 606,559
18.	Jaipur	166,567	143,498	126,607	150,579	175,810	291,130	+ 124,563
19.	Trivandrum	57,882	63,561	72,784	96,016	128,365	186,931	+ 129,049
20.	Bhopal	77,023	56,204	45,094	61,037	75,228	102,333	+ 25,310

ALIGARH MUNICIPAL COMMITTEE

	1954-55 Rs.	1955-56 Rs.	1956-57 Rs.
(A) <i>Receipts</i>	2049048	2496634	2508000
Octori	903356	956916	1093107
Herceny carriage	13586	14248	16267
Houses Tax	—	—	114832
Rent of lands and Houses	73355	89556	74801
Markets	17163	16957	17294
Slaughter Houses	8980	12350	5723
Sale proceeds of Water	—	13395	13643
Miscellaneous	45733	25104	—
Government Grant for General purposes	252547	216825	137871
Government Grant for Educational purposes	146859	145312	137502
Withdrawals from Saving Bank	—	717000	—
Loans from Government	281000	204000	—
Opening Balance	—	31050	811316
(B) <i>Expenditure</i>	2017996	1607204	1995729
General Administration	55919	52659	48910
Collection of taxes	105280	82620	103768
Fire	24397	15043	17200
Lighting	73566	80000	98257
Watersupply	28867	28364	42476
Drainage Capital outlay	114400	265000	384000
Conservancy Sub establishment	340029	357237	350407
Plant and Contingencies	32747	29943	33218
Public Health and Sanitation Establishment	26729	26300	27057
(C) Grants-in-aid to Hospitals dispensaries, etc.	47796	42941	48313
Roads	112207	160306	330358
Schools	297325	308675	333013
Provident Fund	25000	24998	19909

LUCKNOW MUNICIPAL BOARD

	1947	Before Five Year Plan		During Five Year Plan		1958
		1952-53 Rs.	1953-54 Rs.	1954-55 Rs.	1955-56 Rs.	
Income (including Opening Balance)	N.A.	1,16,60,211	1,13,39,274	1,37,63,675	1,79,64,051	N.A.
Expenditure	N.A.	1,05,44,289	1,02,00,458	1,08,24,565	1,06,43,375	N.A.
Expenditure on Main Public Utility Services						
Education	3,64,278	12,20,231	12,24,634	12,53,177	13,43,986	13,43,232
Public Health		15,07,381	16,06,260	16,58,146	16,91,430	N.A.
Roads	2,33,134	6,58,222	6,99,739	6,55,564	5,53,911	8,99,982
Buildings		18,00,353	19,46,662	10,52,476	5,19,068	M.A.
Lighting	1,67,041	2,36,307	2,26,722	2,28,561	3,90,535	2,35,988
Water Works	81,582	15,17,042	13,07,761	16,45,067	24,68,845	17,073,98.
Drainage		8,91,849	4,50,172	7,48,242	9,66,533	N.A.

MADRAS MUNICIPAL CORPORATION

INCOME

	1952-53			1953-54		1954-55		1955-56		1956-57		(In Lakhs of Rupees) Variation 1952-53 1956-57
	Rs.	%	Rs.	Rs.	%	Rs.	%	Rs.	%	Rs.	%	
1. General Tax	83.90	33.85	71.97	81.59	27.77	63.73	21.45	14.17	4.77	4.08		
2. Lighting Tax	12.09	4.88	12.28	13.86		14.17		24.66	8.30	15.58		
3. Water Tax	9.08	3.66	15.23	17.27		24.66		35.46	11.94	23.35		
4. Drainage Tax	12.11	4.89	18.30	20.73		35.46		25.09	8.44	7.28		
5. Education Tax	17.81	7.19	18.21	23.83		25.09		4.96	1.67	.88		
6. Profession Tax	5.84	2.35	5.98	6.34		4.96		5.13	1.73	.16		
7. Tax on Companies	4.97	2.05	5.40	5.01		5.13		1.74	0.58	.11		
8. Tax on Timber	1.69	0.68	1.15	1.75		1.74		21.63	7.28	3.81		
9. Tax on Entertainment	17.82	7.19	16.51	19.79		21.63		12.59	4.24	3.34		
10. Duty on Transfer properties	9.25	3.73	8.69	10.58		12.59		1.02	0.30	2.61		
11. Tax on Carriages & Animals	3.50	1.41	3.09	3.00		1.02		3.65	1.22	.00		
12. Compensation for Loss of								1.45	0.49	.03		
13. Toll Revenue	3.65	1.47	3.65	3.65		3.65		26.21	8.82	1.27		
14. Advertisement Tax	1.48	0.60	1.49	1.57		1.45						
15. Other Items	27.48	11.08	20.16	29.90		26.21		18.82	6.34	10.48		
16. Governments Grants								15.68	5.28	7.34		
17. Contributions	9.93	4.00	10.20	18.97		18.82		12.80	4.31	1.47		
18. Collection for Excess Water	8.34	3.36	10.80	14.19		15.68		4.02	1.38	.78		
19. License Fees	11.33	4.57	10.99	12.80		12.80		1.47	0.62	.15		
20. Rents of Lands & Buildings	3.24	1.30	3.73	3.96		4.02		2.44		49.26		
21. Slaughter House Fees	1.79	0.72	2.04	2.27		1.47						
22. Market Fees	2.59	1.04	2.75	2.77		2.44						
Total	247.83		242.62	293.83		296.59						
EXPENDITURE												
1. Communications	39.99	16.35	31.40	41.66		51.44	16.69	11.45				
2. Medical Relief	9.75	3.99	10.49	9.38		10.88	3.53	1.13				
3. Sanitation & Vaccination	8.38	3.43	8.84	9.58		9.88	3.21	1.50				
4. Conservancy	32.45	13.23	34.39	34.76		41.14	13.34	8.69				
5. C.W.S. & Maternity	8.94	3.66	9.42	10.18		10.07	3.27	1.13				
6. Public Amenities	8.25	3.37	8.59	9.00		7.35	2.38	.90				
7. Contribution to C.I.T.	2.50	1.02	2.50	—		—	—	2.50				
8. Remunerative Enterprises	4.46	2.08	5.27	5.91		6.08	1.97	1.62				
9. Lighting Accounts	8.89	3.63	9.70	10.45		12.66	4.12	3.77				
10. Water Supply	15.48	6.33	18.60	18.16		22.22	7.20	6.74				
11. Drainage	17.92	7.33	24.35	21.91		30.25	9.81	12.33				
12. Repayment of debt & interest on Loans	36.06	14.74	37.70	40.00		41.95	13.61	5.89				
13. Supervision & Management	17.06	7.38	15.76	19.32		18.71	6.07	1.65				
14. Education	34.38	14.46	35.75	41.66		45.63	14.8	11.25				
Total	244.51		252.86	269.63		308.26		63.75				

HYDERABAD MUNICIPAL CORPORATION

INCOME

	Actual 1952-53	Estimate 1953-54	Actual 1954-55	Actual 1955-56	Actual 1956-57	Budget 1957-58	Estimate 1958-59	Variation 1951-52 1958-59
	<i>(In thousands)</i>							
1. General Taxes	3,604 (73.05)	3,764	3,872	4,191	4,294	4,528	5,384 (52.66)	1,779
2. Special Taxes	151 (3.05)	190	260	282	303	317	322 (3.15)	172
3. Octroi	—	—	—	—	1,090	2,000	21.10 (20.63)	
4. Markets & Slaughter houses	84 (1.69)	87	165	172	247	242	188 (1.83)	104
5. Fines imposed by criminal court in Municipal Challan cases.	17 (.33)	13	12	15	33	25	25 (.24)	8
6. General Admn.	—	—	—	—	—	—	—	—
7. Health & conservancy	11 (.21)	15	18	28	30	26	26 (.25)	15
8. Public Works	153 (3.08)	146	186	163	181	145	141 (1.38)	11
9. Drainage Division	—	—	—	9	10	11	11 (.10)	
10. Loans & Interests	5 (.95)	10	37	16	35	25	30 (.29)	5
11. Grants	859	1,244	1,928	1,765	1,735	1,578	1,891 (17.78)	960
12. Pensions & contributions	—	—	—	—	—	—	—	—
13. Miscellaneous	19	73	50	37	138	17	167 (1.63)	148
Total	4,934	5,543	6,532	6,687	8,098	8,915	10,223	5289

EXPENDITURE

1. General Taxes	257 (5.37)	243	390	433	423	406	432 (4.22)	174
2. Octroi	—	—	—	—	220	624	770 (7.53)	
3. Special Taxes	46	47	73	87	102	101	110	64
4. Markets & Slaughter houses	75 (1.56)	74	81	86	92	104	110 (1.07)	34
5. Courts & Legal Advice	13 (.27)	18	17	21	27	37	35 (.04)	22
6. General Administration	213 (4.44)	207	267	299	352	364	373 (3.65)	160
7. Health & conservancy	2,064 (43.13)	23.48	2,280	2,216	2,281	2,440	2,748 (26.89)	684
8. Public Works	1,240 (25.90)	1,467	1,835	2,056	2,173	2,650	3,074 (30.08)	1,835
9. Drainage Division	—	—	846	671	660	862	1,122 (10.98)	
10. Loans & interests	184 (3.85)	223	98	114	100	104	104 (1.02)	80
11. Grants	8	10	12	39	17	35	57 (.55)	48
12. Pensions & Contributions.	84	97	91	96	101	105	101 (.98)	16
13. Miscellaneous.	290 (6.06)	26	279	61	338	106	100 (.98)	190
Local Govt. Service Fund	311 (6.48)	529	383	382	786	967	1,082 (10.58)	751
Total	4,786	5,290	6,651	6,562	7,673	8,914	10,219	6,184

JAMSHEDPUR NOTIFIED AREA COMMITTEE

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INCOME

	Actual 1952-53	Actual 1953-54	Actual 1954-55	Actual 1955-56	Actual 1956-57	Sanctioned Estimate 1957-58	Budget Estimate to 1958-59(Total)	Variation 1952-53 to 1958-59
1. Municipal Taxes	56,059 (25.89)	62,481	62,056	64,800	72,813	78,500	81,600 (28.89)	25,541
2. Municipal Registration License & other Fees.	21,029	23,772	22,834	25,603	29,831	22,800	23,650 (8.37)	2,621
3. Realisation under special Acts	4,231 (1.95)	4,926	5,385	6,702	3,149	6,550	3,900 (1.38)	331
4. Revenue Derived from Municipal Property & Powers	12,019 (5.51)	16,074	8,070	9,205	8,306	8,000	15,000 (5.31)	2,981
5. Grant & contribution for Apart from taxation general purposes	1,21,609 (36.16)	1,28,108	1,17,551	1,18,609	1,28,514	1,26,850	1,39,000 49.22)	17,391
6. Miscellaneous	790 (.26)	936	474	1,320	1,037	1,000	1,500 (.53)	710
7. Extraordinary & Debts	790 (.26)	6,621	2,193	2,648	4,873	2,000	17,750 (6.23)	16,960
Total	2,16,527	2,42,918	2,18,563	2,28,887	2,48,523	2,40,700	2,82,400	65,873

EXPENDITURE

1. General Admn. & Collection charges	25,215 (31.27)	24,859	27,102	29,249	24,273	47,400	56,200 (8.70)	30,985
2. Public Safety	—	—	—	—	—	5,000	6,000 (.92)	6,000
3. Public Health	2,889 (3.58)	3,619	4,337	3,918	4,402	13,000	15,600 (2.41)	12,711
4. Public convenience	12,217 (15.15)	10,013	10,038	10,706	17,956	2,61,600	2,66,600 (41.29)	2,54,383
5. Public Instruction	27,117 (33.62)	27,309	20,552	21,619	55,393	36,100	1,07,600 (16.66)	80,483
6. Miscellaneous	11,238 (13.93)	1,71,223	1,02,297	98,177	91,648	2,05,350	1,88,800 (29.24)	1,77,562
7. Extraordinary & Debts	1,960 (2.43)	546	2,676	1,744	2,459	2,000	4,800 (.74)	2,840
Total	80,636	2,37,569	1,67,002	1,65,413	2,06,131	5,70,350	6,45,600	5,64,964

CORPORATION OF TRIVANDRUM

INCOME

	1951-52	%	1952-53	1953-54	1954-55	1955-56	1956-57	1957-58 (Revised Estimates)	1958-59 (Budget Estimates)	Variation %
<i>(In Thousands of Rs.)</i>										
Grants and contributions	565	36.85	130	90	140	370	167	230	553	-12
Municipal Rates & Taxes (Property Tax)	565 (373)	36.85	589 (386)	588 (386)	750 (398)	615 (367)	757 (449)	1,056 (465)	1,195 (525)	630 (152)
Revenue derived from Municipal properties.	53	3.45	39	41	29	23	39	41	50	-3
Income from Markets and Slaughter Houses	88	5.74	76	78	76	72	76	82	100	12
Miscellaneous Receipts (Private Scavenging fees)	240 (107)	15.65	235 (97)	230 (92)	250 (106)	248 (102)	268 (112)	264 (102)	296 (110)	56 3
Debit Heads	22	1.43	35	31	32	47	166	227	638	616
Capital Receipts	—	—	—	—	—	—	185	223	224	224
Total	1533		1,104	1,058	1,279	1,376	1,660	2,124	3,066	1,533

EXPENDITURE

General Supervision and Collection of Revenue	157	16.03	149	160	156	618	202	234	257	12.72	100
Public Works	153	15.62	147	117	178	188	176	174	356	17.63	203
Education	—	—	—	—	—	4	4	5	7	.34	7
Medical Services and Sanitation and Road, watering etc.	552	56.38	600	616	638	650	702	803	857	42.44	305
Street Lighting and other municipal purposes (Markets and Slaughter Houses)	72 44	7.35 4.49	158 47	79 37	90 42	94 53	121 53	392 157	422 118	20.90 5.84	350 74
Miscellaneous.	979		1,101	1,010	1,104	1,156	1,259	1,792	2,019		1,040
Total											
Capital expenditure	19		21	23	20	25	27	604	959		
Debt Heads	15		21	21	13	25	65	128	130		
Grand Total	1,013		1,143	1,054	1,137	1,206	1,351	2,524	3,108		

POONA CITY MUNICIPAL CORPORATION

INCOME

	(In thousands)					Variation 1951-52—1956-57
	1951-52	1952-53	1953-54	1954-55	1955-56	1956-57
1. General Tax	2,552 (23.25)	2,916	3,120	2,963	2,950	3,147 (22.84)
2. Water Tax	521 (5.76)	562	594	615	645	681 (4.93)
3. Conservancy Tax	563 (5.13)	645	723	670	744	827 (5.99)
4. Hotel Tax, Theatre Tax & Music Tax	172 (1.57)	189	182	184	182	187 (1.35)
5. Octroi Tax	4,262 (38.84)	4,048	4,002	4,678	4,763	5,247 (38.07)
6. Wheel Tax & Toll Tax	347 (3.16)	372	310	322	320	356 (2.58)
Total	(8,491)	8,732	8,941	9,434	9,605	10,445
7. Realisation under special act (shops & establishment) (Encroachments)	37 (.33)	49	69	91	103	34 (.24)
8. Revenue derived from Municipal property & Power.	621 (5.65)	765	819	948	1,078	1,169 (8.48)
9. Other fees & fines	336 (3.06)	177	221	273	281	315 (2.28)
10. Interest on Investment	161 (1.46)	155	227	721	759	516 (3.75)
11. Grants & Contributions	875 (7.97)	837	812	801	934	977 (7.08)
12. Miscellaneous	524 (4.74)	304	485	198	230	322 (2.34)
Total	10,973	11,019	11,574	12,166	12,689	13,780

EXPENDITURE							
1. General Administration	381 (3.90)	515	464	486	495	516 (3.59)	135
2. Collection of taxes	789 (8.09)	742	750	784	818	931 (6.48)	142
3. Provident Fund	100 (1.02)	72	105	118	136	290 (2.01)	190
4. Public Safety	129 (1.32)	341	358	374	382	450 (3.13)	321
5. Drainage	546 (7.65)	727	679	792	915	1,110 (7.72)	351
6. Water Supply	746 (2.37)	875	937	1,059	937	1,097 (7.46)	564
7. Special & General conservancy	793 (08.13)	1,265	1,271	1,311	1,454	1,504 (10.47)	711
8. Hospitals & Dispensaries	231 (2.37)	337	302	454	521	878 (6.11)	647
9. Plague charges	355 (3.63)	299	288	261	228	214 (2.18)	41
10. Public health	388 (3.97)	402	399	418	479	542 (3.77)	155
11. Public Works	545 (5.59)	965	720	890	1,459	1,780 (12.39)	1,234
12. Public instructions	1,561 (17.04)	1,585	1,817	1,623	1,765	2,007 (13.97)	446
13. Constructions	154 (1.58)	97	94	103	122	93 (.64)	61
14. Miscellaneous	3,029 (31.07)	1,384	1,484	2,651	2,205	2,848 (19.83)	181
Total	9,747	9,607	9,669	11,332	11,916	14,359	4,612

PATNA MUNICIPAL CORPORATION

INCOME

	<i>(In thousands of Rupees)</i>				
	1952-53	1953-54	1954-55	1955-56	Variation
				1956-57 (Sanctioned Estimate)	1957-58 (Estimate)
Municipal Taxes (Taxes on Holdings ; tax on vehicles, horses, & other animals ; water tax, excess water rate ; latrine tax, tax on bicycle)	1,997	59.38	2,400	2,117	2,835
812					
Municipal Registration License and Other Fees (Cart Registration fee ; Registration fees for vehicles playing for hire and license fees ; license fees for offensive and dangerous trades ; other fees, viz., mela and loud speaker etc.)	125	3.71	119	118	139
1,178					
Realisation under Special Acts (Petroleum fees under Indian Petroleum Act, Tolls on Ferries; vaccination fees.)	—	—	—	—	—
Revenue from Municipal Properties: (Apart from taxation)	131	3.81	123	120	127
(Rents of lands, houses, etc; sale proceeds of lands and produce; conservancy receipts (other than taxes) sales of compost; fees and revenue from educational institutions; fees and revenue from medical institutions; fees and revenue from markets and slaughter houses, other fees.)					
Grant and Contributions for General and special purposes Government Grants. * (For General purposes ; for educational pur- poses; for medical purposes; maintenance of Roads; for Dearness Allowance to low paid employees grant in lieu of C. T. Act. In lieu of Petroleum fee in lieu of ferries Act.)	763	22.68	496	5,735	606
268					
Miscellaneous.	66	1.96	63	84	90
Extraordinary & Debt. (Loans; Advances; Deposits)	281	8.35	104	628	105
21					
Total	3,363	4,036	3,647	8,863	3,903
5,453					

EXPENDITURE

General Administration.
(Office establishment, Establishment for collection of Taxes; other charges on account of taxes; refunds.)

Public Safety.
Public Health; (Establishment charges, epidemic including special establishment cost; drainage and sewage works, vaccination, water supply; conservancy; disposal of dead bodies, etc.

Medical.

Public Convenience.

Public Instruction.

Contribution for General Purposes.

Miscellaneous.

Extraordinary Debt.

154	4.25	154	156	160	463	997	7.88	445
78	2.15	77	67	86	132	151	1.98	73
2,348	64.91	2,028	2,088	2,411	2,731	3,865	50.85	1,517
61	1.68	56	69	36	29	31	.40	
289	7.99	339	382	446	2,574	1,207	15.88	918
312	8.62	181	329	344	456	552	7.26	240
13	.35	16	—	14	—	—		
71	1.96	107	345	2,012	501	678	8.92	607
291	8.04	126	144	306	121	517	6.80	226
3,617		3,286	3,661	5,815	7,027	7,600		
Total								

BOMBAY MUNICIPAL CORPORATION

INCOME

	1950-51	1951-52	1952-53	1953-54	1954-55	1955-56	Variation
						(in thousands)	
1. General Tax	25,447 (55.78)	24,998	31,468	33,840	33,957	37,390 (64.14)	11,943
2. Town Duties	6,501 (14.25)	6,600	6,717	7,005	7,180	8,562	2,060
3. Music etc. licenses	80 (—)	9	9	14	11	14 (.02)	6
4. Returns from property & Misc.	2,207 (4.83)	2,532	2,683	2,676	4,580	3,592 (6.16)	1,385
5. Water works	3,076 (6.74)	4,465	4,619	2,628	2,444	4,027 (6.90)	951
6. Street Cleaning & conservancy Road water & halakhore service	1,645 (3.60)	1,169	5,127	7,220	7,333	8,560 (14.68)	6,415
7. Wheel Tax & Tolls.	3,881 (8.50)	4,069	4,108	4,138	4,089	4,178 (7.16)	2,970
8. Fire Tax	246 (.53)	243	280	1	152	232 (.39)	13
9. Markets & Slaughter Houses	1,836 (4.02)	1,880	1,829	1,887	2,074	2,135 (3.66)	300
10. Licensing & removal of encroachment etc. and theatre tax.	1,405 (3.08)	1,827	2,232	2,201	2,203	2,271 (3.89)	265
11. Contribution from capital funds to revenue on account of loan works staff.	397 (.87)	216	220	197	238	331 (.56)	66
12. Extraordinary receipts:—							
(a) Interest on Net premia fund & excess on sinking fund.	152 (.33)	157	154	185	238	182 (.31)	29
(b) Relate from Govt. on account of collection of U.I.P. Tax in the city.	207 (.45)	246	224	175	195	185 (.31)	22
13. Transfers from the B.E.S. & T. Funds under Section 460 kk (2) (b) (d) of the Bombay Municipal Corporation Act.	1,118 (2.45)	2,576	2,876	3,110	3,440	3,755 (6.44)	2,636
14. Transfer from Post war recons- truction funds	756 (1.70)	729	—	—	—	—	775
Total	55,614	49,389	52,294	50,837	53,478	58,293	12,680

EXPENDITURE

1. General Superintendence	968 (199)	1,015	1,117	1,179	1,192	1,299 (253) 9,972	331
2. Education (Primary)	7,779 (16.05)	9,375	8,471	9,248	9,905	2,193	
3. Education (Secondary)	76	68	74	75	77	82 (.16)	12
4. Public Health	2,483 (5.12)	2,187	9,915	3,345	3,324	3,865 (7.55)	1,381
5. Medical Relief & Education	6,438 (13.28)	7,097	7,791	8,296	8,832	9,104 (17.78)	2,665
6. Roads, S.W. Drains (including Public lighting)	9,500 (19.60)	8,106	7,516	6,892	7,633	7,683 (15.01)	1,817
7. Mechanical	2,299 (4.74)	2,696	375	235	221	152 (.29)	2,147
8. Buildings, land acquisition and Management	1,764 (3.64)	1,935	1,804	2,136	641	418 (.81)	1,346
9. Gardens and open spaces	776 (1.60)	698	718	750	686	635 (1.23)	141
10. Miscellaneous	359 (.74)	894	796	471	442	1,044 (2.03)	685
11. Contribution towards Improvement Schemes	3,464 (7.14)	3,628	3,584	3,699	3,962	3,989 (7.79)	525
12. Provident Fund, Pensions, Grativities, and compassionate allowances.	1,923 (3.96)	2,014	1,918	1,877	2,047	1,835 (3.58)	88
13. Urban Immovable Property Tax on Municipal Properties	50	55	54	7	9	6	43
14. Dearness Allowances	9,898 (20.42)	9,676	10,227	8,500	8,604	8,859 (17.30)	1,039
15. Grant-in-aid to Public Institutions	624 (1.28)	1,049	998	878	906	830 (1.62)	206
16. Rent of buildings requisitioned for housing Municipal employees of essential service since derequisitioned by Govts.	68	23	30	51	1	1	67
17. Contribution to Budget "D"	—	1,000	1,296	1,314	1,371	1,408 (2.75)	1,408
18. Damaged caused by cyclone of 1948	—	—	313	75	—	—	
Total	48,463	51,518	49,098	49,028	49,948	51,182	2,720

Net Revenue after deducting refunds draw back and charges in respect of assessment and collection and granting of refunds.

KANPUR MUNICIPAL BOARD

INCOME

	(In Thousands)					
	Actual 1952-53	Actual 1953-54	Actual 1954-55	Actual 1955-56	Actual 1956-57	Variation 1952-53 — 1956-57
1. Octroi	105 (1.34)	99	101	124	127 (1.17)	22
2 Tax on the annual value of building & land	1,719 (21.93)	1,968	2,130	2,180	2,250 (20.83)	531
3. Tax on vehicles & conveyances and on boats.	203 (2.58)	208	217	228	244 (2.25)	41
4. Water Tax.	1,548 (19.75)	1,746	1,860	1,953	1,979 (18.32)	431
5. Terminal Tax	1,280 (16.34)	1,313	1,371	1,403	1,438 (13.31)	157
6. Terminal Toll	619 (7.89)	634	763	900	991 (9.17)	372
7. Realisation under special Acts. From Funds hackney carriages, licences for the sale of spirits & drugs and from other sources	40 (.51)	40	41	61	53 (.43)	13
8. Rents of Ponds Houses, sarais dak bungalows etc.	398 (5.07)	437	354	386	366 (3.38)	32
9 Fees & revenue from educational Institution	191 (2.43)	215	225	242	277 (2.56)	86
10. Markets & slaughter houses	119 (1.51)	201	287	314	332 (3.07)	213
11. Sales of water proceeds etc.	379 (4.84)	308	300	381	374 (3.46)	6
12. License fees on carts	528 (6.74)	569	664	685	725 (6.71)	197
13. Grants & contributions (from Govt. & other sources)	666 (8.49)	1,034	1,184	1,573	1,590 (14.72)	924
14. Miscellaneous	40 (.50)	63	42	28	53 (.49)	14
Total	7,836	8,835	9,505	10,469	10,799	2,963

		EXPENDITURE					
1. Central Administration	687 (9.03)	720	799	786	792 (7.20)	105	
2. Public Safety	241 (9.03)	229	305	326	436 (7.20)	195	
3. Water Supply	1,454 (19.13)	2,553	2,780	2,318	2,258 (20.55)	804	
4. Conservancy (including road cleaning and watering latrines)	1,578 (20.76)	2,161	1,464	1,679	2,111 (19.21)	533	
5. Hospitals & Dispensaries	328 (4.30)	256	335	450	471 (4.28)	143	
6. Public Works	320 (4.20)	220	732	1,622	989 (9.00)	670	
7. Schools & Colleges (Education)	1,819 (23.93)	1,899	1,799	1,999	2,099 (19.10)	280	
8. Contributions	169 (2.22)	169	180	178	210 (1.91)	42	
9. Miscellaneous	1,005 (13.21)	267	1,092	1,426	1,620 (14.47)	616	
Total	7,600	8,476	9,488	10,784	10,987	3,387	

AMRITSAR MUNICIPAL COMMITTEE

INCOME

	1952-53	%	1953-54	1954-55	1955-56	1956-57	%	Variation
House Tax	815	19.43	654	578	566	656	14.90	
Octroi	2,436	57.80	2,406	2,482	2,706	2,653	60.28	271
Dangerous & Offensive Trades	37	.87	40	45	42	43	.97	7
Tax on Vehicles	61	1.44	76	76	74	134	3.04	73
Fees for Vehicles licenses	102	2.42	111	101	101	20	.45	
Income from Municipal Properties	206	4.88	191	182	272	277	6.29	71
Scavenging and similar taxes	13	0.30	21	23	25	28	0.63	
Sale of nightsoil	69	1.44	51	43	38	45	1.02	15
Sale of sewage	139	3.29	117	128	92	126	2.86	
Control of food supplies	63	1.49	64	53	61	59	1.34	
Sale of Water	208	4.93	221	226	246	274	6.22	66
Fairs (Misc.)	73	1.73	75	71	68	86	1.95	13
Total	4,214		4,027	4,009	4,292	4,401		

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EXPENDITURE

	1952-53	12.27	1,023	1,038	1,169	1,084	20.49	61
General Departments (excluding Electricity Department) i.e. General Administration Tax and Licensing ; municipal properties, public safety; conveniences, garden and roadside trees	1,038							
Education	683	8.07	818	916	990	1,045	19.75	362
Hospitals & Dispensaries	147	1.73	174	175	204	237	4.48	90
Public Health (including Drainage)	2,325	27.49	2,028	1,778	1,809	1,730	32.70	
Water Supply	895	10.58	388	422	419	714	13.49	
Veterinary	39	.46	32	31	28	29	.54	
Municipal Works	636	7.52	874	522	451	450	8.50	
Electricity Department	2,693	31.84	2,846	2,982	3,364	—	—	
Reserve for unforeseen charges	—		—	5	—	—		
Total	8,456		8,184	7,871	8,435	5,298		

DELHI MUNICIPAL BOARD

INCOME

	1948-49	1949-50	1950-51	1951-52	1952-53	1953-54	1954-55	1955-56	1956	Variation
									(In Thousands)	
1. General Department (Terminal Tax, Toll Tax, Taxes on Buildings & lands Tax on building applications, Tax on vehicles & animals & Misc.)	8,678 (76.89)	10,755	11,642	12,929	14,628	15,606	19,942	22,758	23,718 (79.88)	15,040
2. Education Department	112 (.99)	166	271	391	594	2,776	2,422	1,691	1,707 (5.74)	1,594
3. Medical Department	3	5	6	21	21	99	31	9	24 (.08)	21
4. Public Health	248 (2.19)	182	179	662	669	682	189	222	240 (.80)	8
5. Water Supply	2,220 (19.49)	2,640	2,471	3,169	3,211	3,587	3,437	3,627	3,832 (12.90)	1,631
6. Veterinary Department	3	2	1	1	1	2	2	3	3	—
7. Municipal Income	40 (.03)	78	75	60	84	115	117	150	165 (.55)	125
Total	11,285	13,839	14,645	17,297	19,209	22,867	26,141	28,477	29,687	1,840

EXPENDITURE

1. General Department	1,969 (16.82)	2,534	2,664	3,130	3,480	3,623	4,208	4,211	5,434	3,465
2. Education Department	1,541 (13.16)	1,903	2,681	3,038	3,157	4,246	4,559	4,608	4,596 (16.20)	3,056
3. Medical Department	455 (4.89)	502	551	607	657	651	682	745	780 (2.74)	324
4. Public Health	4,041 (34.52)	5,015	5,061	5,039	6,034	6,153	6,074	6,581	6,854 (24.16)	2,812
5. Water Supply	1,650 (14.10)	1,966	2,019	2,450	2,913	2,859	2,966	3,178	3,951 (13.93)	2,301
6. Veterinary Department	13	14	14	15	12	13	12	32	16	3
7. Municipal Works	2,035 (17.38)	1,531	2,073	2,797	4,324	3,593	3,831	6,097	6,732 (23.73)	4,697
Total	11,703	13,462	15,064	17,076	19,577	21,139	22,332	26,153	28,362	16,659

BANGALORE MUNICIPAL CORPORATION

INCOME

(In Thousands)

	1950-51	1951-52	1952-53	1953-54	1954-55	1955-56	1956-57	1957-58	1958-59	Variation 1950-51 1958-59
1. General Taxation										
(a) Octroi	1,542 (24.46)	2,014	1,676	1,792	2,132	2,626	3,370	3,580	3,881 (29.72)	2,339
(b) Taxes on building & lands	835 (13.24)	852	978	1,050	1,145	1,106	1,265	1,382	1,512 (11.57)	677
(c) Profession Tax	50 (.79)	111	111	106	99	103	100	90	130 (.99)	80
(d) Entertainment Tax	362 (5.74)	181	614	438	386	587	556	650	760 (5.82)	398
(e) Duty on transfer of property	201 (3.18)	144	201	113	148	173	275	391	312 (2.38)	111
2. Education	33 (.52)	70	91	201	145	187	108	140	173 (1.32)	140
3. License Fees (Motor Drivers including cycle tax)	94 (1.49)	121	129	123	142	143	146	157	157 (1.19)	63
4. Motor Vehicle Tax	197 (3.13)	155	155	155	155	155	155	336	314 (2.40)	117
5. Conservancy	369 (5.85)	402	450	544	551	508	580	634	701 (7.07)	332
6. Remunerative enterprises (Markets, slaughter houses, ponds, carts stand fees & land Development)	582 (9.23)	661	652	641	638	663	766	789	923 (1.814)	341
7. Water Tax on private Buildings	780 (12.37)	804	970	1,035	1,137	1,131	1,321	1,571	1,814 (13.89)	1,034
8. Collection of excess water	477 (7.57)	379	650	491	795	747	694	690	800 (6.12)	323
9. charges of water supply to the Military	112 (1.77)	104	89	107	108	75	110	110	165 (1.26)	53
10. Lighting Account	160 (2.53)	169	202	235	240	216	253	277	495 (3.79)	335
11. Miscellaneous	508 (8.06)	674	578	595	1,348	811	833	1,019	919 (7.03)	410
Total	6,303	6,840	7,547	7,628	9,170	9,232	10,534	11,817	13,057	

EXPENDITURE

1. General	280 (4.72)	217	268	358	274	288	292	359	345 (2.64)	66
2. Assessment and Collection	270 (4.56)	255	307	273	282	293	415	501	484 (3.70)	213
3. Pensions & gratuities	47 (.79)	83	98	105	122	158	170	160	170 (1.30)	123
4. Education	194 (3.27)	240	248	260	245	258	325	480	502 (3.84)	308
5. Engineering Establishments	125 (2.11)	151	171	180	167	177	210	252	258 (1.97)	133
6. Roads	612 (10.33)	745	880	702	717	1,188	856	1,418	1,398 (10.70)	786
7. Medical Relief	151 (2.55)	144	106	107	80	152	123	120	157 (1.20)	6
8. Preventive Medicines	159 (2.68)	204	205	211	200	198	252	339	350 (2.68)	191
9. Conservancy & Sanitation	1,130 (19.08)	1,280	2,361	1,452	1,543	1,541	1,832	2,170	2,227 (17.05)	1,097
10. Births & Deaths	200 (3.38)	245	280	305	300	326	424	534	576 (4.40)	375
11. Public Amenities	115 (1.94)	96	137	124	152	216	226	232	283 (2.16)	167
12. Remunerative Enterprises	368 (6.23)	307	332	386	341	345	315	388	425 (3.25)	56
13. Street Lighting Charges	148 (2.50)	190	270	256	389	301	505	1008	766	618
14. Maintenance of Water works	1,140 (19.25)	1,295	1,431	1,704	2,406	2,255	1,925	2,198	2,894 (22.16)	1,754
15. Drainage	177 (2.99)	201	399	304	336	459	404	434	327 (2.50)	150
16. Miscellaneous	801 (13.53)	916	1,082	880	1,275	1,243	1,863	1,605	1,893 (14.50)	1,092
Total	5,920	6,571	7,576	7,609	8,831	9,394	9,857	11,817	13,057	7,136

THIRD TOPIC :

DEVELOPMENT AND REDEVELOPMENT OF CITIES

ROLE OF CITY PLANNING IN CITY GOVERNMENT

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1. *Introduction*

Cities have been planned for one purpose or another since men first came together in closely built communities. The history of city planning throughout the ages has been the history of changing attitude towards the problems that arise when people in considerable numbers live, work and play in proximity with one another. Congestion, blight, bad housing and insanitary conditions were as common in ancient cities as they are today. Zoning, public works programmes and building regulations were employed thousands of years ago. Planning in the broadest sense has always meant looking into the future envisioning a desirable end and then with the materials at hand setting out step by step to achieve it. The meaning and value of city planning effort, its ultimate success or failure, depend largely on the objectives and how broad and how vital its goals are. Ancient Indian history and old architectural treatises like Arthashastra of Manasara indicate the great interest which the rulers and urban principalities in India took in urban planning. The cities in the valley of Indus were built in rectangular blocks with wide streets. Scientific application of traffic planning accompanied by an efficient drainage system was one of the prime requisites of these cities and towns. The cities of South India are well known for their detailed planning, specially in regard to zoning of different trades, income groups and different industries within the precincts of the towns. The building height and land use were regulated and even styles of agriculture near the cities and towns were controlled, so that the city derived from the countryside around it regular supplies of its requirement of food.

The development and regulation of the cities and towns before the advent of the British was mainly the responsibility of the city administration and where cities and towns functioned as capitals of small states, then the development of that city became the concern of the king or the ruler using that city as his capital. The cities and towns in India, like their counterparts on the Continent and U.S.A., were greatly affected by the industrial revolution which led to the sporadic and uncontrolled development of these cities, resulting in slums, blighted areas, severe congestion, absence of primary community facilities and lack of physical services.

The attempts that have been made to overcome these problems have been in the main piecemeal and have been hampered by severe limitations, both of finance as well as the legal powers of those bodies who were entrusted with the task of stopping these uncontrolled development and providing for a healthy and sound economic development of these towns and cities. Among the many Improvement Trusts set up for this purpose, only a few have been successful in achieving, to any substantial extent, the object for which they were set up. Local bodies have felt themselves to be in a hopeless condition, faced as they are with problems of very big magnitude, very limited financial resources and practically no technical personnel to assist them. The earlier piecemeal approach which brought relief to a road junction here or to a few houses there have more often affected adversely the town as a whole rather than help it. It is in the last 30 years that it has been realised that planning development and redevelopment of cities

has to be attempted in a comprehensive manner and the approach should be from a multi-purpose angle rather than a piecemeal remedial solution. This realisation has been further strengthened by the teaching of Patrick Geddes and his philosophy in the development of these towns and cities which has now been accepted almost all over the world as basically a sound concept of planning. The method of 'organic surgery' preached by Patrick Geddes deals with the planning and development of cities and towns in the same manner as a surgeon deals with a sick body, that is by removing those tissues which are cantankerous and harmful, but by preserving intact those parts which are sound, healthy and living in the fullest sense of that word. It is these concepts, namely that of comprehensive planning and development of cities and towns and the application of organic surgery in the replanning and redevelopment of our cities and towns, that should influence basically the planning function in the city government today.

2. Planning function in the City Government

As the necessity for broader co-ordination of numerous economic and social processes has become more and more evident, planning has also become to be recognized more of a public responsibility, that is the duty of the local government as the agency of the people. This is a natural outgrowth of the gradual displacement of the hope of gaining unlimited private profit by the broad social purpose of establishing a sound, stable, generally well-to-do country as the guiding motive of our urban life. This new awareness of public responsibility is evidenced by efforts made at all levels of government in the direction of public housing, slum clearance and redevelopment, drainage and sanitation schemes for local bodies and conservation measures.

The role of the city planning in a broad programme of planning is that within the limits and can be defined as follows :

“Within the limits and opportunities set by broad regional and national planning policies and programme, it will be the task of city planning to contribute to the social and economic welfare by helping to create an increasingly better, more helpful, convenient, efficient and attractive urban environment.”

Like State, Regional and National planning, City planning too will be concerned basically with the conservation and most effective utilization of raw material and human resources, but in contrast to some degree of planning by the Central Government, State Government or Regional bodies, City planning will employ principally, although by no means exclusively, the shaping and reshaping of the physical urban environment—the better attunement of this environment to physical, social and economic activities and resources—as a means of further attainment of the highest possible material and social standards of existence by the urban population.

3. Place of Planning in City Governments

What does this mean in terms of the practical affairs of the city hard pressed with immediate problems, such as lack of drainage, crisis in water supply, etc., and usually with shortage of funds and personnel to meet them. A good many of these pressing problems are of such a nature that a competent well financed, well staffed planning agency can be of real help in solving or ameliorating them. It has been the experience of most cities in the world that assistance of such an agency has meant action not only more effective but more economical than actions undertaken by city departments simply on the basis of knowledge and according to experience limited by the specialised nature of their individual functions.

The problem, for instance, of improving relief needs, and of deciding what needs are most pressing, where and why is one on which the planning agency should be

able to offer assistance. An active planning agency has for its primary job the making of a comprehensive land use, economic and social survey. It finds out what sort of a house people live in when they were built, their size and condition, how many people live in each house, where they work and how they get to work; what industries are there, how many workers they employ and why they move away leaving jobless men behind them. With such knowledge to be drawn, the department concerned with providing relief can intelligently determine where best to apply its limited funds to obtain the maximum results.

Most of our cities are faced with problems of housing shortage, traffic congestion, obsolete or outgrown street systems, inadequate facilities for transporting large number of people from one part of the city to another and development of residential sections not planned in proper relation to places of work. Many of our cities have spent lakhs of rupees in street widening and improvement only to find that the traffic problem was in no way solved. It is the job of the planning agency to study the traffic situation in a city and find out where the worst congestion occurs and what causes these congestions. The knowledge of these causes will lead the department concerned to take steps to remove them and solve the congestion problem without the fear of it recurring again.

An active planning agency also saves a city a good many headaches and considerable expense by developing a sound system of zoning and zoning regulations permitting the rational use of land throughout the city; combating land overcrowding and congestion of all sorts, protecting and encouraging satisfactory development, and restricting or prohibiting those which are inappropriate, harmful and tend to have blighting influences.

These few examples should serve to illustrate the important place which planning occupies in city management. Some of the advantages of having a planning agency influencing practically every major decision which a Municipal Commissioner or a City Council takes, are set out below :

- (i) By advanced planning the total expenditure on city improvement and development can be brought within the financial means of the local body and will even provide for situations where the local government would have to borrow from outside sources to finance development projects.
- (ii) Intelligent planning makes it possible to determine the proper source of funds for specific projects, that is whether they should be paid for out of current revenues or special assessment or by borrowing and to what extent these costs should be shifted to the State Government or to the Central Government.
- (iii) Long term planning helps to keep the tax rate in the city even from year to year by avoiding variations in expenditure.
- (iv) Planning provides a check on wasteful spending by eliminating duplication of expenditure by several agencies.
- (v) A long term programme for city improvement provides a means of allocating improvements equitably among various sections of the city and to withstanding unreasonable demands of special interests or special sections.
- (vi) Careful planning of a city's expansion on the basis of study of past trends and future needs will save unnecessary expenditure on developmental and temporary measures.

4. *Legislative basis for City Planning*

City planning or development has proceeded in India under the powers provided to the local body by the State Municipal Acts, Improvement Trust Acts and similar statutes. In some of the states, special town planning legislation has been in existence providing powers to the local bodies to make town planning schemes and to implement them. In Bombay, a comprehensive town planning legislation has been enacted to provide for preparation of master plan for every urban community within a specified period. The recent Slum Clearance Act and Capital Town legislations have all empowered developmental activities by local bodies with specified limitations. The legal basis for planning has varied from state to state and from municipality to municipality; some of the municipal acts provided for almost any action to be taken by a municipal body short of hanging as a punishment. The extreme inactivity of these municipalities and their inability to do anything to control development has indicated the vulnerability of these acts and the impracticability of implementing them with any measure of force or assurance of compliance. Except in a few municipalities, where the resources have been such as to provide for certain types of planning agency and who have made most of the powers inherent in a municipal act to promote planning, in other cases municipal government has been unable more or less to make use of their present powers to plan or to develop in a co-ordinated rational manner.

One major shortcoming in almost all the legislations that are enforced today is that none of them provide for zoning of land use and control over land use and development. Lack of this power has endangered every planning scheme put forward by local body because of the sectional interest which it arouses in the people living in the community and the unfair advantage taken of by them in exploiting the scheme fully to further their private interests. Zoning, if it precedes any town planning scheme will stabilise and remove such exploitation to the greatest extent possible.

It is, therefore, necessary to have a modified legislative basis which provides for not only compulsory planning and development of the city government, but also empowers the government with sufficient powers to zone land use and to regulate it in the interests of the entire community. The model town planning legislation which has been prepared by the Institute of Town Planners, India, provided such a legislative basis. Briefly, the model legislation envisages a State Town Planning Act, supported, if necessary by a Central enabling legislation. The State Town Planning Act enables cities and towns to prepare zoning plans and zoning regulations and following these, comprehensive development plans and planning schemes in that sequence and provides for their implementation with the minimum financial commitment and legal liability on the part of the city administration. Copies of this Act, together with an explanatory note are annexed to this working paper for a more detailed study and appreciation of the powers implied therein. The enactment of enabling legislation by the Centre and the Town Planning Act by the States should provide the necessary legal basis for development and redevelopment of our cities and towns undertaken by the city administrations themselves.

5. *Organisation for City Planning*

City planning to be effective should be an official, regular and continuous function thoroughly integrated with the structure and processes of local government. The present forms of planning boards or commissions prevalent in western countries which have semi-official or statutory status should be taken as only a step in the evolution of the planning function and its recognition as a part and parcel of local government activity. Alfred Bettmann, as early as in 1950, pleaded that planning should be attached to the legislative and not to the administrative branch. His main objection

to attaching planning to the administration branch is the difference in the temperamental approach between the administrator and the planner. Mr. Bettmann has argued that to put spatial and temporal relationships into the procedure for making decisions on physical and other developments of the city under the administrator, who is a busy man and is under the daily pressure of political organisations, immediate decisions and urgent calls, would be fatal to planning itself. Mr. Bettmann is afraid that the administrator will soon convert the planning technician into an administrative technician.

Mr. Bettmann's view does not find much support among authorities on municipal administration. It has now been firmly established that the planning agency, if it is attached to the office of the Chief Administrator of the local body, would have the same staff relationship as other municipal aids, such as the Budget Officer, Chief Personnel Officer, Financial Officer, etc.

Within the administration the planning staff agency should be so placed that its advice on the overall and long term community development aspects of matters under consideration be directly available to, and may be taken fully into account by, both the chief administrator and the council. If local planning is to be fully and beneficially effective, it must influence both policy and administrative decisions. Hence constant contact between the planning staff and the council as well as the chief administrator would bring about this influence. The planning staff agency should be so placed as to be responsible to both. Such an arrangement will result in closer collaboration between the chief administrator and his department and the planning agency and will minimise, if not obviate possible friction and antagonism. At the same time with the planning staff agency submitting its advice directly to the legislative body, the long range overall planning aspects of problems and solutions will be made available to the Council and are likely to be taken into account more adequately in arriving at decisions than would be the case if these were to reach the Council through the chief administrator.

The planning staff agency, which we may refer to as City Planning Board or City Planning Committee may consist of both lay and official members. Lay members of this body may be appointed by the Mayor or City Council. Such a body will ensure better co-ordination specially as the Mayor or other members of the council and the chief administrator of the city serve as *ex-officio* members of the planning committee. This type of agency composed of lay and official members is preferable to the more independent forms, because it recognises the need for participation by regular city officials in the formulation of plans, which they will be called upon to execute if adopted by the Council.

Regarding the actual organisational set-up, it is important that satisfactory relationships be worked out between the chief administrator and the planning agency. While formal organisation is important, it is much less important than the working relationship that will be established on an informal basis. The composition of the planning committee may be stipulated in the State enabling act or in the act setting up the municipal body or in a special ordinance enacted by the State legislature. The experience of many cities in regard to the membership of the planning committee can be summed up to consist of the following broad principles :

- (i) Too few members or too many members on the planning committee are both a handicap. A membership of 7, 9 or 11 has been found to work out best.
- (ii) The committee composed of both city officials and citizen members is preferable to one consisting of all officials and all citizen members.

- (iii) The chief executive of the municipality and one member of the municipal council should be among the *ex-officio* members of the planning committee.
- (iv) It is not important that the citizen members on the committee should represent technical or other professions. An understanding of the city and its problems and the contribution that city planning can make towards a solution, broad vision, demonstrated genuine and unselfish interest in public welfare, integrity and soundness of judgment and prestige in the community should be regarded as the chief qualifications for membership on the city planning committee.

In this short paper it will not be possible to go into the details in regard to the manner in which officers should be elected on the committee, the rules of procedure, etc. These are matters which each municipal council will work out within the legal framework under which the city has come into existence and is now functioning.

6. Planning Programme

After it has been organised, the first task of the planning agency is to formulate a programme of activities. A clear understanding of the objectives of city planning, its functions, nature and methods of operation is necessary for developing an intelligent programme of planning activities. It is, therefore, well to study these objectives clearly at this juncture.

The broad objective of city planning is to further the welfare of the people in the community by helping to create an increasingly better—a more healthful, convenient, efficient, and attractive—community environment. That the physical, as well as the social and economic, community is a single dynamic organism, all features and activities of which are related and interdependent, and that, not being a biological organism, its development must be directed by the application of co-ordination and intelligent foresight if balance, harmony, and order are to be ensured, are the two leading concepts the combination of which constitutes the basis for city planning.

City planning thus consists of the methods or techniques for coordinating and bringing into a high degree of harmony—in accordance with carefully thought out, comprehensive, long term plans of the desirable future development of the community—the numerous and varied public and private structures placed on, and uses made of, the land. Such structures and uses are widely different in their functions or purpose, such as residence, business and industrial buildings; streets; parks; play-grounds; schools; libraries; fire stations; transport and utility lines; terminals or power plants; etc. They are being built through the more or less independent actions of many individuals and groups and the numerous agencies of the city, state and central governments. These varied structures and uses, however, are parts of the same community organism, their purposes and the uses made of them are related and interdependent. Unless principles of design, co-ordination, and adjustment are applied in determining their location and extent in relation to one another—and unless all these accord with some general plan of the desirable overall development of the community—all sorts of maladjustments and deficiencies are likely to ensue. The process of applying foresight, co-ordination, and adjustment to the location, extent, and, in a measure, also to the timing, of public and private improvements and developments in the community—in order to prevent or minimize such maladjustments, defects and deficiencies, and the economic and social costs or wastes to which these give rise—is the essence of the city planning process.

The continual application of this process is the basic and distinctive function of the planning agency. Through it the planning agency aims to ensure that each new improvement makes its full contribution to the transforming of the present community into an increasingly better one. It should seem almost self-evident that the planning agency must have a rather definite plan of this better future community in all of its principal features if it is to do its job effectively. This plan showing in outline form the city's desirable future development—the appropriate uses of private land and the general location and extent of all necessary or desirable public facilities, all in appropriate relation one to another and in scale with the expected growth of the community and its financial resources—constitutes what is called the comprehensive city plan or master plan.

Under most planning enabling acts the making of such a plan is one of the major functions of the planning agency, and the first task to which it must turn in order to equip itself for effective operation. The preparation of a zoning ordinance and subdivision regulations—two of the chief instruments of planning administration—is a part of the same undertaking and should be done at the same time. Being the tools by means of which a large part of the master plan is to be given effect, they must necessarily be derived from and closely integrated with it if they are fully to serve their purposes.

7. *Master Plan*

The comprehensive city plan or master plan must be practical and economically sound; it must give expression also to other than purely materialistic aspirations of the people of the community. Only then will the plan possess the inspirational force that will foster civic interest,² devotion and loyalty essential for building better cities.

The comprehensive city plan or master plan must, therefore, be first of all a balanced design suited to present and probably future needs; second it should be in scale with the population and economic prospects of the community and third in scale it should be in keeping with the financial resources both present and prospective of the city. The preparation of such a plan requires the collection, analyses and interpretation of a large body of facts about the past and present and careful enquiries into the future. Such facts and enquiries must cover not only the physical but also the social and economic fields as well. The details of surveys and facts which are necessary to be collected relating to the physical, economical and social bases of the city are described more fully under the programme for the master plan.

Among the features of the master plan, the fundamental one is the land utilisation or land distribution scheme, commonly called zoning. Zoning is often mistaken as the city plan itself, which it is not. Zoning is but one of the devices for giving effect to the city plan and is again one feature of the broader land utilisation scheme. The land utilisation scheme which is a composite of several devices is a constructive instrument for bringing about order and a high standard of future land utilization—productive of sustained values and desirable living conditions, it will delimit areas for housing and rehousing various segments of the population and control developments in each through appropriate building, sanitary and zoning regulations. The eradication and redevelopment of slum districts for such uses as each of these is most fit and the rehabilitation of decadent neighbourhoods are among the important objectives to be achieved through the land utilisation plan.

Another feature of the master plan is the regulation and control of land subdivision. Such regulations should not only aim at limiting the quality of the design and the adequacy of streets and plot sizes which they are doing today, but should begin to aim at preventing unnecessary or premature subdividing and land speculation. Other

important features of the master plan consists of plans for improving and augmenting of public facilities—streets, parks, playgrounds, schools, fire stations, other public buildings, local transport, rail road and other long-distance transport facilities, sewerage and water supply, etc.

While long-term city improvement programme may not form part of the master plan, it is, however, an essential instrument for giving effect to such an improvement programme. Like the zoning ordinance, subdivision regulations and street regulations, the improvement programme is one of the tools of the planning administration for carrying out the recommendations in the master plan.

It is important to note in this context that the master plan once prepared by the planning agency does not itself suffice, but only provides the fundamental prerequisite to the effective application of the planning process by the planning agency. A master plan is not a set physical pattern imposed on the city or the town, but is continually refined by the planning agency and revised from time to time as changing conditions, trends or expectations warrant. The plan, however, serves as a framework for typing together into an integrated structure numerous public and private improvements built from week to week and thus to produce an efficient, convenient and attractive community.

8. Programme for the Master Plan

While the scope of an adequate master plan which has been described earlier will cover all major features of community development. In cities of widely different areas and character, these features will obviously differ not only in point of scale but also in the variety of types. With the scale, acuteness and complexity of different developmental problems vary from city to city should seem self-evident. Therefore, in the preparation of the master plan, the peculiar conditions, problems and requirements of a particular city must be ascertained and taken fully into account. However, while giving due weight to local conditions and important current proposals and problems, the master plan must also meet the requirements dictated by sound technical planning methods and procedures. It will, therefore, be necessary that before a master plan is prepared, a programme for the master plan best suited to conditions and needs in a particular city should be drawn up. The preparation of such a programme is not always a simple matter and requires both knowledge of the local scene and familiarity with the technical aspects of such planning. The planning agency should, therefore, enlist for this purpose a qualified city planner who, after careful study of the ground, discussion of problems and needs with the planning agency, city officials and other informed persons, will be in a position to recommend a suitable planning programme and an estimate of its cost.

To illustrate the nature and complexity of drawing up the programme for a master plan, an example of a programme drawn up for a city of 75,000 population is given below. The surveys, studies and plans covered in each case in this programme not only the city proper, but also the entire urban area or urbanizing area of influence around the city. It may be of interest to note that this programme took about 2½ years to complete :

I. BASE MAPS

1. Sectional maps at the scale of 200 feet to the inch—for land use, zoning, major street widenings and extensions, and other more detailed studies.

2. Regional wall map at the scale of 1,000 feet to the inch.

II. BASIC SURVEYS AND STUDIES OF PHYSICAL, SOCIAL AND ECONOMIC CONDITIONS AND TRENDS AFFECTING THE MASTER PLAN

1. General—history, climate, topography, geology.
2. Relationship to region—physical setting, transportation, recreation, water supply, industry, trade, etc.
3. Land use survey and inventory—the use, conditions, occupancy of land and structures; trends in land utilization and building practices; requirements of the community for land for different uses; land values, rentals and their trends.
4. Population—number, age, occupation, and other characteristics, family incomes, living costs, etc.; growth, distribution and trends in such characteristics.
5. The economic base of the community—the relative importance of, and trends in, income producing activities; productive and service industries, location, types, and growth.

III. LAND USE PLAN

1. Zoning Regulation and Plan.
2. Co-ordination of Building and Sanitary Codes and Fire Limits with Zoning Ordinance.
3. Subdivision Regulations—principles of design, minimum standards for lot sizes, streets and other public open spaces; required minimum improvement installations.
4. Housing—delimiting areas for housing of various types with special attention to housing for the low income groups; delimiting areas in need of rehabilitation and those which should be cleared and redeveloped.

IV. TRAFFIC, TRANSIT AND TRANSPORTATION

1. Major Street Plan—Traffic and parking survey ; traffic flow diagrams and accident spot maps Primary and secondary major streets—widening and extensions, bypasses, relief arteries, etc., boulevards and parkways, Establishment of building lines.
2. Standard Street Cross Sections—major streets, boulevard, parkways, minor and local service streets.
3. Study of Street and Off-Street Parking facilities in Central District.
4. Street Picture—tree planting, street fixtures, poles and wires, control of signs and other projection over streets.
5. City and Interurban Transit facilities—study of existing system, plan of future, development; routes, terminals, headways, equipment.
6. Railway facilities and Grade Separation :
Rail traffic movements and characteristics—passenger and freight
Study of consolidation of railway facilities, passenger and freight—stations, yards, trackage, etc,

Survey of physical conditions, danger and traffic delays at grade crossings. Comprehensive plan and programme for the elimination of grade crossings; methods of separation, adjustment of industrial sidings, etc.

7. Airports :

Airport locations—coordination with other transport facilities; approaches, control of development in surrounding areas.

V. PUBLIC BUILDINGS AND PROPERTIES

1. Public and Semi-public Buildings—location, grouping, treatment, setting.
2. Comprehensive Plan of School facilities—location, setting, size, site acquisition, building programme; school play-yards and playfields.
3. Comprehensive Park and Playground System—Neighbourhood parks, out-lying parks and reservations, lake front development, camp sites; size, treatment, programme of acquisition; connecting parkways and boulevards Playgrounds and playfields; site, size, programme of acquisition.
4. Fire and Police Station—locations and size.

VI. COMPREHENSIVE MASTER PLAN AND ITS EFFECTUATION

1. Comprehensive Master Plan for City and Region.
2. Ten-Year Improvement Programme and Capital Budget Order of urgency of proposed improvements Estimates of Costs,
Methods of financing various types of public improvements.
3. Joint Programming of Public Improvements by City, State and Central authorities.
4. Organisation and Method of functioning of Planning Committee,
Coordination with work of administrative departments Administrative procedure for the cooperative functioning with the State and Central planning agencies.
5. Bringing about public support of the Master Plan and of Planning—citizens' committees, education, publicity, demonstration.

The cost of preparing an adequate master plan varies considerably, even amongst cities of comparable size. The cost will be conditioned by a variety of factors besides the size of the city, such as scope of the plan and the degree of thoroughness with which it is to be prepared, the character of the city and the existing development. The scale and complexity of the problem, the availability of adequate base maps, the quality of public records, the amount of planning data already on hand, the possibility of using labour or personnel from other city departments, etc. While the cost of the initial master plan is by far the heaviest item of expenditure in the planning programme, it should not loom large even in the smaller cities when it is remembered that it may be appropriately regarded as a capital investment. Considering that a master plan based on adequate survey and studies and prepared by competent planners will rarely require major revision within less than 10 to 20 years, its cost per annum will be negligible and as an excellent investment it will likely pay for itself many times in material and other benefits.

It has been indicated earlier that the preparation of an adequate master plan may require from two to three years even in a city of modest size and considerably longer in

a very large city. This does not mean that the planning agency should await the completion of the initial master plan before attempting to bring planning consideration to bear on the determination of the location and character of public improvements or private developments. On the contrary, the activities of the planning agency should combine from the beginning the work on the master plan with the rendering of advisory assistance to the municipal council and administrative departments of the city on all current matters having to do with the development of the community. With its steadily growing fund of knowledge as the studies in the master plan progresses, the planning agency will be in an increasingly better position to perform this function. At the same time it should keep within its field and limits of competence and should be careful not to encroach on the provinces of other departments or agencies and to jeopardise its influence by ill founded or ill considered recommendations.

While it is not possible to comment in this paper in detail on the several aspects of the programme for master plan, some of the programmes deserve a more detailed mention. Among these are zoning, housing and redevelopment, recreation and subdivision control, and the subsequent paras briefly relate the activities of the planning agency and the city administration relating to these aspects.

Zoning : Zoning consists of dividing the city into districts or zones and regulating within such districts, within each zone the use of land and the use, height and area of building for the purpose of conserving and promoting the health, safety, morals, convenience and general welfare of the people of the community. Zoning, as mentioned earlier, is an instrument for giving effect to that part of the comprehensive city plan or master plan which is concerned with the private use of and private developments on privately owned land—as distinct from that part which is concerned with public use and facilities. Zoning map or zoning plan along with regulations pertaining thereto are thus a part of the master plan—in a sense comprehensive land use plan of the community. In a sense zoning is not so much a plan as an instrument carrying into effect a part of the comprehensive plan. Therefore, zoning is not an end by itself, but only a means to the end of furthering and bringing about the desirable development and redevelopment of the community in accordance with the comprehensive plan. Thus it is a major tool in planning. A comprehensive municipal zoning plan and regulation should apply to the entire area of the city, town or village. Leaving out pockets not covered by zoning—the so-called unrestricted districts—are very undesirable and may defeat the very purpose of zoning. A comprehensive municipal zoning plan not only applies to the entire area of the city but embodies all three major types of regulations, that is, use height and area.

The purpose of zoning is positive and constructive rather than negative. While many of the regulations move the pattern of prohibitions or restrictions, they have the formative basis of promoting more healthful, convenient, orderly and attractive communities which are economical to build and are adapted better to economic and social activities.

A zoning plan and regulation consists of two parts; a map and a written part or text. In general, the map shows the various districts or zones into which the whole area of the municipality is divided; the text contains the regulations which applies to these districts. The regulations are uniform as a rule for each class of district, but those for one class of district are different from those in another. A typical set of zoning regulations are given as schedule 'A' to the Model State Town Planning Act appended to this paper and deserves a more detailed study. It should be mentioned, however, that the figures for setbacks and heights given in the model have to be considered in the context of needs of each city or town and amended suitably. The schedule only provides a model on which regulations could be enacted by a local administration.

Housing and Redevelopment : Any discussion on housing leads us to the use of many terms whose meanings are elusive. 'Housing', 'slums', 'slum eradication', 'redevelopment', 'blight'—all call for a clear understanding of what they stand for. It is as well, therefore, to be clear about these words in our discussion. In a planning discussion, the word 'housing' is used in its broadest interpretation and means all residential areas; stable or blight, high rental or low rental, single storey or double storey. A blighted area is not necessarily a slum and the two words do not convey the same meaning. A blighted area is a deteriorating one but one stage removed in its lower stages from the final state of deterioration, which is the slum. Not all blighted areas or slums are residential; business, commercial and industrial areas may also become blighted or become slums. Slum eradication refers to a procedure by which slum structures—residential, business or any other—are condemned and subsequently demolished. Slum eradication should not be confused with rehabilitation of blighted areas. The latter involves another procedure, namely that in which structures—residential, business or any other—surrounding community facilities, such as streets, parks, etc, are improved and restored to what you may call healthy conditions.

Elements of Housing : The essential considerations and the governing principles involved in planning for housing may be conveniently summarised first as applied to the city as a whole and second as applied to the neighbourhood. We might add to this list a third group of principles namely those which involve a specific site, but since this third group deals mainly in engineering, architecture, and landscaping details, these need not be described here.

In the city wide approach, the principles concerning housing essentially constitute a plea for comprehensive community planning. They are concerned chiefly with the general disposition of residential areas in a community. The first principle deals with the eminent suitability of all residential sections in the community for permanent residential use. Sections where unusual climatic, topographical, soil or geological conditions are likely to prevent or militate against establishing and maintaining a healthful, attractive and otherwise desirable home environment are avoided and similarly extremely rugged areas or low lying sections are also avoided. The second principle concerns the relationship of housing to the other areas in the community. In general residential areas should be located in convenient proximity to places of employment, shopping and recreational, educational and cultural facilities of the community. Locations too close to unhealthful, unsightly and offensive activities, of transport routes, industry and business should be avoided.

The third and final principle is that sufficient space for residential use should be provided to meet future as well as present demands. Such areas should provide for all the population types, for all kinds of housing, whether rental or owned, single family or multi-family, or for all income groups. In estimating the demand for housing the planner resorts to a population analysis involving the income, racial and age compositions, number of families and social habits and demand results principally from :

- (i) the existing shortage,
- (ii) the rate of population increase, and
- (iii) the rate of obsolescence and wearing out of existing houses.

In planning residential areas, an analysis of such criteria for both immediate and future purposes is essential in allotting and allocating space for the different types of housing and for properly relating it to the other uses of the community.

In the neighbourhood approach, the principles are concerned chiefly with the design. They establish the relationship between housing and other facilities in the

neighbourhood. Briefly stated, they are :

- (i) All parts of the neighbourhood should be within convenient and safe walking distance of a primary school;
- (ii) A system of park and playground space should be provided so that they are accessible from all parts of neighbourhood and adequate for all age groups;
- (iii) At some central location of neighbourhood it is desirable to provide facilities for a community centre;
- (iv) All parts of the neighbourhood should be within convenient walking distance of a local shopping centre;
- (v) Street pattern should be so designed as to discourage through traffic, yet allow movement to and from important destinations within and without, with a minimum of effort;
- (vi) All portions of the neighbourhood should be within walking distance to local bus or tram routes leading to the central shopping and employment areas of the city.

It is thus seen that planning of residential areas cannot be considered as a single programme separate and distinct from other aspects of the master plan of the community. Thus in both the broad city wide approach and the more localised neighbourhood approach, it is necessary to deal concurrently with all features of desirable future developments.

Recreation : With the increasingly more intensive working and living conditions and the growing amount of leisure, the provision for recreation facilities in urban areas is becoming more and more important. The growing recreational needs of city people are being met by variety of agencies; public, private and commercial. While the planner must not overlook consideration of the recreational facilities and opportunities offered by the last two types of agencies, he is principally concerned with those provided and operated by the municipal and other public authorities.

The principal shortcomings of recreational facilities of our cities consists of the lack of sufficient park and play areas and still more their poor distribution and consequently their limited serviceability. These shortcomings are due mainly to the failure of municipal authorities to realise the need for recreational areas while the cities were small and before they became densely built up. As a result, providing anything like adequate areas in the congested sections of many of our large cities is often regarded as out of the question because of the prohibitive cost of acquiring land.

Opportunities for wholesome recreation are essential in every community. They are needed for children to ensure proper physical and mental development and to prevent delinquency; for youth and adults to relieve stress and strain and to aid in physical and mental regeneration and to promote constructive use of increasing leisure. The use to which leisure is to be put to by the people is of great importance not solely to individual but to public welfare. If ill spent, it is likely to lead to physical and moral degeneration and a host of social and pathological problems; if devoted to wholesome physical recreation stimulating association in group activities and satisfying personal self-expression, it will help the average man to live a richer, more contented life and will enhance the physical and mental health and fitness of our people.

From this sociological point of view adequate provision of recreational opportunities for all age groups is of supreme importance for the community and national welfare.

An adequate programme requires a variety of recreational areas and facilities properly distributed throughout the urban area and offering all the year round opportunities in each neighbourhood to all groups of people. Such facilities must not only be adequate in size and suitably equipped but also located in relation to the convenience of people they are intended to serve.

The planner is principally concerned with the proper location and size of these public areas and facilities. His function is to assist the recreational authorities in developing an adequate, balanced and properly articulated system, which in addition to being in scale with the present and anticipated demands should be in harmony with and promotive of the desirable future developments of the community.

9. *Subdivision Control*

Excessive subdivision is one of the prime evils which municipal authorities are fighting against today. Most of our cities are a composite of the plots of individual land subdivisions. As the cities grew and demand for land increased, these plots have been subdivided indiscriminately and sold to developers or individuals interested in building. There has been little or no control over such subdivision, which has resulted today in considerable number of problems in providing facilities to these buildings as well as areas in which excessive subdivision has gone on. Subdivision control aims at regulating subdivision of land by private owners. It also helps to curb the practice of cutting up agricultural lands into building plots long before these are needed or will be used. Control of subdivision of land is done through zoning, which prescribes a minimum plot area and also a frontage. The zoning regulations also provide for gradual removal of non-conforming plots. The incorporation into the master plan of the requirements of subdivisions of land in each zone or district will be an important feature of the master plan and will regulate to substantial extent the exploitation by estate developers. Subdivision control should not only be applied within the municipal jurisdiction but it is important that it should extend beyond municipal jurisdiction to undeveloped areas by suitable legislation so that colonies are prevented from being developed outside the municipal jurisdiction. The Model Town Planning Legislation while exercising planning control not only within the jurisdiction of municipal areas but also outside it, provide for such control over subdivision of land.

10. *City Planning and Planning at the State, Regional and National Levels*

This paper will be incomplete without mention of city planning in relation to planning at other levels. City planning to be rational, realistic and sound, cannot confine its surveys, studies or plan making to the area within the arbitrary and quite often illogical city limits. It must also look far beyond these limits for forces and trends which will condition, if not largely control the city's future, for aside from the obvious intimate relationship between the city and its suburbs are the metropolitan areas. Conditions and prospects in the city are profoundly affected by State, Regional and National forces, policies and programmes. The planning process consisting in the main of co-ordination and integration, of achieving a higher degree of harmony and organic unity among all features of development which compose the neighbourhood cannot stop at the city limits. The plans of the city must be integrated with those of the adjoining area or metropolitan district of the State and even those of the region and the nation itself.

There are other and perhaps more compelling reasons why the city planning agency should look beyond the city planning limits for the preparation of the master plan. Some of the forces and factors which condition and even control the future of the community—its growth, its economic prospects, even some of its physical features—are of regional and national character. What is likely to happen in the city will

depend not alone as to what is likely to happen in the larger urban area or the metropolitan district of which the city is a part, but also on what is likely to happen in the state, in the region and in the nation. Rational plans for the desirable future development of the city cannot be drawn without adequate consideration of regional and national forces and policies.

The foregoing is a very brief exposition of development and redevelopment of the city from the planner's point of view. In view of the very large scope of the subject, the paper is necessarily incomplete in many respects. However, the intention is to stimulate thinking and explain to the non-planning technician the view point of the planner and his approach as well as the scope of his activities. If this paper should, to some extent, indicate these aspects, then the purpose of the paper will be served.

MODEL STATE TOWN PLANNING LEGISLATION

(Prepared by the Institute of Town Planners, India)

Explanatory Note:

The need for planning legislation has been evident since 1949. The Institute of Town Planners, India, took cognisance of this need as early as 1951 and started drafting a model legislation which will suit the conditions obtained in India and at the same time avoid the many pitfalls of similar legislation enacted in U.K. and U.S.A. whose complexities sometimes defeat the very purpose of their enactment. This is one of the principal reasons why the comprehensive town planning acts enacted in U.K. as early as in 1947 have not been found suitable as yet to be applied in this country.

Many forms of Planning Legislation *i.e.*, Town Planning Acts exist in the different States in India. These were introduced in the first instance on the model of similar legislation enacted in U.K. Valuable experience has been gained during the last 30 to 40 years in implementing these acts and some of these have been modified in the light of this experience. Still great deal of differences exist between these planning acts.

Like the Planning Acts, the authorities responsible for planning have also varying functions. The Planning Function may vest in the municipal corporation as in Bombay or in an Improvement Trust as in Lucknow or in a special authority created for that purpose as in Delhi. The effectiveness of a Planning Act lies in its enforcement. On account of the complexity of Planning Legislation and the various principles and factors which come to play in the enforcement of the Planning Acts, the machinery for enforcement will have to be different from the normal administrative machinery in its structure, in its functions and in the powers it should have to enforce the act. Planning Legislation unlike other forms of legislation has to prepare, in the first instance, its own ground and then enforce its provisions on the ground so prepared. During the preparation of such ground, in the time between the preparation of the ground and the enforcement of the act, many things may happen which can completely nullify many of the benefits which the legislation was enacted to bring about. Yet economic activity which planning will ultimately affect cannot be brought to a standstill during the period the plan is being prepared. Any restriction placed on economic activity is not only bound to be resisted, but may adversely react on the legislation itself. It is therefore important that any restrictions which a Planning Legislation may impose should be readily understood; its objects should be made very clear and the benefits which it will ultimately bring about, appropriately emphasised and illustrated. While it is generally admitted that planning benefits one and all, planning in actual practice is resisted by

those who only see the immediate effects of planning on their own property and operations, especially when such effect is of an adverse character.

Experience hitherto gained by planning administrators and planners indicates that a Planning Legislation has been enforced stage by stage; and for ease and effectiveness, it must provide initially for the rapid preparation of an outline plan not more than three months from the date on which the legislation is to come into effect, the enforcement of that outline plan, the preparation of Detailed Development Plan in due course and preparation of Detailed Development Schemes within the framework of the detailed plan, and finally the replacement of the Outline Development Plan by the Detailed Development Plan.

Any Planning Legislation in India has to take into consideration the following important factors :

- (1) India is a very large country and therefore heterogeneous. Planning problems vary from region to region and have to be tackled on a regional basis.
- (2) According to the Indian Constitution, the Central and State Governments have each well defined and separate field of operation as well as control in development and control of land use and development comes under the purview of the State Governments.
- (3) Whatever legislation is introduced, the enforcement part of it has to be undertaken by people who are now handling municipal affairs and these are mostly Engineers, Surveyors or Revenue Officers and they will continue to do so for a considerable length of time. As such the legislation has to be simple enough to be enforced by those officials who may not be in a position to appreciate the full significance and ramifications of the various clauses of the Planning Legislation which they are asked to enforce.
- (4) The number of qualified Town Planners in this country is small and for another 15 to 20 years, the number will continue to be small and inadequate to handle all the planning that is required to be done, if Comprehensive Development Plans for all towns, cities and villages are to be prepared immediately.
- (5) The financial status of the Central, State and Local Governments require that Planning Legislation should be such as not to bring upon these bodies new and heavy burdens for capital improvements and the legislation should be so organised that as far as possible, the implementation of the plan should pave its way through.

As land is a transferred subject and the developmental rights on land vest in the State Governments and not in the Centre, any Planning Act has to be a State Legislation and not a Central Legislation. The Centre however in the interest of balanced regional development may pass enabling acts which will require the State Governments to enact suitable Planning Legislation in their States. The actual planning however will have to be done by the State Governments.

The draft Planning Legislation prepared by the Institute has taken into account the difficulties, the conditions and the aims discussed above and provides for a procedure which has been designed to bring about the desired results. It provides, in the first instance, the declaration of land use pattern in the State on a specified day as the present land use and thereby creates the primary basis for all evaluation of development charges and compensation.

The legislation then provides for the State Government to require the local bodies either by themselves or with the help of the State and Central agencies to prepare Outline Development Plans which are to indicate broad zones of land use, main transport and communication lines and areas reserved for parks, playgrounds and open spaces. The legislation also provides for the enforcement of the Outline Development Plan during which, it requires the local body to prepare a Comprehensive Development Plan. Once the Comprehensive Development Plan is approved, it replaces the Outline Development Plan.

The legislation also provides for the preparation of development schemes to implement the various developments foreseen in the Comprehensive Development Plans. Thus the four steps taken stage by stage by the State Governments are expected to yield without unduly burdening the local bodies the benefits of rational planning and balanced development.

The main fear of local bodies has been the burden which planning will impose upon them in the way of compensations on planned acquisitions and redevelopment costs. One inherent shortcoming in all the acts that are in existence today is that the local body cannot exercise control over land use or land development without acquiring the land concerned or compensating the owner appropriately for the restriction placed on his land. Since this shortcoming is not removed, no local body will be in a position to undertake any planning or even zoning. The model act overcomes the shortcoming and its enforcement does not entail immediate financial burden even for removal of non-conforming uses and at the same time it provides the local body an effective tool in controlling land use and development during the period the outline development plan and the comprehensive development plan are being prepared.

MODEL TOWN PLANNING LEGISLATION

(Final Draft)

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*.....STATE TOWN PLANNING ACT OF 195

(Final Draft)

An Act to provide for the regulation of planned growth of land use and development in the State of *....., it is hereby enacted as follows :

SECTION 1 : Short Title, Objects, Extent and Commencement

- (1) This Act shall be called “ *.....State Town Planning Act of 195 .”
 (2) The objects of this Act are :—
 (a) To create conditions favourable for planning and re-planning of the urban and rural areas in the State of *.....with a view to providing full civic and social amenities for the people living in the State.
 (b) To stop uncontrolled development of land due to land speculation and real estate profiteering.
 (c) To preserve and improve existing recreational facilities such as public parks, playgrounds, etc. and to protect historic monuments, forest areas and other natural amenities which contribute towards a balanced use of land.
 (d) To direct the future growth of populated areas in the State of *.....with a view (i) to ensuring desirable standards of environmental health and hygiene, (ii) to creating facilities for the orderly growth of industry

and commerce in these areas and (iii) to promoting generally the standards of living of the people of the State.

(3) This Act shall extend to the whole of the State of *.....

(4) This Act shall come into force on such date as the Government of the State of *.....may, by notification, appoint.

SECTION 2 : Definitions

In this Act unless there is anything repugnant in the subject or context :

- (a) "State" means the State of *.....
- (b) "Planning Authority" shall mean the Local Authority appointed by the State for the purpose of administering this Act. Unless otherwise appointed by the State, the Planning Authority in the case of a Municipal Area shall be taken to mean a Municipal Committee or Council or Corporation constituted in the State under the relevant acts of the State and in the case of a District, Tehsil or Taluq, the District Board, the Tehsil Board or the Taluq Board respectively as may be prescribed by the Government from time to time.
- (c) "Government" means the Government of *.....State and the orders of the Government shall mean the orders of the Government of *.....promulgated by the Governor of the *.....
- (d) "Land Use" means the major use to which a piece of land is being used for.
- (e) "Board" means the State Planning Board, constituted by the State Government under the provisions of this Act, for the purpose of advising the Government on planning matters and co-ordinating planning activity in the State.
- (f) "Planning Area" means the area coming under the jurisdiction of a Planning Authority.
- (g) "Regulations" means the zoning Regulations governing land use framed under the provisions of this Act.

PART I—GENERAL

SECTION 3 : State Planning Board

3.1 Under the provisions of this Act, the Government shall constitute a State Planning Board composed of as follows :

Chairman : The Minister in Charge of Town and Country Planning in the State of *.....*

Members : Director of Health Services
 Director of Industries
 Director of Transport
 Director of Agriculture and Fisheries
 Director of Education
 Chief Engineer, State P.W.D.
 Chief Conservator of Forests and Wild Life
 One Representative of Railways
 One Representative of Civil Aviation
 Three prominent non-officials in the State, one of them being a member of the State Legislature
 Chief Town Planner of the State, who shall be the Secretary of the Board.

*Mention here the State to which the Act is to apply.

3.2 The non-official members on this Board shall be appointed in the first instance for a period of three years and thereafter shall retire in rotation so as to provide continuity in the working of the Board.

SECTION 4 : *Division of State into Planning Areas and Designation of Planning Authority*

4.1 For the purpose of this Act, the State shall be divided into Planning Areas as below :

- (a) Each Area under the jurisdiction of a Municipal Corporation or a Municipal Committee shall constitute a separate planning area.
- (b) All areas within a District except those that are covered under 4.1(a) shall constitute a separate planning area in that District.

Provided that the State Government may, at any time, convert, amalgamate, or subdivide a planning area and appoint appropriate planning authorities consequent to such conversion, amalgamation or subdivision.

4.2 The Planning Authorities unless otherwise appointed by the State shall be as below :

- (a) For Planning Authorities designated under 4.1(a), the Municipal Corporation or the Municipal Committee or Council.
- (b) For Planning areas designated under 4.1(b), the District Board.

4.3 The boundaries of the Planning Areas shall be defined by the State.

SECTION 5 : *Present Land Use*

5.1 Under the provisions of this Act, "The Present land use" of any piece of land in that State shall be the major use to which the land is put on a specified date to be notified by the State. Changes in the present use of any piece of land in the State shall be subject to the provisions of this Act.

5.2 Every Planning Authority shall prepare, as soon as possible and not later than three months after the enactment of this Act an accurate map showing the present land use of every piece of land under the jurisdiction of the Planning Authority.—Copies of such maps shall be submitted to the office of the State Planning Board and shall be displayed publicly in the office of the Planning Authority.

SECTION 6 : *Supplementary Rules under the Act*

6.1 The State Government may, from time to time, frame such Rules as are necessary for the enforcement of this Act. Such rules shall be notified in their draft form in the official gazette and comments invited from public on the rules within one month from the date of notification. After receiving the comments, the State Government shall finalise the rules and notify them officially and such rules shall be considered as part of the Act and enforceable by law.

PART II—OUTLINE DEVELOPMENT PLAN

SECTION 7 : *Preparation of Outline Development Plan*

7.1 Every Planning Authority shall prepare an Outline Development Plan and Land Use Zoning Regulations for the area under its jurisdiction, and shall, not later

than six months from the date on which this Act comes into force, submit the Outline Development Plan and Regulations to the State Government, for provisional approval.

7.2 If the Outline Development Plan and Land Use Zoning Regulations are not prepared and submitted to the State Government within the period specified in Section 7.1, the State Government may prepare in the prescribed manner such Development Plans and Regulations and recover the cost thereof from the Planning Authority out of its funds notwithstanding anything contained in any law relating to the said fund.

7.3 Notwithstanding anything contained in Sections 7.1 and 7.2, if any planning authority has prepared an Outline Development Plan for the area within its jurisdiction before the date of the coming into force of this Act, it may submit the same to the State Government for sanction within a period of six months from the said date and the plan so approved, shall, notwithstanding anything contained in this Act, be deemed to be the Outline Development Plan for the area under this Act.

7.4 If any Planning Authority is converted into, or amalgamated with any other authority or is subdivided into two or more planning authorities, the Outline Development Plan prepared for the area by the Planning Authority so converted, amalgamated or subdivided shall, with such alterations and modifications as the State Government may approve, be deemed to be the outline development plan for the area of the new planning authority or planning authorities into or with which the former Planning Authority was converted, amalgamated or sub-divided.

SECTION 8 : Contents of Outline Development Plan and Zoning Regulations

8.1 The Outline Development Plan to be prepared as defined under Section 7 shall include :

- (a) A general land use plan and zoning of land use for residential, commercial, industrial, recreational and public and semi-public purposes,
- (b) Regulations in respect of each land use zone,
- (c) main communication lines such as roads, railways, canals etc., and
- (d) public and semi-public open spaces, parks etc. including public buildings.

8.2 The Regulations governing Land Use in each Zone referred to under Section 8.1(b) shall be prepared on the model of Schedule A of this Act with such modifications as the State Government may notify from time to time.

SECTION 9 : Notification and Approval of Outline Development Plan and Regulations

9.1 The State Government soon after the receipt of the Outline Development Plan and Regulations shall have it examined by the State Planning Board and after effecting such modifications as may be necessary in the interest of the overall development of the State shall authorise the Planning Authority to notify the plan for public comments for a period of one month.

9.2 After the period of one month for public comment has expired, the comments on Outline Development Plan and Regulations shall be examined by the Planning Authority and shall be re-submitted to the Government together with recommendations for such modifications in the Outline Development Plan and Regulations as the Planning Authority may consider it necessary.

9.3 The Government after receiving plan and the recommendations for modifications from the Planning Authority shall, in consultation with the State Planning Board

give its approval to the Development Plan with such modifications as the Board may recommend in the light of the comments and the recommendations of the Planning Authority thereon.

9.4 The Planning Authority shall then publish the approved Outline Development Plan and Regulations for the information of the people of the area within its jurisdiction. The plan shall be permanently displayed in the office of the Planning Authority and a copy of the Regulations shall be kept available in the office of the Planning Authority for public inspection.

SECTION 10 : Enforcement of Outline Development Plan and Regulations

10.1 From the date of the approval of the Outline Development Plan by the Government, all land use and development in the area covered by the plan shall conform to the provisions of this Act, the Outline Development Plan and the Land Use Zoning Regulations.

10.2 All changes in land use shall conform to the Outline Development Plan and all such changes shall be carried out after obtaining specific permission from the Planning Authority concerned. Such changes in land use shall be further governed by other bye-laws of the Planning Authority such as building bye-laws, public health regulations, etc.

Explanation : For instance, a vacant site in an area zoned for residential building can be built upon only after obtaining specific permission from the Planning Authority concerned and after obtaining the licence for construction of a building as may be required under the building bye-laws of that Planning Authority.

10.3 The Outline Development Plan and Regulations shall be enforced by a Building Inspector appointed by the Planning Authority. No land or structure shall be changed in use and no structure shall be erected, re-erected, altered or moved until the inspector has issued a permit certifying that the plans and intended use of land, buildings, and structures are in conformity with the plan and the regulations.

10.4 Each such application for a permit shall be accompanied by a plan, drawn to scale, showing the actual dimensions of the parcel of land to be built upon, the size of the building to be erected, and the position of the building upon the plot and such other information as may be deemed necessary to provide for the enforcement of these regulations.

SECTION 11 : Zoning Appeal Board

11.1 There is hereby established a "Zoning Appeal Board" consisting of three members appointed as follows :

- (a) A Judge of a District Court (Chairman);
- (b) A Representative of State Planning Board; and
- (c) A prominent citizen resident in the area and nominated by the Planning Authority.

11.2 The Rules and Procedure for the working of the Zoning Appeal Board shall be prescribed by the Government.

11.3 The Appeal Board shall, after public hearing duly advertised, decide on :

- (a) Appeals for alleged errors in Building Inspector's decision.

- (b) Appeals for variance where exceptional and peculiar hardship would be caused by enforcement of the regulations and where such variance would not substantially derogate from the intent of these regulations but not otherwise, and
- (c) Appeals for permits in special cases designated in the regulations.

11.4 The Appeal Board shall always act with due consideration to promoting the public health, safety, convenience and welfare, encouraging the most appropriate use of land and conserving property value, shall permit no building or use detrimental to a neighbourhood, shall not alter established zones, and shall prescribe appropriate conditions and safeguards in each case.

11.5 The decision of the Appeal Board shall be final and binding.

SECTION 12 : Development Charge and Compensation

12.1 Where a change in land use authorised by the Planning Authority in accordance with the Zoning Regulations yields increased revenues to the owner, the Planning Authority shall levy a prescribed development charge for permitting such a change. However, for the purpose of this clause, if a residential building is constructed on a vacant site in an area zoned for residential buildings, the construction of that building shall not be considered as a change in land use.

12.2 The scale of development charge for different changes in land use shall be as prescribed below :

Agricultural Land to Residential	Rs. ....per sq. yd*
" " " Commercial	"per sq. yd*
" " " Industrial	"per sq. yd*
Residential to Commercial	"per sq. yd*
Residential to Industrial	"per sq. yd*
Industrial to Commercial	"per sq. yd*

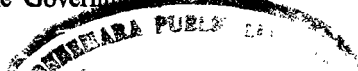
12.3 Where the present land use of any piece of land becomes non-conforming as a result of the enforcement of Zoning Regulations, the Planning Authority shall have the option to require the removal of the non-conforming use after paying compensation determined in accordance with Section 12.4 or to permit continuance of the non-conforming use of a specified period, the period being not less than 10 years, after which the Planning Authority shall have the power to order the removal of the non-conforming use and in case of non-compliance to take action provided under the provisions of this Act. In the latter case where time has been given for the removal of the non-conforming use, no compensation shall be payable.

12.4 The rates of compensation payable for removing non-conforming use shall be as prescribed by the Government in the supplementary rules to be found under the provisions of this Act. The amount of compensation calculated according to the rates prescribed by the Government shall be final and not disputable in a court of Law.

SECTION 13 : Modification to Outline Development Plan and Regulations

13.1 Where a modification in the Outline Development Plan or Regulations or both for any purpose becomes necessary, the Planning Authority shall apply to the Government for such a modification indicating the reasons which call for such modifications. If the Government, in consultation with the State Planning Board approves

*The figures to be fixed by the Government



the modifications, it shall authorise the Planning Authority to notify publicly the proposed modification for a period of one month and call for objections. On the expiry of the period of one month, the objections received with the recommendations of the planning authority on the objections shall be submitted to the Government for approval. The Government on receipt of the comments and the recommendations thereon may approve the said modifications with such amendments and alterations as the objections raised during the period of enquiry may make it necessary.

PART III—COMPREHENSIVE DEVELOPMENT PLAN

SECTION 14 : Preparation of Comprehensive Development Plan

14.1 Every Planning Authority shall prepare a Comprehensive Development Plan for the area under its jurisdiction and shall not later than three years from the date on which this Act comes into force submit the Comprehensive Development Plan together with a Report containing all relevant information to the State Government.

14.2 On application made by a Planning Authority, the State Government may, by order in writing, extend the period for the preparation of the Comprehensive Development Plan and the Report for adequate reasons by such periods as it thinks fit.

14.3 For the preparation of the Comprehensive Development Plan the Planning Authorities shall carry out such surveys as may be necessary and as may be prescribed by the Government.

14.4 If the Development Plan and the Report is not prepared, and submitted to the State Government for approval by the Planning Authority within the period specified in Section 14.1 or within the period so extended in Section 14.2, the State Government may, after carrying out the necessary survey of the areas, prepare in the prescribed manner such Development Plan and Report and recover the cost thereof from the Planning Authority out of its funds notwithstanding anything contained in any law relating to the said funds.

14.5 Notwithstanding anything contained in Sub-Section 14.4

- (a) If any planning authority has prepared a plan for the development of the area within its jurisdiction before the date of the coming into force of this Act, it may submit the same to the State Government for sanction within a period of six months from the said date and the plan so sanctioned shall, notwithstanding anything contained in this Act, be deemed to be the Comprehensive Development Plan for the area under this Act.
- (b) If any Planning Authority is converted into, or amalgamated with any other Planning Authority or is sub-divided into two or more Planning Authorities, the Comprehensive Development Plan prepared for the area by the Planning Authority so converted, amalgamated or sub-divided shall, with such alterations and modifications as the State Government may approve, be deemed to be the Comprehensive Development Plan for the area of the new Planning Authority or Planning Authorities into or with which the former Planning Authority was converted, amalgamated or sub-divided.

14.6 Every Planning Authority, for the purpose of the Comprehensive Development Plan, shall carry out a survey which shall include a physical, economic and sociological analysis of the potentialities and future requirements of the area, dealing,

for example, with natural resources, distribution of industry, communications, housing requirements, and the community structure. The data collected in the survey shall provide the basis for the proposals contained in the Comprehensive Plan.

SECTION 15 : Scope and Contents of Comprehensive Development Plan

15.1 The Comprehensive Development Plan which shall consist of a series of maps, documents and a report, shall provide for the following :

- (a) Comprehensive zoning of land use in the area under the jurisdiction of the Planning Authority, together with zoning regulations,
- (b) Complete street pattern, indicating major and minor roads, national and state highways and traffic circulation pattern for meeting immediate and future requirements,
- (c) Areas reserved for agriculture, parks, playgrounds and other recreational uses, public and semi-public open spaces, public buildings and institutions, and areas reserved for new civic development,
- (d) Major Road Improvements,
- (e) Areas for new housing,
- (f) New areas earmarked for future development and expansion, and
- (g) The stage by which the Comprehensive Development Plan is to be carried out.

15.2 The Report which shall include a summary of the findings in the survey shall include relevant information and data supporting the proposals in the plan and shall deal in detail with (a) acquisition of land for the purpose of implementing the plan, and (b) financial responsibilities connected with the proposed improvements and the manner in which these responsibilities are proposed to be met.

SECTION 16 : Notification and Approval of Comprehensive Development Plan

(i) The State Government soon after the receipt of the Comprehensive Development Plan and Report shall have it examined by the State Planning Board and after effecting such modifications as may be necessary in the interest of the overall development of the State shall authorize the Planning Authority to notify the plan for public comment for a period of three months.

(ii) After the period of three months for public comment has expired, the comments on the Comprehensive Development Plan shall be examined by the Planning Authority and shall be re-submitted to the Government together with recommendations for such modifications in the Comprehensive Development Plan as the Planning Authority considers necessary in the light of the comments and objections raised.

(iii) The Government after receiving and plan the recommendations for modifications from the Planning Authority in consultation with the State Planning Board shall give its approval to the Comprehensive Development Plan with such modifications as the Board may recommend in the light of the comments and the recommendations of the Planning Authority thereon.

(iv) The Planning Authority shall then publish the approved Comprehensive Development Plan and Report for the general information of the public. The Plan shall be permanently displayed in the office of the Planning Authority and a copy of the Report shall be kept available in the office of the Planning Authority for public inspection.

SECTION 17 : Comprehensive Development Plan to Supersede Outline Development Plan

17.1 From the date of approval of the Comprehensive Development Plan by the Government, the Outline Development Plan prepared in accordance with Section 7 shall be superseded by the Comprehensive Development Plan which shall thereafter govern all changes in land use and development in the area under the jurisdiction of the Planning Authority.

17.2 The Comprehensive Development Plan shall be enforced in the same manner as the Outline Development Plan in accordance with Section 10 of this Act.

17.3 If, on the date on which the Comprehensive Development Plan comes into operation, a provision of the Outline Development Plan is being enforced against any property or piece of land, such enforcement shall continue in regard to the conditions of notice enforcing the provisions except that these conditions may be modified as required by the Comprehensive Development Plan, without prejudice to the time stipulated in the original notice.

17.4 If, as a result of the supersession of the Outline Development Plan by the Comprehensive Development Plan, a piece of land or property is favourably affected, a development charge as prescribed in Section 12 shall be payable before permission is given to the change of use of land or property in accordance with Comprehensive Development Plan. If, on the other hand, a piece of land or property is adversely affected, compensation shall be payable only on the basis of the present land use as defined in Section 5.

SECTION 18 : Revision of Comprehensive Development Plan

18.1 The Planning Authority shall review the Comprehensive Development Plan every five years, conduct such fresh surveys as may be found necessary and revise the proposals as the changed needs of the area may demand.

18.2 The proposed revision of the plan shall be submitted to the Government and with their approval notified for public comment for a period of one month after which it shall be resubmitted to the Government with comments and recommendations thereon. After the Government has finally decided on the proposed revisions, the decision of the government shall be notified and the comprehensive Development Plan amended accordingly.

SECTION 19 : Powers of the Planning Authority under this Act

The Planning Authority, vested in it by this Act, is empowered to :

- (1) enforce strictly the Development Plan and bring a prosecution against any person or persons for non-compliance with the Zoning Regulations ;
- (2) shall give permission for the construction of a building or buildings only when such construction conforms to the Development Plan and provisions thereunder;
- (3) shall require a non-conforming use to be removed as provided under this Act;
- (4) where a change in the Development Plan is required for accommodating a special purpose, the Planning Authority shall apply for an amendment to the Zoning Regulations to the Government as prescribed in this Act,

SECTION 20 : Penalty

Non-compliance with the provisions of this Act shall be treated as Civil Offence and the offender shall be required to comply with provision of this Act and shall be liable to a fine up to Rs. 10,000 at the discretion of the Government.

PART IV—DEVELOPMENT SCHEMES

SECTION 21 : Preparation of Development Schemes

21.1 Subject to the provisions of this Act, a Planning Authority for the purpose of implementing the proposals in the Comprehensive Development Plan may make one or more Development Schemes for the area within its jurisdiction or any part thereof.

21.2 The State Government may, in respect of any Planning Authority after making such inquiry as it deems necessary, by notification published in the prescribed manner require that Planning Authority to make and publish in the prescribed manner and submit for its sanction a draft scheme in respect of any land in regard to which a Development Scheme may be made. For the purpose of this Act and the rules made thereunder, the requisition under this sub-section by the State Government shall be deemed to be the declaration of intention to make a scheme under Section 22.

21.3 A Development Scheme may be made in accordance with the provisions of the Act in respect of any land which is :

- (i) in the course of development,
- (ii) likely to be used for building purposes, or
- (iii) already built upon.

The expression “land likely to be used for building purposes” shall include any land likely to be used as, or for the purpose of providing, open spaces, roads, streets, parks, pleasure or recreation grounds, parking spaces, or for the purpose of executing any work upon or under the land incidental to a Development Scheme, whether in the nature of a building work or not.

21.4 Such Development Scheme may make provisions for any of the following matters :

- (a) the laying out or re-laying out of land, either vacant or already built upon;
- (b) the filling up or reclamation of low lying, swamp or unhealthy areas or levelling up of land;
- (c) lay out of new streets or roads; construction, diversion, extension, alteration, improvement and stopping up of streets, roads and communications;
- (d) the construction, alteration and removal of buildings, bridges and other structures;
- (e) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets, green belts and dairies, transport facilities and public purposes of all kinds;
- (f) drainage inclusive of sewerage, surface of sub-soil drainage and sewage disposal;
- (g) lighting;

- (h) water supply;
- (i) the preservation of objects of historical or national beauty and of buildings actually used for religious purposes;
- (j) the imposition of conditions and restrictions in regard to the open space to be maintained about buildings, the percentage of building area for a plot, the number, size, height and character of buildings allowed in specified areas, the purposes to which buildings or specified areas may or may not be appropriated, the sub-division of plots, the discontinuance of objectional users of land in any area in reasonable periods, parking space and loading and unloading space for any building and the sizes of projections and advertisement signs;
- (k) the suspension, so far as may be necessary for the proper carrying out of the scheme of any rule, bye-law, regulation, notification or order made or issued under any Act of the State Legislature or any of the Acts which the State Legislature is competent to amend;
- (l) such other matter not inconsistent with the objects of this Act as may be prescribed.

21.5 The draft scheme shall contain the following particulars :

- (a) the area, ownership and tenure of each original plot;
- (b) the land allotted or reserved under sub-clause (e) of sub-section 21.4 with a general indication of the uses to which such land is to be put and the terms and conditions to such cases;
- (c) the extent to which it is proposed to alter the boundaries of original plots;
- (d) an estimate of the net cost of the scheme to be borne by the Planning Authority;
- (e) a full description of all details of the scheme under such sub-clause 21.4 as may be applicable;
- (f) the laying out or re-laying out of land either vacant or already built upon;
- (g) the filling up or reclamation of low lying, swamp or unhealthy areas or levelling up of land; and
- (h) any other prescribed particulars.

21.6 In the draft scheme the size and shape of every reconstituted plot shall be determined, so far as may be, to render it suitable for building purposes and where the plot is already built upon, to ensure that the building as far as possible complies with the provisions of the scheme as regards open spaces.

21.7 For the purposes of sub-section 21.4, the draft scheme may contain proposals :

- (a) to form a reconstituted plot by the alteration of the boundaries of an original plot;
- (b) to form a reconstituted plot by the transfer wholly or partly of the adjoining lands;
- (c) to provide with the consent of the owners that two or more original plots each of which is held in ownership in severalty or in joint ownership shall hereafter, with or without alteration of boundaries, be held in ownership in common as a reconstituted plot;

- (d) to allot a plot to any owner dispossessed of land in furtherance of the scheme, and
- (e) to transfer the ownership of a plot from one person to another.

SECTION 22 : Declaration of Intention to Make a Scheme

22.1 A Planning Authority having jurisdiction over any such land as is referred to in Section 21 may, by a resolution, declare its intention to make a Development Scheme in respect of the whole or any part of such land.

22.2 Within twenty-one days from the date of such declaration (hereinafter referred to as the declaration of intention to make a scheme), the Planning Authority shall publish it in the prescribed manner and shall despatch a copy thereof to the State Government.

22.3 The Planning Authority shall send a plan showing the area which it proposes to include in the Development Scheme to the State Government.

22.4 A copy of the plan shall be open to the inspection of the public at all reasonable hours at the office of the Planning Authority.

SECTION 23 : Notification and Approval of Development Scheme

23.1 Within 12 months from the date of the declaration of intention to make a scheme, the Planning Authority shall prepare a Draft Scheme for the area in respect of which the declaration has been made and publish the same in the prescribed manner.

Provided that on application by the Planning Authority in that behalf, the State Government may, from time to time, by a notification in the Official Gazette, extend the aforesaid period by such period as may be specified not exceeding six months in all.

23.2 If the Draft Scheme is not made and published by the Planning Authority within the period specified or within the period so extended under the Sub-section 23.1, the State Government or an officer authorised by the State Government in this behalf may make and publish in the prescribed manner a Draft Scheme for the area in respect of which the declaration of intention to make a scheme has been made by the Planning Authority within a further period of nine months from the date of the expiry of the extended period.

23.3 If such publication is not made by the State Government within the further period specified in Sub-section (2), the declaration of intention to make such scheme shall lapse and until a period of three years has elapsed from the date of such declaration, it shall not be competent to the Planning Authority to declare its intention to make any town-planning scheme for the same area or for any part of it.

23.4 If within one month from the date of publication of the Draft Scheme any person affected by such scheme communicates in writing to the Planning Authority any objection relating to such scheme, the Planning Authority shall consider such objection and may, at any time before submitting the Draft Scheme to the State Government as hereinafter provided, modify such scheme as it thinks fit.

23.5 The Planning Authority shall within four months from the date of its publication in the Official Gazette submit the Draft Scheme with any modifications which it may have made therein together with the objections which may have been communicated to it, to the State Government and shall at the same time apply for its sanction.

23.6 After receiving such application and after making such inquiry as it may think fit, the State Government in consultation with the Board, may, within six months from the date of its submission, by notification in the Official Gazette, either sanction such scheme with or without modifications and subject to such conditions as it may think fit to impose or refuse to give sanction.

SECTION 24 : Enforcement of Development Scheme

24.1 On or after the date on which the Planning Authority's declaration of intention to make a scheme under Section 22, no person shall within the area included in the scheme erect or proceed with any building or work or remove, pull down, alter, make additions to, or make any substantial repair to any building, part of a building, a compound wall or any drainage work or remove any earth, stone or material, or sub-divide any land or change the user of any land or building unless such person has applied for and obtained the necessary permission which shall be contained in a commencement certificate granted by the Planning Authority in the form prescribed.

24.2 Where the purposes to which buildings or areas may not be appropriated have been specified in the Draft Scheme, the building or area shall cease to be used for the purpose other than the purposes specified in the scheme within such time as may be specified in the final scheme and the person affected by the provision shall be entitled to compensation from the Planning Authority in the manner and according to the method prescribed in this Act and Rules framed thereunder.

Provided that in ascertaining such compensation the time within which the person affected is permitted to change the use shall be taken into consideration.

24.3 The restrictions imposed by this Section shall cease to operate in the event of the State Government refusing to sanction the Draft Scheme or the final scheme.

24.4 After the sanction of the State Government to the final Scheme has been received, the Planning Authority shall take steps to enforce it and effect the various improvements proposed under the Scheme.

SECTION 25 : Amendments and Alterations to Development Scheme

25.1 If after the final Scheme has come into force, the Planning Authority considers that the Scheme is defective on account of an error, irregularity or informality, the Planning Authority may apply in writing to the State Government for the variation of the Scheme.

25.2 If on receiving such application or otherwise, the State Government is satisfied that the variation required is not substantial, the State Government shall publish a draft of such variations in the prescribed manner.

25.3 The draft variation published under 25.2 shall state every amendment proposed to be made in the Scheme and if any such amendment relates to a matter specified in any of the sub-clauses (a) to (h) of Section 21, the draft variation shall also contain such other particulars as may be prescribed.

25.4 The draft variation shall be open to the inspection of the public at the office of the Planning Authority during office hours.

25.5 Within one month of the date of publication of the draft variation, any person affected thereby may communicate in writing his objection to such variation

to the State Government through the Collector and send a copy thereof to the Planning Authority.

25.6 After receiving the objections under Section 25.5 the State Government may, after consulting the Planning Authority and after making such enquiry as it may think fit, approve the variation with or without modification or refuse to make the variation.

25.7 From the date of notification making the variation, with or without modifications, such variation shall take effect if it were incorporated in the Scheme.

SECTION 26 : Power to Revoke a Scheme

26.1 Notwithstanding anything contained in Section 25, a development scheme may at any time be varied or revoked by a subsequent scheme made, published and sanctioned in accordance with this Act.

26.2 The State Government—

- (i) on the application of the Planning Authority or
- (ii) of its own motion, after making such inquiry as it deems fit and after giving the Planning Authority an opportunity to be heard,

may, at any time, by notification revoke a development scheme, if it is satisfied that under the special circumstances of the case the scheme should be so revoked.

SECTION 27 : Compensation when Scheme is Varied or Revoked

27.1 If at any time after the day on which the final scheme has come into force such scheme is varied or revoked, any person who has incurred expenditure for the purpose of complying with such scheme shall be entitled to receive compensation from the Planning Authority, in so far as any such expenditure is rendered abortive by reason of the variation or revocation of such scheme.

SECTION 28 : Apportionment of Costs of Scheme Withdrawn, not Sanctioned or Revoked

28.1 In the event of a town-planning scheme being withdrawn or sanctioned to a final scheme being refused by the State Government or a final scheme being revoked, the State Government may direct that the costs of the scheme shall be borne by the Planning Authority or be paid to the local authority by the owners concerned, in such proportion as the State Government may in each case determine.

SECTION 29 : Power of State Government to Suspend Rule, Bye-Law, etc.

29.1 When a Planning Authority has published a declaration of intention to make a scheme or the State Government has published a notification under sub-section (1) of Section 24, the State Government may, by order published in the Official Gazette suspend to such extent only as may be necessary for the proper carrying out of the scheme any rule, bye-law, regulation, notification or order made or issued under any Act of the State Legislature or any of the Act which the State Legislature is competent to amend.

29.2 Any order issued under sub-section (1) shall cease to operate in the event of the State Government refusing to sanction the final scheme or in the event of the withdrawal of the scheme or in the event of the coming into force of the final scheme.

SCHEDULE—A

ZONING REGULATIONS

1. SCOPE

1.1 This schedule lays down regulations for the use of land and buildings built thereon consistent with maintaining minimum standards of density of building, open spaces, sanitation and environmental hygiene.

2. DEFINITIONS

2.0 For the purpose of these regulations, the following definitions shall apply :

2.1 Words used in the present tense shall include the future, the singular number includes the plural and the plural the singular.

2.2 *Building* : Any construction for whatsoever purpose and of whatsoever materials constructed and every part thereof whether used as human habitation or not and includes foundation, plinth walls, chimneys, drainage works, fixed platforms, verandah, balcony, cornice or projection, part of a building or anything affixed thereto or any wall enclosing or intended to enclose any land or space.

2.3 *Building of Accessory Use* : A subordinate building, use of which is incidental to that of a principal building on the same plot such as garage, coal or wood shed, peons' quarters, etc.

2.4 *Building Set Back* : The distance by which any building or structure shall be separated from the boundary lines of the plot.

2.5 *Dwelling* : A building or a portion thereof which is designed or used wholly or principally for residential purposes. This shall not include boarding or rooming houses, tents, tourist camps, hotels or other structures designed or used primarily for transient residents.

2.6 *Family* : A group of individuals normally related in blood or connected by marriage living together as a single housekeeping unit and having common kitchen arrangements. Customary domestic servants shall be considered as adjunct to the term 'family'.

2.7 *Plot* : A parcel of land occupied or intended for occupancy by a main building or use, together with its accessory buildings and uses customary and incidental to it, including the open spaces required by these regulations and having frontage upon a street or upon a private way that has officially been approved by the planning authority.

2.8 *Non-Conforming Building or Use* : A building, structure or use of land existing at the time of commencement of these regulations and which does not conform to the regulations pertaining to the zone in which it is situated.

2.9 *Required Open Space* : The space between the plot lines and the minimum building set back lines.

2.10 *Street or Road* : Any highway, street, lane, pathway, alley, stairway, passageway, carriageway, footway, square, place or bridge, whether a thoroughfare or not over which the public have a right of passage or access or have passed and had access uninterruptedly for a specified period, whether existing or proposed in any scheme,

and includes all bunds, channels, ditches, storm water drains, culverts, sidewalks, traffic islands, roadside trees and hedges, retaining walls, fences, barriers and railings within the road lines.

2.11 Structure : Any combination of material including buildings constructed or erected, the use of which requires location on the ground including among other things signs, sign boards, fences and walls that are more than three feet high.

2.12 Total Floor Area : The area of all floors of a building, including habitable attics and basements.

2.13 Plot Width : The shorter distance from one side of the plot line to the other measured through that part of the plot to be occupied by the building.

2.14 Building, Height of : The vertical distance measured, in the case of flat roofs from the average level of the centre line of the adjoining street to the highest point of the building adjacent to the street wall, and in the case of pitched roofs, up to the point where the external surface of the outer wall intersects the finished surface of the sloping roof and in the case of gables facing the road, the mid-point between the eaves level and the ridge. Architectural features serving no other function except that of decoration shall be excluded for the purpose of taking heights. If the building does not abut on a street, the height shall be measured above the average level of the ground and contiguous to the building.

2.15 Storey : The portion of a building included between the surface of any floor and the surface of the floor next above it or if there be no floor above it, then the space between any floor and the ceiling next above it. When measured, the height of a habitable basement extending at least 5 ft. above ground level or a habitable attic shall be counted as a storey.

2.16 To Erect : To construct a building for the first time or to reconstruct existing building after demolishing it according to some fresh or revised plans.

2.17 To Make Material Alterations : To make any modification in any existing building by way of addition or alteration, or any other change in the roof, window, door, compound, sanitary and drainage system in any respect whatsoever. Opening of a window and providing intercommunication doors shall not be considered as material alterations. Similarly modifications in respect of gardening, white washing, painting, retiling and other decorative works shall not be deemed to be material alternations. It further includes :

- (a) Conversion of a building or any part thereof for human habitation as one dwelling house into more than one dwelling house and vice versa;
- (b) Conversion of a building or a part thereof suitable for human habitation into a dwelling house or vice versa;
- (c) Conversion of a dwelling house or a part thereof into a shop, warehouse or factory or vice versa, and
- (d) Conversion of a building used or intended to be used for one purpose such as shop, warehouse or factory, etc., into one of another purpose.

2.18 To Re-erect : To construct for a second time or subsequent times a building or part of a building after demolishing it on the same plan as has been previously sanctioned.

3. CLASSIFICATION AND ESTABLISHMENT OF ZONES

3.1 For the purpose of these regulations, the area under the jurisdiction of the planning authority shall be divided into six zones designated as below :

- (i) Residential Zone;
- (ii) Public and Semi-public Open Spaces Zone;
- (iii) Central Business Zone;
- (iv) General Business Zone;
- (v) Light Industry Zone;
- (vi) Heavy Industry Zone.

3.2 The Zones designated under 3.1 may be further divided into sub-zones by the planning authority where it deems it expedient, the designations of such sub-zones being dependent on the special use to which each such sub-zone is being utilised.

3.3 *Zonal Boundaries* : The boundaries of each of the zones shall be as established on the Outline Development Plan of the area under the planning authority and a copy of the Plan shall be kept on record at the official premises of the planning authority. Unless otherwise shown on the Outline Development Plan, the boundary lines of zones shall be plot lines, the centre lines of streets, or such lines extended, the railway right-of-way lines, or the corporate limit lines as it exists at the time of enactment of these regulations.

3.4 All disputes and differences with respect to the exact location of zonal boundaries shall be referred to the Board of Zoning Appeals whose decision shall be final and binding.

4. GENERAL REGULATIONS

4.1 Except as otherwise provided, no structure or land hereafter shall be used and no structure or part thereof shall be erected, re-erected or materially altered unless in conformity with the regulations herein specified for the zones in which such structure or land is located.

4.2 Any use or structure existing at the time of enactment or subsequent amendment of these regulations, but not in conformity with its provisions, may continue to exist with the following limitations.

4.2.1 Such use of structure shall not be

- (a) changed to another non-conforming use;
- (b) re-established after discontinuance of use for six months;
- (c) extended except in conformity with these regulations;
- (d) rebuilt or repaired after damage exceeding one half of its cubical contents immediately prior to damage.

4.3 All non-conforming uses of land and building shall be discontinued and all non-conforming buildings and structures shall be made to conform within 10 years from the date of adoption of these regulations with the exception of signs, sign boards and waste yards which shall be made to conform to these regulations within three years from the date of adoption of these regulations.

4.4 *Accessory Use* : The term 'accessory use' shall not include :

- (a) Any use not on the same plot, with the use to which it is accessory, unless authorised by the local authority;

- (b) Any use not customarily incident to a permitted use;
- (c) Any use detrimental to the neighbourhood by reason of emission of smoke, noise, odour, vibration, dust or fumes;
- (d) Storage of more than two commercial automobiles, except on an agricultural piece of land;
- (e) A secondary dwelling on the same plot with a main dwelling, unless each building shall have at least the open space and equivalent plot size as required by Clause 4.5;
- (f) Advertising signs, excepting signs less than 10 sq. ft. in area, pertaining to the lease, sale or use of a plot or building on which they are placed. On a plot occupied by a dwelling, there shall not be more than two signs with a total area of 2 sq. ft. per sign for each family house.

4.5 *Yards and Open Spaces*

4.5.1 Each structure hereafter erected, re-erected or materially altered shall be provided with the front, side and rear yard specified in Table I.

4.5.2 No open space or plot required for building or structure shall during its life, be occupied or counted as open space for another building or structure.

4.5.3 On plots occupied by dwellings only, not exceeding 30 per cent of the rear yard may be occupied by one storeyed buildings of accessory use.

4.6 *Off-Street Parking Space for Motor Vehicles*

Off-street Parking Space shall be provided on any plot on which the uses specified in Table II are hereafter established; such parking space shall be provided with adequate vehicular access to a street.

4.6.1 Each off-street parking space provided shall not be less than 200 sq. ft. of area. The area of drives, aisles and such other provisions required for adequate access shall not be counted as part of the 200 sq. ft.

4.6.2 Off-street parking space provided shall be not less than the minimum requirements specified in Table II for each type of use.

4.6.3 If a vehicle parking space required by these regulations is provided in parking areas by groups of property owners for their mutual benefit, the Board of Zoning Appeal may construe such use of this space as meeting the off-street parking requirements of these regulations.

4.6.4. If off-street vehicle parking space cannot be reasonably provided on the same plot on which the principal use is conducted, the planning authority may permit such space to be provided on their off-street property, provided such space lies within 400 feet of the main entrance to such principal use. Such vehicle parking space shall be deemed to be required open space associated with the permitted use and shall not, thereafter, be reduced or encroached upon in any manner.

5. REGULATIONS FOR DIFFERENT ZONES

5.1 Regulations for different zones other than Public and Semi-Public open Spaces Zones shall be according to Table I.

5.2 Areas zoned for Public and Semi-Public Open Spaces shall not be built upon in any way or used for purposes other than parks, playground and other recreations. They may, however, with the permission of the Planning Authority, be permitted temporarily for a period not exceeding 30 days, to be used for public entertainment purposes. Structures that may be erected for such entertainment purposes shall

be removed at the end of the period and shall in no case be permanently erected. Structures temporarily to be built shall conform to such regulations which the planning Authority may deem fit to impose.

5.3 Customary home occupation shall be conducted only by a person resident in the dwelling; the area for such use shall not exceed 25 (Twenty-five) per cent of the total floor area of the dwelling; there shall be no public display of goods.

5.4 Transient Visitors' camps shall face on a driveway at least 30 feet wide which shall have unobstructed, well-drained, plainly marked, and adequately lighted access to a public street. Adequate permanent sanitation and water supply facilities shall be provided separately for males and females.

6. EXCEPTIONS AND MODIFICATIONS

6.1 *Plot of Record* : If a plot of official record at the time of adoption of these regulations is smaller than the minimum size specified for the zone in which it is located, and compliance with the yard and other requirements of these regulations is not feasible, the Planning Authority may permit the plot to be used as a plot site, provided the local authority is satisfied that the yard space and other requirements conforms as closely as possible to the requirements specified for the zone in which the plot is located and use of the plot will not be detrimental to other properties in the zone.

6.2 *Exceptions to height, yard and set back limits*

6.2.1 The height limitations of these regulations shall not apply to churches, schools, hospitals and other public and semi-public buildings, provided that the minimum depth of front and rear yards and the minimum widths of the side yard required in the zone are increased one foot per each foot by which the height of such public or semi-public structure exceeds the height limits in feet prescribed for other structures in the zone.

6.2.2 Chimneys, elevators, poles, spires, tanks and other projections not used for human occupancy may extend above the prescribed height limits.

6.2.3 Steps or stoops not exceeding 24 sq. ft. in area, eaves, cornices, and window sills may project into any required yard.

6.2.4 In any zone, on plots less than 60 ft. deep, the rear yard may be reduced 1 per cent for each foot that the plot's depth is less than 60 ft.

6.2.5 No building need be set back more than the average of the set backs of the nearest building on either side. A vacant plot 100 ft. or more in width or a plot occupied by a building set back more than the minimum set forth in these regulations shall be counted as though occupied by a building with minimum set backs.

6.2.6 Minimum plot provisions shall not apply to one storey buildings of accessory use.

6.3 *Group Housing Projects*

6.3.1 In the case of a housing project consisting of a group of two or more buildings to be constructed on a plot of ground of at least 4 acres not sub-divided into the customary streets and plots and which will not be so sub-divided or where the existing or contemplated streets and plot layouts make it impracticable to apply the requirements of these regulations to each of the buildings in the project, the planning authority may prescribe for such cases special requirements which shall be in harmony with the character of the neighbourhood and shall ensure a standard of open space at least equal to that which is required by these regulations for other dwelling in the zone in which the project is to be located.

TABLE I

REGULATIONS FOR DIFFERENT ZONES

	Residential Zone	Central Business Zone	General Business Zone	Light Industry Zone	Heavy Industry Zone
1. Uses Permitted	Dwellings; Boarding Houses; Rooming Houses; Churches, temples and other places of worship; Schools offering general educational courses; Libraries; General Purpose Farms, Agricultural gardens; Nurseries; Non-profit clubs and semipublic recreational uses; Customary home occupations (see 5.3); Accessory uses meeting requirements of clause 4.4.	Offices; Shops; Hotels; Clubs; Newspaper or job printing offices; Banks; Places of amusement or assembly; Restaurants; Advertising Signs conforming to relevant building bye-laws; Churches, Temples and other places of worship; Schools and other Institutions; Libraries, Municipal, State or Central Uses. Any retail business or service not specifically restricted or prohibited herein.	As in the case of Central Business Zone.	Warehouses; Timber Storage yards; Contractor's plant; Building Materials Storage; Storage Buildings; Any use permitted or permissible on appeal in the Central Business District except those specifically prohibited hereunder.	All uses permitted or permissible on appeal in the Light Industry District.
2. Uses Permissible on appeal to the Board of Zoning Appeals	Municipal, State and Central Uses; Public Utilities; Cemeteries; Golf Clubs, Green Houses; Hospitals for human care except those meant primarily for mental treatment; Convalescent homes; Sanatoria; Philanthropic uses; Transient visitors Camps (see 5.4); Removal of gravel, clay sand or stone from the premises; dairy and poultry farms; Hatchery; Animal raising or riding stables, provided that no animals or fowls other than house pots are kept closer than seventy-five (75) feet to an adjoining property line.	Filling stations; Garages; Manufacturing establishments employing not more than four (4) labourers and manufacturing goods to be sold by the manufacturer in retail; Any use permitted or permissible on appeal in the Residence District other than those specifically permitted above.	As in the case of Central Business Zone.	Any business or service not specifically restricted or prohibited herein including stockyard but excluding slaughter houses; watchmen's or caretaker lodges.	Uses permitted under Light Industry District except those prohibited specifically hereunder.

	Residential Zone	Central Business Zone	General Business Zone	Light Industry Zone	Heavy Industry Zone
3. Uses Prohibited	All uses not specifically permitted herein.	Contractor's plant; Yards for storage of building materials; Warehouses; any use detrimental to neighbourhood by reason of emission of smoke noise, odour, vibration, dust, or fumes, all other uses not specifically mentioned herein.	As in the case of Central Business Zone.	Dwellings: Boarding Houses, Rooming Houses; Any manufacturer, trade, industry or other use detrimental to a neighbourhood by reason of smoke, odour, fumes, dust, vibration, noise or other cause; industries listed in Appendix I.	Dwellings; Boarding Houses, Rooming Houses.
4. Minimum Size Plot	<p><i>Area in sq. ft. Width in ft. Area in sq. ft. Width in ft.</i></p> <p>For one family dwellings</p> <p>1800 30</p> <p>For two or multi-family dwellings for each family more than one in the same building, add</p> <p>900 10</p> <p>For all other structures</p> <p>6000 60</p>	<p><i>Area in sq. ft. Width in ft.</i></p> <p>For one family dwellings</p> <p>1800 30</p> <p>For 2 family and multi-family dwellings, far each family more than one in the building, add</p> <p>900 10</p> <p>For all other structures</p> <p>4000 40</p>	<p><i>Area in sq. ft. Width in ft.</i></p> <p>For one family dwellings</p> <p>1800 30</p> <p>For 2 family and multi-family dwellings, for each family more than one in the same building, add</p> <p>900 10</p> <p>For all other structures</p> <p>4000 50</p>	<p><i>Area in sq. ft. Width in ft.</i></p> <p>6000 60</p>	<p><i>Area in sq. ft. Width in ft.</i></p> <p>6000 60</p>
5. Minimum Set-back from Streets	<p><i>ft.</i></p> <p>10</p> <p>For all dwellings</p> <p>20</p> <p>Other Structures</p>	<p><i>ft.</i></p> <p>15</p> <p>For all dwellings</p> <p>20</p> <p>Other Structures</p>	<p><i>ft.</i></p> <p>15</p> <p>For all dwellings</p> <p>20</p> <p>All other structures</p>	<p><i>ft.</i></p> <p>20</p> <p>All Structures</p>	<p><i>ft.</i></p> <p>20</p> <p>All Structures</p>

	Residential Zone	Central Business Zone	General Business Zone	Light Industry Zone	Heavy Industry Zone
6. Minimum yard width	<p>Rear, (ft.) Side, (ft.) For all structures except one Storey structures of necessary use</p> <p><i>Dwellings</i></p> <p>15 (Average) 10 (Minimum) Total of widths on both sides not less than 12 ft. For corner plots, side yards width equal to front set back</p> <p>All other Structures 25 Total of widths on both sides 20 ft. Minimum on other side 8 ft. side width equal to front set back.</p>	<p>Rear, (ft.) Side, (ft.) For all Structures except one Storey Structures of necessary use</p> <p><i>Dwellings</i></p> <p>15 (Average) 10 (Minimum) Total of widths on both sides not less than 12 ft. For corner plots, side yard width equal to front set back</p> <p>All other Structures 25 Total of widths on both sides, 12 ft. on corner plots, side width equal to front set back</p>	<p>Rear (ft.) Side (ft.) For all structures except one Storey structures of necessary use</p> <p><i>Dwelling</i></p> <p>15 (Average) 10 (Minimum) Total of widths both sides not less than 12 ft. For corner plots side yard width equal to front set back. All other structures 25 Total of widths on both sides, 20 ft. Minimum on other side 8 ft. for corner plots, side widths equal to front set back.</p>	<p>Rear, ft. Side Minimum 10 ft. for corner plots, side width equal to front set back</p>	<p>Rear, ft. Side Minimum 30 ft. 10 ft. for corner plots, side width equal to front set back.</p>
7. Minimum Height	<p>ft. Storeys</p> <p>35 3</p>	<p>ft. for dwellings Storeys</p> <p>35 3 For all other structures 6</p> <p>75</p>	<p>ft. for Storeys dwellings</p> <p>35 3 For all other structures 51</p> <p>75 4</p>	<p>Storeys</p> <p>4 63</p>	<p>Storeys</p> <p>5</p>

APPENDIX I

(TABLE I)

LIST OF USES PROHIBITED IN LIGHT INDUSTRY

The following industries shall be prohibited in the light industry zone :

Manufacture or refining of ammonia, bleaching powder; chlorine; asphalt; brick; terra cotta; gypsum; lime; plaster of paris; coke; creosote; dextrin; glucose; starch; dye; explosives or fireworks or storage thereof in excess of five hundred pounds; fertilizer; gas (fuel or illuminating) in excess of one thousand cubic feet per day or storage in excess of ten thousand cubic feet; gelatin or glue or zie from fish or animal refuse or offal; hydro-chloric, nitric, picric, sulphuric, or sulphurous acid; lamp black; linoleum or oil cloth matches, pyroxylin or articles thereof or storage in excess of five hundred pounds; rubber or treatment thereof involving offensive odour; tar; turpentine or varnish.

Blast furnace; coal or junk yard; distillation of bones, coal, wood, or tar or manufacture of any of their distilled products; drop forges, fat, greese, lard, or tallow manufacture; refining or rendering flour or grist mill; hot rolling mill; incineration; reduction or dumping of dead animals, garbage, offal, or refuse except when accumulated and consumed on the same premises without the emission of odour; production or refining or storage above ground of petroleum or other inflammable liquids except heating fuels; slaughtering of animals; tanning, or curing, or storage of raw hides and skins, tire recapping.

TABLE II

MINIMUM OFF-STREET PARKING SPACES

<i>Type of Use</i>	<i>One parking space shall be provided for every</i>
Theatres and Auditoriums	20 seats of accommodation
Retail Business	500 sq. ft. of sales area
Office Buildings	1000 sq. ft. of office floor space
Restaurants	15 seats of accommodation
Hotels	4 guest rooms provided
Industrial Buildings	100 employees in the industry
Wholesale and Warehouse Buildings	1000 sq. ft. of storage floor space:
Multi-family dwellings	6 dwelling units
Lodging Establishments and Tourist homes.	5 guest rooms provided.

POLICIES & PROGRAMMES OF CITY PLANNING MOVEMENT IN INDIA

(Prepared in the Institute)

Introductory

The task of development and re-development of cities is being pursued with pioneering zeal in India. On the one hand, new cities and towns are being developed on account of influx of displaced persons, industrialization and political developments; and on the other, old cities are being replanned and re-developed to provide the basic civic amenities to an ordinary citizen. Many of those concerned with this task include the Central Government and State Governments, with their legislative enactments, advice and financial assistance, and the municipal corporations and municipal committees with their administrative machinery and local resources.

The aim and scope of town planning are influenced by the dominant political and social attitudes of the time. Town planning is a process by which the use of land is controlled and its development regulated in the public interest. Its considerations of efficiency and costs are economic. It involves both engineering and architectural problems. The objective is determined and given the authority of the community and then administered through legislative enactments and the administrative machinery. The efficient administration of such a complicated task of town planning must necessarily be equally complex. In the words of Lewis Mumford, 'city planning involves the co-ordination of human activities in time and space, on the basis of known facts about place, work, and people. It involves the modification and relocation of various elements in the total environment for the purpose of increasing their service to the community; and it calls for the building of appropriate structures—dwellings, industrial plants, markets, water works, dams, bridges, villages, cities—to house the activities of a community to assist the performance of all its needful functions in a timely and orderly fashion.'

In its main essentials, the development of a city includes an orderly planned and co-ordinated layout and expansion; slum prevention; determination of future populations and densities; master plan; allocation of land for industry, housing, commerce, recreation and other essential uses; means of communication, adequate water supply, electricity, transport and other civic amenities. Development programme envisages the growth of suburbs, city and regional planning, decentralization and deconcentration of a vast population from central areas of a city. And, the re-development must provide for speedy execution; an adequate level of community services; the re-sitting and rehabilitation of trade and industry; the acquisition and development of suitable neighbouring areas; maximum re-housing of the population in other schemes of public housing; private initiative in re-development as far as practicable; and the types of accommodation to be built and the rents to be charged. The urban re-development movement is of recent origin and aims at slum clearance, and stabilized land values in the central areas. Further, it may be used as a tool to stop decentralization and to bring back some of the substantial consumers, voters and tax-payers who have fled to the suburbs; also in the interest of big private builders in securing valuable central sites otherwise impossible to acquire and dead to profitable enterprise. It is undoubtedly a major socio-economic operation which affects

the whole pattern of population distribution and functional organization of an urban region. In fact, it is the broadened concept of slum clearance and reflects the civic and economic as well as the social aspects of the blight areas and slums.

In this study, an attempt has been made to give a detailed account of various measures undertaken by the Central Government, State Governments and local authorities in regard to the development and re-development of cities. Broadly, these measures include the launching of numerous housing and slum clearance schemes, deliberations of enquiry committees and slum surveys; financial assistance including grants and loans; main features of various town planning laws, preparation of master plans and the working of improvement trusts, town planning and development authorities. Also, an account has been given of the role being played by certain semi-official and public institutions. In describing the main features of town planning laws, special emphasis has been laid upon the constitutional and administrative framework which is available for the provision of necessary personnel, preparation of draft and master plans and finally for legal and administrative procedures.

Urban Growth

India's urban population is increasing steadily from decade to decade. Although the percentage of increase for the past decades is small, the absolute number of people living in urban areas has increased at tremendous rates. The total population and urban population and percentage increase of urban population are given below :

<i>Year</i>	<i>Total Population</i> (in million)	<i>Urban Population</i> (in million)	<i>Percentage of</i> <i>Urban</i> <i>Population</i>
1871	203.41	N.A.	..
1881	250.16	N.A.	9.3
1891	279.59	N.A.	9.4
1901	283.87	N.A.	10.0
1911	303.04	N.A.	9.4
1921	305.73	28.2	10.2
1931	338.17	33.4	11.1
1941	388.99	43.8	12.3
1951	356.83	61.9	17.3

The greatest gains in urban population occurred after 1931, and this trend is expected to continue. This rapid increase in population is a sign that some of the social effects of westernization are being felt. The increase is the consequence of reduction of the death rate through improved medical and sanitation facilities and elimination of famines and dependence on rainfall to some extent.

In 1941, India had 155 cities with more than 50,000 inhabitants each and 58 of this total were of metropolitan size. Most cities are located near seacoasts, rivers, or at junction points which are accessible by railway, water, or air. Many are state capitals as well as industrial and trade centres and command a wide hinterland.

The Union of India gained greater urban population as compared to Pakistan. One of the major causes responsible was that the Hindus who were predominantly rural migrated from village communities in Pakistan to cities within the Union of India.

An increase of 17.3 per cent in 1951 has meant that the mean decennial growth rate for the entire population of the Union of India between 1941-1951 was 12.5 per

cent. This figure represented the net increase in urban population. The growth of urban population was greatest for 73 metropolitan cities, whose mean decennial growth rate was 36.2 per cent. In 1941, 16,733,088 persons lived in 46 metropolises as compared to 24,126,592 in 73 of these cities a decade later. Almost 300 districts had urban concentrations of more than 5,000 people.

In 1951, the total urban population for the Union of India was 61,825,214. Of the 25 major municipalities having absolute gains in their inhabitants between 1941 and 1951, only Bareilly showed a decline during this period.

In 1951, the fifteen largest cities had a combined population of sixteen million or 4.55% of the total population. Sixty years before, in 1891, the fifteen leading cities had only four and half million inhabitants, or 1.6% of the total population.

Year	Total Census] Population	Population within largest fifteen cities	Percentage of of the total population
1891	279,593,000	4,500,000	1.60%
1941	388,998,000	10,000,000	2.57%
1951	356,879,394	16,245,877	4.55%

The fifteen leading cities at each census *i.e.* 1891, 1941 and 1951 are shown below :

1891	1941	1951
1. Bombay	Calcutta	Greater Calcutta
2. Calcutta	Bombay	Greater Bombay
3. Madras	Madras	Madras
4. Hyderabad	Hyderabad	Delhi (including N. Delhi)
5. Lucknow	Lahore	Hyderabad
6. Benares	Ahmedabad	Ahmedabad
7. Cawnpore	Delhi	Bangalore
8. Delhi	Cawnpore	Kanpur
9. Lahore	Amritsar	Lucknow
10. Allahabad	Lucknow	Poona
11. Agra	Howrah	Nagpur
12. Patna	Karachi	Agra
13. Jaipur	Nagpur	Madurai
14. Ahmedabad	Agra	Banares
15. Amritsar	Benares	Allahabad.

According to 1951 census, there are 71 cities with a population of over a lakh each; out of these, 41 cities possess a maximum population of two lakhs each; 13 cities a maximum population of three lakhs each; 6 cities with a maximum population of four lakhs each; and the remaining cities with a population varying from four lakhs to 45 lakhs each. Bombay gained over a million inhabitants within a decade, and Madras almost doubled her population. These increases were due largely to the redistribution of population between the two countries and the uprooting of former rural dwellers.

Although the exact facts and statistics are not available as to how rapidly either part of 'old India' is proceeding with industrialisation and urbanization, there are several indications that there is a possibility of the Union of India becoming more urban in the future years. Till 1961, the urban population is expected to increase at least by 33% or by 20.6 million.

Historical Background

Some of the world's oldest cities originated in ancient India as is revealed by the Mohenjo-daro excavations. Until this past decade, predominantly being an agricultural country, the people have been reluctant to migrate to cities and adopt new modes of life. Therefore, cities have grown slowly and many have retained their ancient characteristics.

The diffusion of urban culture resulted in the growth of cities in the Indus Valley, the Punjab and the Ganges plain. These ancient Indian cities were said to be the only ones in the Neolithic period without city walls and temples. The inhabitants were primarily engaged in mercantile activities. The cities disappeared when the climate changed and the river beds became dry. These cities were symmetrically designed to accommodate the various socio-economic classes and clans. Their physical layouts could serve as models for modern municipalities. Brick houses, granaries, and imposing public holdings of varying heights governed the streets—their width and intersection with other avenues of transportation. The buried remains of these structures have escaped the ravages of decay well enough that it is possible to piece together a comprehensive picture of ancient urban life. Wood, metal, and leather articles were unearthed in what had been an industrial area where artisans lived in two-room houses, which were all of similar designs. In another part of the city were the residential quarters occupied by rulers, priest, and the wealthy classes. The residential quarters boasted of large public baths, wells, and an underground sewerage system. Another ancient buried city has been discovered at Ambala. Another type embraces capital cities which served as seats of political administration favoured by rulers in former times. Muslim rulers were noted for their whimsical selection and abandonment of capital cities. The old capitals lost importance while the newly selected sites flourished as population and organizations moved and were resettled. Many became the provincial capitals of the country, such as, Agra, Delhi and Dacca. Some cities like Bombay, Calcutta, grew into important industrial, commercial and trade centres. During the British regime, the population in cities increased to undertake the import-export trade and the production of consumer goods.¹

The historical development of town planning and housing activity dates back to 19th century when the improvement trusts with limited powers and resources were set up in the presidency towns. Later on, in the earlier period of the 20th century, some Provincial Governments enacted town planning laws and altered them with subsequent amendments. As time advanced and development and re-development of the cities became a matter of great importance, several all-India enquiry committees, commissions and provincial housing committees probed into the matter and made valuable suggestions in this regard. It is not intended here to give a detailed history of the town planning in this study. The major findings and recommendations of some of these committees are given with a view to showing how the State began to take interest in this vital matter.

Modern town planning began in 1912 with the transfer of capital from Calcutta to Delhi and consequent birth of New Delhi city. "Unfortunately, this has been the only initial though spectacular success in 'the battle of science and of faith in the future of new Capital against association and sentiment'. If the town planners of New Delhi have succeeded, it is not due to any weakness of the opposition but to the towering personalities of the experts and to the vision displayed by the then Viceroy and Governor-General and the Secretary of the State for India, in supporting the town planners. Since then the champions of town planning have consistently failed. Calcutta, Kanpur and Madras have provided proof of these failures. Indications of similar trends in other places are not wanting."¹

1. Report of the Health Survey and Development Committee, 1946, Vol. III, p. 80.

Along with the adoption of the latest town planning principles in the layout and development of the new Capital area, the Government of India impressed upon the Provincial Governments the need for regulating and controlling the growth of their towns and urbanized areas. In 1912, the Government of India wrote to the Madras Government, the following letter—

“The Government of India are of opinion that the question of town planning is one of great and growing importance. The great majority of large Indian towns and cities are surrounded by insanitary quarters which have been permitted to grow up without any sort of control and which are often the starting grounds of plague and other diseases and a large population is crammed into an altogether inadequate space. There is also the growing tendency of suburban landlords to refuse to let agricultural land for building purposes and it is becoming more and more difficult to meet the increasing demand for land among large classes of the population for improved dwellings amidst more sanitary and healthy surroundings. The art of town planning is of comparatively modern growth, and it is only recently that town planning experts have arisen, in very small numbers even in Europe. The matter is therefore one in which progress must necessarily be slow, but the Government of India are of opinion that a beginning can be made by enquiries as to the necessity for town planning legislation and the form which such legislation should take.”²

Further, the Government of India stated that the matter needed to be examined from two points of view, first, the extension of existing towns, and secondly, the improvement and opening out of existing insanitary areas. The Central Government did not favour the idea of levying development taxes for development and re-development of towns. Instead of this, it was suggested that where land on the outskirts of a town was mainly agricultural and could be acquired cheaply *en bloc*, the better policy would be for the local authority to purchase outright and secure a return by premium and ground rents as buildings extended. In case, an existing town had been allowed to grow up in a haphazard way with vested interests in the surroundings, it would be a sheer necessity to acquire land though it might be more difficult and expensive, owing to delays in litigation and the rise in prices of land. In such cases control may be preferred to acquisition, which, indeed for financial reasons, would on a large scale, be impossible. The underlying idea of these suggestions was to render it possible to control future urban development and re-development and to provide for the expansion of population without imposing increasing burden on the general revenues or the resources of the local authorities.

Active interest in town planning became evident in the Provinces and States and town planning legislation was introduced in Bombay (1915), U.P. (1919), Madras Province (1919), Punjab (1922), Nagpur City (1936), etc. As in case of the co-operative movement the initiative for the town planning movement was taken by the Government “from the top” instead of its coming “from below”. However, the progress seen in Hyderabad, Mysore and Baroda was of considerable significance, perhaps due to the personal interest evinced by the rulers. Many students were sent to foreign countries for advanced training in town planning. Early in 1921-31, the Royal Commission on Labour found deplorable conditions of housing industrial labour and demanded immediate attention from Government, local authorities, organized industry and public. It asked the Government to make government land available for housing activities in the industrial towns and to announce their willingness to subsidise the housing schemes. According to the report of the Public Health Commission, Government of India, 1939, only 253 towns out of a total of 1471 towns of all sizes in British India possessed protected water supplies. The population

served by these was about 12.7 millions or 48.7 per cent of the aggregate population of all the towns, but only 4.5 per cent of the total estimated population of British India in that year.

Later on, the Health Survey and Development Committee, 1946 went into the matters of town planning, slum clearance, water supply, improvement trusts, etc., in greater details. The report says "Housing conditions in India present a deplorable picture. The impressions that we gained during our tours indicate extremely unsatisfactory conditions of housing in some rural and urban areas and, in particular appalling conditions of overcrowding in industrial centres. The single room tenement is a common feature of even many of the more recently constructed housing accommodation in industrial areas. Such tenements often house more than one family and, in any case have to serve as living room, kitchen and bed room. The sanitation of these dwellings is usually inadequate and of a very rudimentary nature. Thousands of workers have been drawn to these industrial centres by new war industries or by the expansion of old ones, but little attempts have been made to provide the additional accommodation required. The result is that conditions in Calcutta, Bombay, Madras and Kanpur, to mention only a few cases, are indescribable and intolerable. Thousands are without any home or shelter and have to live and sleep on pavements, verandahs, open spaces, under trees, in cowsheds or in any temporary shelter." The Committee recommended that improvement trusts should be established in all the larger cities of the country for dealing with slum clearance and rehousing problems; adequate training and research facilities should be extended to the town planners and architects; a ministry of Housing and Town and Village Planning should be established in each province, with an expert in town planning at the Centre; the existing town planning laws should be revised, etc. In the execution of the housing programme, the Committee said, Government and public authorities should perform the following functions :

- (i) the planning, execution and regulation of housing programmes, including participation by local authorities and improvement trusts in house construction and maintenance;
- (ii) the grant of financial assistance by long-term loans at low rates of interest or grants-in-aid;
- (iii) the prescription and enforcement of standards; and
- (iv) the promotion of housing research.

The National Planning Committee, 1948 of the All-India Congress Committee dealt with 'National Housing' in one of its series. It was of the opinion that housing can be promoted by the combined efforts of Central Government, State Government, local bodies and competitive private enterprise. Regarding the role of the local authority, it said, that "it will not find itself equal in all cases to the task in all aspects. Some responsibility must also, therefore, be cast upon those elements in the society, which stand to derive some benefit from people using the housing they provide. The employer is thus an outstanding class on whom responsibility may fairly be laid for providing necessary housing accommodation, at least for his immediate operatives whether manual labour or intellectual workers."

In 1947, the U.P. Housing Committee, and Madras Provincial Housing Committee were set up to consider the problem of housing in their respective state. The former recommended that the development cost should be borne by Government and the actual area of land required for the construction of quarters should be leased out to the employers on rent based on the actual cost of acquisition and development. The latter was of the view that a long term policy so as to meet the needs of the increasing

population permanently and to prevent recurrence of shortage of housing as at present is necessary. Further, combined activity by the Government, local authorities, improvement trusts etc. will be necessary to stimulate co-operative commercial and private enterprise side by side, with public authorities by affording financial aid, technical advice and rigid enforcement of better standards. In 1948, a Conference of the Chairmen, Improvement Trust and Development Boards was held and it recommended that the provision of adequate housing accommodation, specially for the lowest income groups is the paramount duty of the State and that there must be centralization in regard to housing plans to be put into execution; the State should grant the highest priority for the movement of building materials, namely steel, cement, coal, etc.

GOVERNMENT OF INDIA

The Government of India had a department known as the Town Planning Department, administered by the Government Architect. The Department dealt with planning problems of the Delhi State, and also advised such States which did not have any organisation for Town Planning. This Department was also responsible for planning the new townships of Nilokheri and Faridabad in an attempt to solve the problem of displaced persons.

In 1947, the problem of housing for displaced persons assumed top priority which resulted in the creation of the Ministry of Rehabilitation, to undertake this responsibility, among many others. In 1952, the Ministry of Works, Housing and Supply was created with the subject of housing as a new and separate charge. A centralized control in housing has been established with a view to increasing the tempo of housing activity in many directions. In earlier days, a major share of this activity was being dealt with, to some extent, by the Ministries of Labour and Health. The Planning Commission too has realized the significance of this matter. The Government of India in the the First Five Year Plan initiated a National Housing Programme. Since 1952, several housing schemes like Subsidized Industrial Housing Scheme; Low Income Group Housing Scheme; Slum-Clearance Scheme; National Water Supply and Sanitation Programme have been undertaken. A sum of Rs. 38.5 crores for housing was provided in the First Five Year Plan and a sum of Rs. 120 crores has been provided in the Second Five Year Plan.

A total provision of Rs. 48.7 crores was made in the First Five Year Plan, of which Rs. 38.5 crores were allotted at the Centre and Rs. 10.2 crores in the States. In addition to the allocations by the Centre, housing schemes for workers in the coal industry were financed from the Coal Mines Welfare Fund. Housing schemes for mica and coal mines were the responsibility of the Ministry of Labour, the other schemes being administered by the Ministry of Works, Housing and Supply. Besides these schemes, substantial housing programmes were undertaken by the Ministries of Rehabilitation, Defence, Railways, Iron and Steel, Production, Communications and Works, Housing and Supply. State Governments and a certain number of local bodies also had their own housing programmes. It is estimated that during the First Five Year Plan, the Ministry of Rehabilitation provided 3,23,000 houses or tenements in urban areas and about 300,000 units were constructed by State Governments and by Central Ministries other than the Ministry of Works, Housing and Supply. Thus, the various public housing schemes are estimated to have added during the First Plan about 742,000 houses or tenements. It is difficult to estimate the extent of private construction. As has been explained in the Second Five Year Plan, data regarding construction in the private sector are not available, but an enquiry carried out for the Taxation Enquiry Commission showed that in 1953-54 the total investment on urban housing was of the order of Rs. 125 crores. If this were taken as an average for the five year period and the average cost of a house was assumed to be Rs. 10,000 it would appear that during the First Plan about 6 lakh units were provided in the private sector. Thus, in all, during the First Plan about 1.3 million urban houses were added.

In 1955, the School of Town and Country Planning was established by the Government of India, by a resolution with the object of providing facilities for education and training in all aspects of rural, urban and regional planning in association with the Institute of Town Planners, India. A site of an area of 2 acres has been allotted to the School for its building in Indraprastha Estate, New Delhi. The School will be engaged in many practical planning problems and research projects. The course leading to the Diploma in Town and Country Planning is normally a two-year course, consisting of five terms with practical experience. A quarterly *Journal of Urban and Rural Planning Thought* has been started in 1958. In 1957, the Union Ministry of Health set up a Central Regional and Urban Planning Organization, with a view to tackling the problems of urban and regional planning which are likely to arise due to rapid development of the country. The main function of the Organization for the present is the preparation of a detailed Master Plan for Greater Delhi but thereafter it will be entrusted with the following duties also :

(1) To advise State Governments and local bodies in the matter of regional and urban planning; (2) To advise on the development of steel towns like Durgapore, of River Valley Regions like Damodar Valley and on other regional plans; (3) To set a frame-work within which Town Planning Organization and similar bodies can function. An Interim General Plan for Greater Delhi was prepared in 1956 and the preparation of the Master Plan is in progress.

MINISTRY OF HEALTH

National Water Supply and Sanitation Programme

The Union Ministry of Health is concerned with the general co-ordination of activities in the field of local self-government by various State Governments. In 1955, the Central Council of Local Self-Government, which was set up as a result of the recommendation of the Second Local Self-Government Ministers' Conference, passed a resolution recommending the subsidisation by the Central Government of Slum Clearance and National Water Supply and Sanitation Schemes in urban areas. In 1956, the Slum Areas (Improvement and Clearance) Act, was enacted with a view to carrying out slum clearance work in the Union Territories.

In India, sources for obtaining this prime necessity of life are varied. The danger of getting contaminated water exists at all the sources. The hazards are increased by the unscientific disposal of human waste, which may later reach the sources of water. Accordingly, towards the end of the First Five Year Plan period the Government of India formulated the National Water Supply and Sanitation Programme. Provision of safe water supply and satisfactory arrangements for the disposal of excreta in every community in this country, rural and urban, constitute the main objective of this programme, and steps have been taken to provide this vital service to the entire population of the country in the course of a few years.

To implement the National Water Supply and Sanitation Programme, the nucleus of a Central Public Health Engineering Organisation was established in the Directorate-General of Health Services under the Union Ministry of Health in the latter half of the First Five Year Plan period.

Assistance is given to States for their urban schemes in the form of loans, and it is left to State Governments to decide the best manner of passing on these loans to local bodies. The loans are repayable in 30 years. The rate of interest charged is on the lines of loans for the development works of State Governments. Twenty-three States participated in the urban phase of this programme. They submitted 287 water supply

schemes and 79 drainage schemes for urban areas for sanction of loans. Of these the Central Government approved 196 water supply schemes and eight drainage schemes for the sanction of loans which, in the two financial years, 1954-55 and 1955-56, amounted to Rs. 1185 lakhs for the First Five Year Plan period. Although the entire amount was allocated to the participating States, only a sum of Rs. 829.465 lakhs or about 65 per cent of the funds available was actually utilised by the States up to March 31, 1956. In the Second Five Year Plan period, the number of schemes is now estimated to cost Rs. 53 crores; Rs. 30 crores have been earmarked for distribution as loans to States for urban water supply drainage schemes besides the provision of Rs. 23 crores in State Plans for the same purpose. A special provision of Rs. 10 crores has been made by the Centre for the grant of loans towards the water supply and drainage schemes of Municipal Corporations. In 1956-57, the first year of the Second Plan, a sum of Rs. 369.14 lakhs was sanctioned for loans towards urban water supply and drainage schemes, in nine States.

The Slum Areas (Improvement and Clearance) Act, 1956

This Act applies to all the Union Territories except Andaman and Nicobar and other islands. Rules under the Act have been framed and the Act has been brought into force in Delhi, in 1957. The competent authority is authorized in accordance with the Act to declare any area a slum area, where the buildings and houses are in any respect unfit for human habitation and detrimental to safety, health and morals of the inhabitants by reason of overcrowding and lack of sanitary facilities. It is empowered to require improvement of buildings unfit for human use, and may do so in certain cases, at the cost of the owner of the building. All expenses incurred on execution and maintenance of works together with interest, at such rate as the Central Government may fix, may be recovered from the owner of the building as arrears of the land revenue. The authority is also endowed with the summary powers to obtain immediate possession of land for the purpose of slum areas; and to remove offensive or dangerous trades from slum areas. The Act is a comprehensive one and in many respects is an improvement on the Slum Acts passed by State Governments. In many big cities, there are no powers for either entering the slum areas for the purpose of providing basic amenities like water supply, latrines, etc., or for acquiring slum properties and for demolishing dilapidated houses. There is a great need for suitable legislation in other States on these lines.

MINISTRY OF REHABILITATION

Housing for Displaced Persons from West Pakistan

One of the vexed problems of urban rehabilitation was the provision of roofed accommodation for 23 lakhs displaced persons from West Pakistan. The number of evacuee houses available as a result of migration of Muslims was sufficient for hardly 12 lakhs of persons. For the rest, new houses had to be built. Of the displaced persons for whom accommodation was required, a good number of squatterers on the roadsides and open spaces were temporarily accommodated in public buildings like schools and dharmashalas. Government schemes gave first priority to the provision of accommodation for them. New houses of different patterns were constructed throughout the country by the Central and State Governments. Displaced persons were encouraged to form house building co-operative societies and plots of lands and loans were granted to them. Residential plots were also developed and allotted or sold to displaced persons on easy terms. The construction programme for these displaced persons had been completed in most of the States and, except to a small extent in Bombay and Delhi, the entire work was finished in 1956.

The entire expenditure on housing was met by the Ministry and a sum of Rs. 58 crores was spent on housing schemes for displaced persons from West Pakistan by the end of March, 1955. Altogether, provision has so far been made for 2 lakhs of residential units out of which about 1,55,000 units were constructed through Government Departments or agency and the remaining 45,000 by the displaced persons themselves or through co-operative societies with financial assistance from the Government. About 155 suburban extensions and new townships have so far been constructed, the important townships being Nilokheri, Faridabad, Gandhidham, Rajpura, Sardarnagar, Ulhasnagar, Govindpuri and Hastinapur. The new townships have their own economy and though the suburban extensions are adjuncts of existing towns, provision has been made, where necessary, for schools, hospitals and shopping centres in these extensions. Steps are also being taken to set up local bodies for new townships and to get the suburban extensions included within the limits of existing local bodies.

Housing for Displaced Persons from East Pakistan

The practice in the Eastern Region has been generally to grant house-building loans to displaced persons and to leave the actual building construction to them. Building plots are allotted to them in Government colonies, but assistance is also given to private individuals. In some cases, Government has undertaken direct construction itself. In 1954-55, about 2,89,229 houses were constructed by displaced persons and 14,106 by Government. Construction of 1,400 multi-storeyed tenements in Calcutta was also undertaken in 1954-55, by the Government of West Bengal to accommodate the squattered displaced families. Four Government sponsored townships have been established in West Bengal.

MINISTRY OF WORKS, HOUSING & SUPPLY

The Housing Division came into existence in May, 1952, as a result of Government's decision to establish a separate portfolio of Housing. This Division is responsible for the formulation and administration of the housing policy and programmes of the Government of India. From time to time, Committees have been appointed or opinion sought from experts to improve the existing deplorable standard of housing in India. One of the main aims of the housing policy of Government is to reduce the building costs so as to bring reasonable housing accommodation within the means of large masses of people, particularly in the low income groups. As a first step towards an integrated national approach to all aspects of housing, the Government has set up National Building Organisation, and one of the main functions of this Organisation is to collect and analyse information and data on the latest technological advances within the country and abroad etc., with a view to advancing the best use of national resources, manpower, and technical knowledge in the public as well as in the private sector of the construction field. Recently, the Government has set up in the Ministry a separate department of housing under a Housing Commissioner, assisted by appropriate staff—technical, administrative and financial. His main task is to expedite the implementation of the housing schemes efficiently.

The various housing schemes so far formulated to reduce the housing shortage in the country are: (i) Subsidised Housing Scheme for Industrial Workers; (ii) Low Income Group Housing Scheme; (iii) Slum-clearance Scheme; (iv) Plantation Labour Housing Scheme; and (v) Village Housing Projects Scheme.

The Government would soon sponsor Housing Corporations in States to canalise larger funds from the private and the public sectors into urban housing. Banks,

investment companies, financial institutions, the Life Insurance Corporation and the Employees' Provident Fund Account would also be tapped to finance urban housing schemes which hitherto depended almost exclusively on loans or subsidies from the Central and State Governments.

The Government of India's new housing policy was designed to make Rs. 1,000 crores available for urban housing during the Second Plan as against the original provision of Rs. 120 crores. The Housing Corporations proposed to be set up in States will give long-term loans on reasonable rates of interest, with funds drawn from both private and public sectors, while the Central and State Governments will give suitable subsidy. Loan finance will be made available on no-profit-no-loss basis. State Governments will be asked to use Government land for the construction of houses meant for the low income groups as part of their contribution towards subsidy. The main objective behind this policy is to create conditions under which more and more money would be spent on housing programmes.

The concept of an investment of Rs. 1,000 crores or more on housing, both by the public and private sectors, for the target of about 1.9 million houses is found in the Second Five Year Plan itself. The Plan estimated that the likely investment by the private sector on construction would be on urban housing. The Plan also provides Rs. 120 crores for urban and rural housing schemes of the Ministry of Works, Housing and Supply. There are also provisions for various housing schemes. The State Governments and local authorities are also likely to spend substantial amounts on housing for their own employees as part of their development programmes. The sum of about Rs. 1,000 crores, is, therefore, a reasonable figure, for the likely order of investment in housing during the Second Plan. A major portion of the money provided in the Plan from the Central exchequer was proposed to be spent primarily in the form of subsidies in order to bridge the gap between the economic rent and the social rent in urban areas, so far as persons in low income groups were concerned, and also to be drawn upon for acquiring and developing land for sale on a no-loss basis. The money collected by the housing corporations by borrowing from several sources would go a long way in broadening the area of loan financing and contribute about Rs. 1,000 crores towards the fulfilment of the target of suburban housing visualized in the Plan. It is estimated that about 800,000 urban houses, at the approximate cost of about Rs. 800 crores were to be built by private sector, 311,000 houses at a cost of Rs. 414 crores by other Central Ministries, State Governments and local authorities, as part of their developmental projects. The private and the public sectors would together thus construct about 1.9 million houses at a cost of Rs. 1,322 crores.

The State Housing Ministers' Conference, 1957

This Conference took into account the following facts, namely : that there is a large segment of the urban population which lives in substandard housing or has no shelter at all; (2) this population consists of those who are benefited by the low-income group housing scheme, the industrial workers, slum-dwellers, sweepers and those whose income is not in any way more than that of the four preceding classes and whose income in fact is even lower and less assured; (3) the existing urban housing schemes of the Government of India cater by and large to the needs of the first four classes only.

It appreciated the arguments that (a) in our housing programme due to past history and existing commitments we must concentrate on the provision of housing for industrial workers, slum-dwellers and sweepers; (b) the scope of current housing schemes has to be enlarged to serve a gradually increasing number of people; (c) and being of the opinion that the minimum accommodation to be provided should consist

of at least a well-developed building plot with proper environmental hygiene or of a single room and kitchen-verandah with an attached w.c. and bath where provision is for a group with a slightly higher income.

And it realized that the economic rent even in the case of such structures is much higher than the rentpaying capacity of the prospective tenant, the Central and State Government must both work together to bridge the gap between the economic and the social rent, the State Governments generally finding it convenient to give their aid in the form of land, according to such use as is assigned in the master plan, and is a need for greater flexibility and autonomy in putting up of housing estates for the low income group.

It recommended that, even though steps may be taken to ensure that certain sections of the community, such as those in the low income group, the industrial workers, the slum-dwellers, sweepers, etc., continue to receive the present assistance in the formulation of housing programmes, the approach to the housing problem should be integrated, depending upon the rent-paying capacity of the families housed, the scale and cost of accommodation, the ownership of houses, the pattern of subsidies necessary for reducing the gap between the economic and social rent, the quantum of subsidies being limited by the availability of funds and till such time as the above integration is brought into effect, the existing housing scheme of the Government of India should continue to be in force without any change in the pattern of loan or subsidy.

Subsidised Industrial Housing Scheme

The Subsidised Industrial Housing Scheme which came into operation in September 1952, was at first approved for industrial workers governed by the Factories Act, 1948, but is now applicable also to certain categories of mine workers (other than those engaged in coal and mica mines) who are covered by the Mines Act, 1952. Under the Scheme, loans and subsidies are given by the Central Government to State Governments, Statutory Housing Boards, industrial employees and co-operative societies of industrial workers.

A sum of Rs. 38.5 crores was provided for housing schemes during the First Plan period. Since there was bound to be some time-lag between the sanction of the projects and actual construction requiring disbursement of funds, it was decided to sanction projects up to Rs. 50 crores to enable more projects being sanctioned, subject to the condition that actual payments were limited to Rs. 38.5 crores. Out of the sum of Rs. 50 crores for housing, a sum of Rs. 25 crores was earmarked for the construction of houses under the Subsidised Industrial Housing Scheme and the major portion of the remaining allocation was to be utilised for implementation of the Low Income Group Housing Scheme. During the First Plan period, projects for construction of 78,029 houses formulated by different constructing agencies, namely, State Governments, private employers and co-operatives of industrial workers, involving an expenditure of Rs. 22.32 crores, both as loan and subsidy, were sanctioned under the Subsidised Industrial Housing Scheme. An actual disbursement of sanctioned financial aid is related to progress of construction work, the amount authorised for payment during the First Plan period totalled Rs. 13.29 crores only as loan and subsidy while 43,831 houses were completed during this period.

Out of a sum of Rs. 45 crores earmarked for construction of 1,28,000 houses in the Second Plan period, a sum of Rs. 29 crores approximately has so far been allocated to various States and Union Territories. The remaining amount of Rs. 16 crores was kept in reserve for allocation to private employers and for meeting the additional requirements of the needy States. (The allocation under this Scheme is however likely to be

reduced from Rs. 45·00 crores to about Rs. 27·00 crores in view of the proposed cut on Housing from Rs. 120 crores to Rs. 84·30 crores.) Due to recent increase in the cost of construction (including the desirability of providing an individual bath and W C. in each tenement) the targets laid down in the Second Plan period have necessarily to be reduced.

Low Income Group Housing Scheme

The Low Income Group Housing Scheme, which was introduced in November 1954, envisages grant of interest bearing loans to State Governments for being passed on to individuals and co-operative societies of individuals, whose annual income does not exceed Rs. 6,000/-, to enable them to build and own houses. The loan generally bears an interest of 4½ % per annum (plus administrative charges of State Governments which do not normally exceed 1 per cent) and is repayable in a period not exceeding 30 years. The quantum of assistance is limited to 80 per cent of the cost of the house, including cost of land, subject, however, to a maximum of Rs. 8,000/-. The Scheme also provides for the grant of loans by the Centre to the State Governments for the acquisition and development of land. The rate of interest on such loans is about 3½ per cent per annum. This loan is repayable within 3 years during which period the plots of land are to be sold, after development, to persons in the low income group on a 'no-profit-no-loss' basis.

The total allocation made to different State Governments during the First Five Year Plan (*i.e.* up to 31-3-56) amounted to Rs. 21·53 crores, against which the amount actually drawn by them was only Rs. 11·06 crores. In accordance with the latest progress reports received from the State Governments/Union Territories the number of houses actually completed was 4351 during the period.

Out of sum of Rs. 40·00 crores, earmarked for construction of 68,000 houses in the Second Five Year Plan period, a sum of Rs. 35·38 crores has so far been allocated to various States and Union Territories. The remaining amount of Rs. 4·62 crores was kept in reserve for additional allocation to needy States and Union Territories. The Plan provision under this Scheme is, however, likely to be reduced from Rs. 40·00 crores to Rs. 35·00 crores in view of the proposed cut on 'Housing' from Rs. 120·00 crores to Rs. 84·30 crores.

Slum Clearance Scheme

This Scheme contemplates the grant of financial assistance by the Central Government to State Governments for slum clearance improvement projects. The two important principles on which the Scheme is based are :—

- (i) there should be the minimum dislocation of slum-dwellers and efforts should be made to re-house them as far as possible at the existing sites of the slums and/or sites nearby, in order to ensure that they are not uprooted from their fields of employment;
- (ii) in order to keep down rents within the paying capacity of slum-dwellers, the emphasis should necessarily be laid more on provision of the minimum standards of environmental hygiene and essential services rather than on construction of any elaborate structures.

The need to ensure strict enforcement of the municipal bye-laws to prevent the growth of further slums in towns and cities has been emphasized in a communication from the Union Ministry of Works, Housing and Supply, addressed to the State Governments. The communication says that simultaneously with the steps to clear

existing slums adequate steps should be taken by State Governments and local authorities to prevent growth of further slums resulting from unauthorized and haphazard construction in towns and cities. The Government of India feels that if despite adequate statutory provisions and requisite powers under local enactments or municipal bye-laws, slums have grown, it is necessarily due to the lack of incentive in the enforcing authorities and also due to interference from outside bodies, both public and official. It is, therefore, desired to ensure that such interference from outsiders is reduced to the minimum and adequate steps are taken to ensure strict enforcement of the municipal bye-laws, the State Government may examine the matter with a view to ascertaining the precise reasons for laxity in enforcement of municipal bye-laws and forward its views to the Government of India to enable the matter to be further considered in a co-ordinated manner in consultation with all concerned.

Report of the Selected Buildings Projects Team on Slum Clearance

The Committee on Plan Projects for the Second Five Year Plan has one of the several committees known as Committee for Public Works Building Sector. This Committee further set up a team known as the Selected Buildings Projects Team on Slum Clearance. The Team was required to review the slum clearance schemes of a few States and make general observations on the progress made and the policy underlying the schemes. The Team has submitted a report in 1958.

The Team has made a study of the problem of slum clearance under three broad heads : (i) slum prevention, (ii) rehabilitation of sub-standard housing, and (iii) slum improvement and slum servicing. To prevent the growth of slums, the Team recommends, among others, that no licences to start new industries or for expansion of any of the existing industries should be granted by the Central Government unless a 'no objection' certificate is produced from the local body; a firm decision by the Government to limit employment expansion in the congested areas; the establishment of satellite towns; shift of industries to villages; the preparation of master plan; and the finalisation of the modern town planning legislation. As regards rehabilitation of sub-standard buildings, measures suggested include a complete survey of the existing housing in all the slum areas in a city and the laying down of some minimum standards; and the adoption of a housing code by municipalities.

While, as a rule, slums should be demolished, it may, however be necessary, due to limited finance, to resort to slum improvement. This may include repairing and re-servicing neglected streets and alleys, constructing sanitary services and storm water drains, providing facilities for water supply and refuse collection, etc. The long-term solution of slum lies in reducing the cost of construction in order to provide lower rent housing. The Team recommends long-range planning for the procurement of materials at cheaper rates. Considerable economy may be effected through standardisation and modular-coordination. The report draws particular attention to the danger of new colonies relapsing into slums and, as a remedy, suggests that the people in the new colonies should be taught clean habits and annual prizes may be offered for observing certain codes of conduct consistently.

The Team has further observed that the suitable agency for organizing slum clearance activity is a Statutory Corporation or a Board with a Chairman and appropriate number of Directors. There should be Statutory Housing Corporations in every State, which should be autonomous bodies, charged with the responsibility of implementing the slum clearance programmes included in the Plan and of formulating regional planning policies. The Housing Corporation at the Centre should be assigned the duty of allocating funds earmarked in the Plan, on principles to be approved by

Government, to the various State Corporations. If, for any reason, it is not possible to set up the Central Housing Corporation in the near future, one Ministry of the Government of India should be entrusted with all housing schemes of the Centre.

Sen Committee on Slum Clearance

The Government of India appointed a committee under the chairmanship of Mr. A. K. Sen, Law Minister in the Union Government, to examine the question of slums in all its aspects and to attempt to find a co-ordinated solution for India's slum problem in January 1958. Besides the Law Minister, the Committee consisted of representatives of the Central Ministries of Health; Works, Housing and Supply; Commerce and Industry; Home and Finance. The work of the Committee was purely advisory.

The intention of appointing the Sen Committee was to deal with the question on an all-India basis keeping in view other problems resulting from any large-scale plan of transferring the existing slum population to other areas. While additional housing to provide accommodation for those who may lose their dwellings is one such problem, another is the question of finding employment for the present slum populations, who often have professional stakes in their existing accommodation. Thus one of the jobs of the Sen Committee was to examine the possibility of setting up a number of centres for small scale industries which would meet the economic needs of those whom it may be necessary to transfer to new homes.

The creation of a new Union Ministry for Urban Community Development was one of the main recommendations. The functions of the proposed Ministry would be to co-ordinate the activities of other Ministries in the field of town planning, slum clearance, housing, health, education and setting up industries to provide alternative employment for slum dwellers.

Instead of frittering away resources, the Committee has recommended that to begin with attention be focussed on clearing slums in the six cities of Calcutta, Delhi, Bombay, Madras, Kanpur and Ahmedabad. To raise the necessary resources the Committee recommends the levy of a terminal tax on passengers and goods carried by rail. It suggests that the Centre provides an increased subsidy to the States for slum clearance in the six selected cities. An outlay of Rs. 2 crores on each city is recommended for the Second Plan period.

The Committee lays particular emphasis on the fact that mere demolition of insanitary buildings and their replacement by new structure does not solve the slum clearance problem. Equally important is the provision of alternative employment, education, medical attention and other basic services. Accordingly, it suggests that the most effective way of dealing with the problem is to set up Urban Community Development Centres and Extension Blocks for slum areas. This would ensure that all aspects of the problem are tackled simultaneously. With the setting up of such urban centres, it would be possible for State Governments to suggest composite schemes to the Centre and for the proposed Ministry of Urban Community Development to sanction them after consulting the other Ministries concerned.

At the State level, the Committee recommends that an organisation headed by an Administrator be set up for each of the six cities selected for concentrated slum clearance. It would be his responsibility to draw up a composite scheme in consultation with the Ministry of Urban Community Development and other State and local bodies concerned and to implement it after it is approved.

BOMBAY STATE

The Bombay State Government has a separate department dealing with town planning and valuation of properties. The Department was established in 1914 with Consulting Surveyor as its head and administered under Local Self-Government and Public Health Department. It advises the local authorities in their town planning problems and programmes except for the city of Bombay. The Department has to prepare master plans for the orderly growth of various towns. It also advises Government on its housing policies. The provisions of the 1915 Act are optional in character. The Government has now passed a new Town Planning Act in 1954 which makes it obligatory on every local authority to prepare development plans and detailed planning schemes. They have the legal backing under this Act but it is difficult to work out these plans unless trained personnel are available for the task.

Bombay Municipal Corporation has an independent town planning organization of its own under the City Engineer and the town planning activities in Greater Bombay area are carried out according to the provisions of the Bombay Municipal Corporation Act.

THE BOMBAY MUNICIPAL CORPORATION ACT

The Improvement Committee

The Bombay Municipal Corporation Act provides for the appointment of a committee, to be called the Improvement Committee, for the purpose of the improvement of the city. The Committee consists of sixteen councillors to be appointed by the Corporation, at its first meeting in the month of April, after each general election. The Chairman of the Committee is appointed every year by the members. One half of the members of the Improvement Committee are to retire on the first day of April, every year. The fresh members are appointed by the Corporation, in the month of March, to fill the offices of those provisionally appointed by them who retire from time to time.

The Committee meets in the Chief Municipal Office, for the despatch of business, once a month. The Chairman may, whenever he thinks fit, and upon a written requisition signed by the Commissioner or by not less than four members of the Committee call a special meeting of the Committee within forty-eight hours, for the transaction of any business. The minimum quorum for the conduct of any meeting is eight members.

A member is not allowed to vote or take part in the discussion of any matter in which he is directly or indirectly interested.

The Commissioner or the Deputy Commissioner (Improvement) has the same right of being present at a meeting and of taking part in the discussion. He has no right to vote or make any proposition at such meeting.

Re-development Areas

Any area may be defined re-development area on the following grounds :

- (1) the area contains fifty or more dwellings for the poorer classes;
- (2) at least one-third of the poorer class dwellings in the area are overcrowded, or unfit for human habitation and not capable at a reasonable

expense of being rendered so fit, or so arranged as to be uncongested ;
and

- (3) it is expedient in connection with the provision of housing accommodation for the poorer classes that the area should be re-developed as a whole.

A draft re-development scheme is to be prepared by the Commissioner for the approval of the Corporation. As soon as the scheme is passed by the Corporation, it is intimated to the State Government for its sanction and wide publicity is given for the information of general public.

The Act enjoins upon the Corporation to assess its resources for the purpose and to ascertain the number of persons who are likely to be dishoused in such area. This is necessary to ensure that as little hardship as possible is inflicted on the dishoused.

Within six months, unless this period is extended with the permission of State Government, the Commissioner is to prepare and submit a re-development plan to the State Government. Such a plan should indicate the manner in which it is intended that the defined area should be laid out and the land therein used, whether for existing purposes or carrying out of re-development and in particular the land intended to be used for the provision of housing accommodation for the poorer classes, for streets and for open spaces.

On the approval of the State Government, the Commissioner is empowered to acquire compulsorily land in the re-development area; and any land outside that area which may be required for the purpose of providing accommodation for persons occupying premises within that area. Further, the Commissioner may with the approval of State Government, extinguish any public right of way over land acquired by agreement. It is also essential that the intention to pass such an order is to be published along with a notice inviting objections simultaneously in the official gazette and in three or more newspapers circulating within Greater Bombay.

Housing Accommodation for the Poorer Classes

If the Corporation, upon consideration of a representation from the Commissioner or other information in its possession, is satisfied that within any area in any part of Greater Bombay, it is expedient to provide housing accommodation for the poor classes, a resolution authorizing the Commissioner may be passed. It is essential that such accommodation can be conveniently provided without making any improvement scheme. The Corporation may acquire any land or building. The Commissioner is authorized to provide such accommodation :—

- (a) by the erection of buildings on any land of the Corporation;
- (b) by the conversion of any buildings of the Corporation, into dwellings for the poorer classes;
- (c) by altering, enlarging, repairing or improving any buildings of the Corporation.

Also, the Commissioner is authorized to provide and maintain and if desired, jointly with any other person, in connection with any such housing accommodation, any building adapted for use as a shop, any recreation grounds or other buildings or land. Such measures, in the opinion of the Commissioner, may serve a beneficial purpose in connection with the requirements of the persons for whom the housing accommodation is provided.

Land Acquisition

In determining the amount of compensation to be awarded for any land or building acquired under Land Acquisition Act, 1894, the following further provisions are to be taken into consideration :—

- (1) The Court is to consider any increase to the value of any other land or building belonging to the person interested likely to accrue from the acquisition of land;
- (2) when any addition to or improvement of the land or building has been made, after the date of notification of acquisition, with a view to increase the amount of compensation, is not to be considered;
- (3) in estimating the market value of the land or building at the date of notification, the Court is to give due regard to the nature and condition of the property and probably duration of the building, if any, in its existing state and to state of repair;
- (4) if in the opinion of the Court, the rent of the land or building has been enhanced by reason of its being used for an illegal purpose, or being so over-crowded as to be dangerous or injurious to the health of the inmates, the rent is not deemed to be greater than the rent which would be obtainable if the land or building were used for legal purposes only;
- (5) if in the opinion of the Court, the building is in a state of defective sanitation, the amount of compensation is not to exceed the estimated value of the property, after the building has been put into a sanitary condition less the estimated expenses of such repairs;
- (6) if in the opinion of the Court, the building being used for human habitation is not reasonably capable of being made fit, the amount of compensation for the building is not to exceed the value of the materials, less the cost of demolition;
- (7) the court may award compensation in respect of the severance of any part of a building proposed to be acquired in addition to the value of that part;
- (8) the compensation to be paid for land, including any building, is to be the value at the time the valuation is made of the land as a site cleared of buildings and available for development;
- (9) the compensation to be paid for a building, which the Commissioner is authorized to acquire, as being unfit for human habitation and not capable at reasonable expenses of being rendered fit, is to be assessed in like manner as if it had been acquired as being comprised in a clearance area.

Levy of Betterment Charges

When by the clearance or re-development of an area, in the opinion of the Commissioner, be increased in value, the Commissioner may declare for the levy of a betterment charge, in respect of the increase in value of the land resulting from such clearance or re-development. Such betterment charge is an amount equal to one-half of the increase in value of the land. It is to be calculated, in the case of an improvement scheme upon the amount by which the value of the land on completion of the execution of the scheme exceeds the value of the land at the time of the publication of the notification. In case of a clearance or re-development area, it is to be determined upon the amount by which the value of the land on completion of the clearance or re-development of the area exceeds the value of the land at the date of the resolution of the Corporation.

Building Loans

The Commissioner may, with the previous sanction of the Improvement Committee, advance loans to persons desiring to erect buildings on land vested in the Corporation, in consequence of the transfer to it of the property of the Board of Trustee for the improvement of the City of Bombay, constituted under the City of Bombay Improvement Trust Transfer Act, 1925.

Every such loan is subject to the following conditions :

- (1) the building in respect of which the loan is advanced is to be used wholly or mainly for residential purposes;
- (2) the aggregate amount of loan is not to exceed twenty thousand rupees in any individual case;
- (3) the period within which the loan is repayable is not to exceed twenty years from the date of the first occupation of the buildings;
- (4) the amount of the loan is not to exceed 60% of the cost of the building, irrespective of the period of repayment;
- (5) the person to whom the loan is advanced is to execute a mortgage of the building, together with the site on which they are erected in favour of the Corporation.

Also, the Commissioner may advance loans to persons, for constructing or carrying out repairs of such buildings for poorer classes.

Further, the Commissioner may promote the formation of a housing association and may grant loans and acquire lands for such housing association. A housing association includes a Co-operative Housing Society, body of trustees or company established for any sort of housing activity.

Improvement Schemes

The Commissioner may make a draft improvement scheme and submit it to the Improvement Committee for approval. The underlying objectives of such a scheme may be :

- (1) to make any residential building fit for human habitation;
- (2) to remove sanitary defects in any residential areas and provide lighting, air, ventilation and proper convenience;
- (3) to provide for the construction of buildings for the accommodation of poorer classes;
- (4) to form new or to alter existing streets in any part of Greater Bombay.

No improvement scheme is to be made for an area for which a housing scheme has been sanctioned under the Bombay Housing Board Act, 1948. In making an improvement scheme for any area, regard is to be given to the conditions and nature of neighbouring parts of Greater Bombay and of Greater Bombay as a whole.

The scheme may, in lieu of providing for the acquisition of such land, provide for the levy of a betterment charge in respect of the increase in value.

The owner of any land included in any statement of the land proposed to be acquired made in accordance with the improvement scheme, may call upon the Commissioner to acquire such land on behalf of the Corporation, after the expiry of one year.

The scheme is thereafter to be approved by the Corporation, after taking into consideration any objection, representation or suggestion. As soon as the Corporation has approved the scheme, the Commissioner applies to the State Government on behalf of the Corporation for sanction of the scheme.

The provisions of any improvement scheme are subject to modification by the Commissioner, Improvement Committee and the Corporation.

Clearance Area

The Commissioner is empowered to declare an area to be a clearance area. The residential buildings in such an area may be unfit for human habitation by reason of disrepair or sanitary defects or bad arrangements of the streets. And it is possible to remedy the conditions in such an area by the demolition of all the buildings without making an improvement scheme. Such an area may be defined on a plan in such manner as to exclude from the area any building which is not unfit for human habitation or dangerous to health. The Commissioner may submit a draft clearance scheme for the approval of the Corporation. The Corporation may pass a resolution granting the sanction, after satisfying itself as to the sufficiency of its resources. The Commissioner on behalf of the Corporation may send a copy of the resolution passed by it to the State Government. As soon as may be after the Corporation has declared any area to be a clearance area either action may be taken by ordering the demolition of the buildings or by acquiring on behalf of the Corporation.

THE BOMBAY TOWN PLANNING ACT

This Act passed in 1954 extends to the whole of the Bombay State. It intends to consolidate and to amend the law for the making and execution of town planning schemes. It ensures that town planning schemes are made in a proper manner and their execution is made effective. It is necessary to provide that local authority prepares a development plan for the entire area within its jurisdiction.

With the enforcement of this Act, every local authority is to carry out a survey and prepare a development plan of the area within its jurisdiction, within the maximum period of four years. The plan is to be submitted to the State Government for necessary sanction. On application made by any local authority, the State Government may extend the period. In case of failure, the State Government may prepare the development plan, at the cost of the local authority. The State Government is required to grant sanction to the development plan, within a period of six months.

Every local authority is required to make declaration of its intention to prepare a development plan, to give due publicity and to invite suggestions for its consideration.

A development plan means a plan for the development and re-development or improvement of the entire area within the jurisdiction of a local authority. It contains the following proposals :—

- (a) proposals for designating the use of the land for the purposes such as (1) residential, (2) industrial, (3) commercial and (4) agricultural;
- (b) proposals for designation of land for public purposes such as parks, playgrounds, recreation grounds, open spaces, schools, markets or medical, public health or physical cultural institutions;
- (c) proposals for roads and highways;

- (d) proposals for the reservation of land for the purposes of the Union, any State, any local authority or any other authority established by law in India; and
- (e) such other proposals for public or other purposes as may from time to time be approved by a local authority or directed by the State Government.

The local authority may acquire any land designated in the development plan, within the maximum period of ten years.

On the declaration of intention to prepare a development plan, no person is allowed to carry on any development work in any building or land within the prescribed area, without the permission of the local authority. It is essential that the local authority takes into consideration any application for permission, within the maximum period of three months. If any person does any work on any property in contravention of law, the local authority may direct for the stoppage of such work. It may, after making an inquiry in the prescribed manner, remove or pull down any such work and restore the land to its original condition, at the cost of the owner of such property. The power to grant necessary permission for a change of user of land includes the power to grant permission for the retention on land of any building or work constructed, before the declaration to prepare a development plan. The local authority is obliged to purchase land on refusal of permission in certain cases.

Every person who intends to sub-divide his plot or lay out a private street, after the declaration of intention to prepare the development plan has to submit the layout plan together, with the particulars, to the local authority for sanction.

At least once in every ten years, the local authority may, and if so required by the State Government, carry out a fresh survey of the area within its jurisdiction, with a view to revising the existing development plan.

A local authority may make a town planning scheme for the purpose of implementing the proposals in the final development plan. A town planning scheme may make provisions for the following matters :—

- (i) the laying out or re-laying out of land, either vacant or already built upon;
- (ii) the filling up or reclamation of low-lying, swamp or unhealthy areas or levelling up of land;
- (iii) lay out of new streets or roads;
- (iv) the construction, alteration and removal of buildings, bridges and other structures;
- (v) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets, green belts, dairies, transport facilities and public purposes of all kinds;
- (vi) drainage and sewerage;
- (vii) lighting;
- (viii) water supply;
- (ix) the preservation of objects of historical or national interest or natural beauty and of buildings actually used for religious purposes;
- (x) the imposition of conditions and restrictions in regard to the open space to be maintained about buildings.

A town planning scheme may be made in respect of any land which is, in course of development, likely to be used for building purposes and already built upon.

It is essential that a local authority in consultation with the consulting surveyor, makes a draft scheme for the area, within twelve months from the date of the declaration of intention to make a scheme. A draft scheme should contain the area, ownership and tenure of each original plot; the land allotted or reserved with a general indication of the uses and other relevant particulars. All the objections to a draft scheme are to be considered by a local authority. The draft scheme is to be submitted to the State Government for sanction, within a maximum period of four months.

Within a month of the sanction of the draft scheme, the State Government is to appoint a Town Planning Officer. He has to define and demarcate the areas allotted to, or reserved, for a public purpose and the re-constituted plots and determine the shares of each person. He has to fix the difference between the total of value of the original plots and the total of the values of the plots included in the final scheme. He has to prepare estimates of the portion of the sums payable as compensation on each plot used or allotted or reserved and calculate the contribution to be levied on each plot. Also, he has to calculate the proportion in which the increment of the plots included in the final scheme is liable to contribution to the cost of the scheme. He has to provide for the total or partial transfer of any right in an original plot to a re-constituted plot. He is authorized to make changes in the draft scheme, estimates and costs. In certain specific matters, his decisions are considered to be final.

The Town Planning Officer, further, has to assist the Board of Appeal for assessment of compensation in an advisory capacity. His decision is final in certain matters and variation of scheme in view of decision in appeals to the Board of Appeal.

If he is opposed or impeded in taking possession of certain lands, he is to request, in Greater Bombay, the Commissioner of Police and elsewhere the District Magistrate, to enforce the delivery of possession of the land to him.

The State Government is required to accord sanction or reject the final scheme, within a maximum period of three months.

It is necessary that the final scheme is given adequate publicity and opportunity to the public to make suggestions.

As soon as the final scheme is sanctioned, the local authority is empowered to evict summarily any person continuing to occupy any land in an unauthorized manner. The local authority is fully competent to enforce the scheme.

A Joint Town Planning Board is constituted to make a joint town planning scheme for the contiguous areas within the jurisdictions of two or more local authorities.

The costs of a town planning scheme include all sums payable by the local authority concerned; all sums spent on the preparation and execution of the scheme; amounts of compensation payable for the reserved lands for public purposes or otherwise; and finally any amount by which the total of the values of original plots exceeds the total of the values of the plots included in the final scheme.

The costs of the schemes are not wholly or in part by a contribution to be levied by the local authority on each plot included in the final scheme calculated in proportion to the increment which is estimated to accrue in respect of such plot by the Town Planning Officer.

The owner of any property or right, which is injuriously affected by the making of a town planning scheme, is, if he makes a claim before the Town Planning Officer, entitled to obtain compensation from the local authority or otherwise. A time limit may be fixed for making such application and the amount and the agency responsible for payment is to be determined by the Town Planning Officer.

A local authority is competent to make any agreement with any person in respect of any matter, provided for in a town planning scheme. Such an agreement is to be ratified by the State Government and it is not intended to affect the duties of the Town Planning Officer.

A local authority is empowered to borrow money for development plan or for making or executing town planning scheme, under the Local Authorities Loans Act, 1914. A fine of Rs. 1,000 is provided for any contravention of the provisions of this Act and further Rs. 50 per day for the continuing of the offence, after the conviction.

Land needed for the purpose of a town planning scheme or development plan is deemed to be land needed for a public purpose, within the meaning of the Land Acquisition Act, 1894. However, the State Government is empowered to acquire lands included in a town planning scheme.

The State Government may make rules. A rule may provide that any contravention is punishable with fine up to Rs. 1,000/- and in the case of continuing contravention with additional fine up to Rs. 10 per day.

The State Government may make regulations to carry out the purposes included in a development plan.

No town planning scheme or development plan is to be made for an area for which housing schemes are sanctioned under the Bombay Housing Board Act, 1948.

GREATER BOMBAY

Before the year 1896, the Island of Bombay had dirty slums in the south, mills in the centre and open marshy lands in the north. Though the City enjoyed an insular position, the slums were so filthy and congested that many parts of the territory could not enjoy the benefit of the salubrious sea air. There was no proper planning regarding the construction of houses and there were no good roads. In the year 1896, the dreaded plague that had brought havoc in Europe broke in Bombay and devastated the City. Consequently, Government formulated a scheme for the better ventilation of the densely populated parts of the City, removal of insanitary dwellings and prevention of overcrowding.

In order to achieve this object the 'City Improvement Trust' was created under the Bombay Improvement Act No. IV of 1896, and it started functioning immediately. The Bombay Municipal Corporation was compelled to contribute every year a sum, realisation from the General Tax for the preceding year, divided by the rate fixed for the General Tax for the next year, towards the finances of the Improvement Trust. In the beginning, the Improvement Trust secured open lands for the implementation of housing schemes and also acquired parts of certain slum areas for the construction of big roads and parks. In the past, all the big roads in the City ran from north to south and had buildings, without open spaces, abutting on them. This naturally obstructed the passage of the westerly sea breeze into the central congested parts of the City.

In order to surmount these difficulties, the Improvement Trust formulated three types of schemes, namely (1) Slum Clearance Scheme, (2) Street Scheme and (3) Poorer Classes Accommodation Scheme.

As regards the Slum Clearance Scheme, lands covered by the worst slums in the city were first acquired and broad roads such as Sandhurst Road and Princess Street were laid from West to East. As a result of the construction of these roads, the westerly sea breeze now penetrates into the heart of the City.

In addition to the municipal building bye-laws, applicable to every new construction in the City, special building bye-laws were framed, under which new constructions were allowed. These bye-laws ensured proper ventilation to every part of the building and to lend an aesthetic appearance to the locality.

As regards the Street Scheme, the marshy waste lands in the northern parts of the City were acquired, and new wider roads having bigger drainage facilities were constructed. The land abutting on these roads was converted into good building plots; and the lessees were required to leave a minimum compulsory open space along the boundaries of these plots. The present Dadar-Matunga Estate containing about 1,250 plots, is a typical example of this kind of scheme. The buildings to be constructed on these plots were restricted to a ground and two floors and, in some cases, to a ground and three upper floors only, even though still higher construction was permissible under the then existing bye-laws.

On account of the two types of schemes referred to above, many people in the slum localities as well as in the marshy areas were dishoused. The problem that arose was how and where to accommodate these dishoused residents. The third type of scheme namely, the Poorer Classes Accommodation Scheme, was formulated to get over this difficulty. Groups of chawls were built in about 16 places, in various parts of the City, for accommodating these poor persons at very low rates of rent. To accommodate still poorer dishoused persons semi-permanent sheds were constructed, the rent for each room being kept still lower. The rents fixed were even below the standard rent and the Improvement Trust incurred heavy losses on these schemes.

The Improvement Trust was thus independent of the Corporation but in 1923, on account of the insistent demand of the Corporation for a greater share in, and control over, the management of the Trust, Government passed the Improvement Trust Transfer Act of 1925, whereby members of the Corporation were constituted into trustees for the improvement of the city.

They were given powers to decide general questions of policy, pass the budget, make appointments of statutory officers and exercise general powers of supervision and control over the Improvements Committee. Ultimately in the year 1953, the Improvement Trust was amalgamated with the Bombay Municipal Corporation, and the properties owned by the Trust automatically went to the Corporation. The creation of the Estates and Land Management Department in the Corporation is due to this amalgamation.

Bombay's slums are a product of sporadic development of the City at a time when there were no proper rules and regulations for orderly development. Added to this is the abnormal growth in the population as a result of expanding trades and industries, resulting in over-crowding, particularly during the Second World War and post-war periods. Economic considerations have also, in no small measure, aggravated the situation.

But after the merger of the Trust with the Bombay Municipal Corporation in 1933, hardly any work on slum clearance could be taken up by the Corporation on account of financial difficulties in the pre-war depression period. However, the Corporation had its attention focussed on this problem of eradication of slums. For this purpose a small

section was attached to the Engineering Department, which carried out a general survey of the blighted areas and designated 85 localities in the city as slums. This section also prepared schemes for slum clearance under the powers then existing under the Bombay Municipal Corporation Act for some of the worst slums such as Marine Lines, Kamathipur and certain other areas.

These schemes had, however, ultimately to be deferred as it was considered that the procedure involved was cumbersome, dilatory and also expensive. It was later on decided to amend the Bombay Municipal Corporation Act suitable on the lines of the English Housing Act 1936 to secure adequate powers for the Corporation with a view to facilitating the clearance of slums more expeditiously and economically. The Act was amended in 1954, and it provides for dealing with slum areas in two ways, *viz.* by declaring them as (i) Clearance Areas or (ii) Redevelopment Areas. They also provide for taking action for improvement or demolition of individual buildings unfit for human habitation, and also demolition of obstructive buildings.

The Bombay Municipal Corporation has built since 1948 over 2,500 tenements for its own employees as well as the poorer classes. The Bombay Housing Board, set up in 1947, has also built over 14,000 tenements for low income groups. The only tenements built during this period for clearing slums and rehousing are at Palton Road and number about 80. The Corporation has lately approved a redevelopment scheme for the 60 acres of slum area of Kamathipura where at present over 57,000 people live. The scheme involving the clearance of this area and the rebuilding of 6,000 tenements on the cleared area and another 5,000 tenements elsewhere for the spill over population is estimated to cost Rs. 7 crores. An immediate pilot scheme in this area involving an estimated cost of Rs. 80 lakhs is on the way. Transit accommodation of 454 tenements for the families to be dishoused by this scheme is already erected and the old houses are expected to be demolished within the next 8 to 10 months. The Corporation is also attempting to integrate its clearance scheme with the housing programme for industrial workers of the Bombay Housing Board. The new tenements to be put up by the Corporation would consist of a room 120 sq. ft., a kitchen 66 sq. ft. and a balcony of 40 sq. ft. Instead of the common sanitary arrangements at the rate of 2 W.C.s and 2 baths for each 5 tenements originally proposed it is now intended to provide independent bath and W.C. for each tenement. The cost of this new type of tenement will be about Rs. 5,500/- and its economic rent approximately is Rs. 42 per month, but the subsidised rent is intended to be fixed at Rs. 22 per month only.

In Bombay, the improvement programme visualizes provision of 50% subsidy with a maximum of Rs. 500/- for each house for the provision of additional facilities like building a flush latrine or opening up windows etc. At present, a survey is in progress which is expected to be completed within about 3 years.

Before 1950, there was the Bombay Municipal Corporation with a jurisdiction extending over an area of 25 square miles. This continued for over half a century. In 1950, the limits of Bombay City were extended for the purpose of municipal administration. In 1957, they were further extended, and the area of the Greater Bombay Municipal Corporation at present is over 168 square miles, with a population of nearly 35 lakhs. Now this vast area consists, really speaking, of three belts or zones. The area before 1950 is a more developed area, well-planned and well-administered. Bombay's greatness has been concentrated practically in this part of the City. The area added after 1950 and before 1957 is an area also pretty well developed because it has had formerly—before the merger—a number of Municipal Boroughs well-administered. But the area that was added after 1957 and that now forms part of Greater Bombay is a backward area, consisting mostly of undeveloped villages and waste lands.

The Corporation has formulated a scheme for constructing 4,000 new tenements every year at a total cost of nearly Rs. 3 crores. The need of the City is at least 10,000 tenements a year.

The Bombay Municipal Corporation's second Five Year Plan makes the following provision :

Water Supply Rs. 785 lakhs; Drainage Rs. 582 lakhs; Hospitals, dispensaries etc. Rs. 360 lakhs; roads, etc. 218 lakhs; School buildings Rs. 237 lakhs; Slum clearance Rs. 650 lakhs; Housing Municipal Employees Rs. 190 lakhs; Housing low-income groups Rs. 250 lakhs; Town Planning Schemes Rs. 280 lakhs; Markets and Slaughter houses Rs. 182 lakhs; Parks and Gardens Rs. 30 lakhs; Fire Brigade station Rs. 29 lakhs; Plant and Machinery Rs. 97 lakhs; Improvement Schemes Rs. 250 lakhs; Acquisition of Gas Company Rs. 200 lakhs; and Miscellaneous works Rs. 190 lakhs. Total nearly 45 crores.

Water Supply

The total supply brought to the City was 120 million gallons per day in 1954. The demand for water has been rapidly increasing because of a tremendous increase in building activity. The relatively under-developed suburbs have been rapidly expanding with the growth of major industries. These have created intricate problems of distributing water. The completion of the first phase of the Vaitarna-cum-Tansa Scheme, enabled an additional quantity of about 20 million gallons per day to be brought to the City. This extra quantity was best utilized for improving the pressures. While pressures could be improved in certain areas, it was not possible to improve conditions of supply in such places as were deficient in outlet and feeder mains. The Corporation, therefore, approved in 1955 the proposal for re-modelling the distribution system in the City at a total cost of Rs. 83,74,779. The project comprised mainly the laying of two additional outlets from the Bhandarwada Hill Reservoir one to serve Mandvi, Pydhonie and Kumbharwada areas and other to serve Byculla, Mount Road, Ghorupdeo and Kalachowki Road.

A Master Plan for the distribution of water to Greater Bombay was prepared and submitted to the Corporation in 1955. The objectives aimed at remodelling the distributions system are as follows :

- (a) Ensuring all the supply through service reservoirs and not by direct tappings on the mains feeding the service reservoirs, as is being done at present;
- (b) Increasing the hours of the present intermittent system of supply to at least 12 in the near future and converting ultimately the intermittent system into one of constant supply;
- (c) Maintaining a pressure of about five lbs. in the main and branches during the non-supply hours of the day to help fire fighting; and
- (d) Maintaining a minimum pressure of 30 lbs. or 75 feet head at the tail ends of the distributories.

The main features of the Master Plan are construction of reservoirs at Veravali Hill and Powai Hill for the Western Suburbs, Chatkopar Hill and Trombay Hill for the Eastern Suburbs, Worli Hill for 'G' Ward and Rowli Hill for 'F' Ward. The cost of constructing these reservoirs with high level tanks for certain elevated areas is estimated at Rs. 146.8 lakhs. It is proposed to lay outlet mains from these reservoirs and other feeder mains for bringing about an equitable distribution of supply. The cost of these works is estimated at Rs. 171.22 lakhs.

POONA

The first active step towards slum clearance by Poona's civic body was taken in 1930 in which year the Shivajinagar Colony popularly known as the Mang Colony was established by the riverside on the western bank of the river Mutha. Accommodation was provided for 72 Harijan families amongst which 35 families were of Municipal employees.

After the Borough Municipality attained the status of a Municipal Corporation in 1949 the conservancy staff was provided with 96 rooms in the Ambil Odha area and this marked the beginning of a new phase in the Slum Clearance activities of the civic body. The present Ambil Odha Colony with a total population of over 2,500 inhabitants consists of the first lot of 96 rooms for the conservancy staff and 7 two-storeyed chawls housing in all 264 families of municipal employees falling under the Low Income Group category.

The Wartak Wadi in the Kashbu Peth was founded in 1951 with an 8 single floor (ground floor only) chawls and 6 more chawls of a similar type were added in 1952. The total number of rooms is 238 accommodating 147 families out of which 145 are families of municipal employees.

The Mangalwar Colony consists of 6 chawls of different types and provides accommodation for 73 families.

The Wardarwi Colony near the Health Camp consists of 10 well laid out plinths whereon hutments can be constructed to suit the requirements or resources of the prospective occupants. One chawl of 18 rooms has been constructed on one of the plinths.

The Ganj Peth Colony was built in 1954 with 126 rooms and the number of municipal employees living there is 122.

The latest addition is the Ghorpade Peth Colony consisting of 6 two storeyed (three floors) chawls with 8 tenements on each floor. The total number of families accommodated here is 144 and the cost of this colony is expected to come to about Rs. 4,70,000.

WEST BENGAL STATE

In Bengal, the town planning activities have been carried on under the Bengal Municipal Act, 1932, and the Calcutta Municipal Act, 1951. No town planning legislation has been in existence in the State. In Calcutta, the Improvement Trust was established as early as 1896. In 1958, a new Act namely, 'Calcutta Slum Clearance and Rehabilitation of Slum Dwellers' was passed to tackle the problems of slum clearance, housing and town planning in the city.

CALCUTTA SLUM CLEARANCE AND REHABILITATION AND SLUM DWELLERS ACT

The West Bengal Assembly on March 11, 1958, passed the Calcutta Slum Clearance and Rehabilitation of Slum-Dwellers Bill, which was originally called the Calcutta Slum Clearance Bill. The Joint Select Committee of the two Houses had changed the title of the Bill. It had also altered the definition of slum to include not only huts but structures also. A provision had been made that alternative accommodation for bustee dwellers must be built within one mile from slum area from which they were removed. As regards payment of compensation for land or the interest of a lessee of a sub-lessee, the Committee had introduced a slab system gradually diminishing as the amount payable increased.

The objects and reasons of the Act are : "In view of highly insanitary and unhygienic conditions prevailing in the slums of Calcutta and other congested towns, it has become imperatively necessary to take steps for the clearance or the remodelling, where possible, of the slum areas in the interest not only of the slumdweller themselves but in the wider interest of public health of these places. The present Act accordingly seeks to provide for the acquisition of such areas by payment of compensation to the persons interested in the land and structures contained therein and for the clearance or remodelling thereof. It also provides that no occupier of a hut or other structures in a slum area to be acquired shall be evicted unless and until such occupier has been offered alternative accommodation at a rent considered by the State Government to be comparable to what was being paid by him."

The Act is to apply to Calcutta or such portion thereof as the State Government may by notification declare. The State Government is also empowered to extend the Act to any other town or local area in West Bengal.

Slum Area : The State Government on being satisfied that in any area intended to be used for human habitation the huts are unfit for such purposes, or the unhealthy or unhygienic condition thereof or is dangerous or injurious to public health or to the health of inhabitants of the area, may by notification declare such area to be a Slum Area. After declaring any Slum Area the State Government may declare its intention of acquiring such land together with all huts and other structures standing therein, and the land comprised in the Slum Area together with the huts and structures, is to vest absolutely in the State Government free from all encumbrances subject to payment of compensation by the State Government as provided in the Act.

Compensation : Any person having any interest in any land or hut or structure acquired under this Act is entitled to receive from the State Government compensation calculated according to the principles enumerated below :—

(i) Compensation equal to the purchase price of the land paid by the owner and ten times the net annual income derived or derivable of the owner from land as well as from any huts and structures owned by him. Net annual income means the average of net income calculated over a period of five consecutive years preceding the date of acquisition.

(ii) A lessee or a sub-lessee of the land—Compensation equal to the amount admissible for the unexpired period of the lease or a sub-lease calculated on the basis of the net annual income from the land as well as from any huts and structures owned by him, subject to a maximum of ten times the net annual income when such unexpired period is ten years or more.

(iii) An owner of any hut or structure—Compensation equal to the cost or probably cost of construction of such hut or structure when it was first constructed after deducting therefrom an amount on account of depreciation calculated at such percentage as may be prescribed having regard to the nature of materials used in the construction.

(iv) The compensation is to be paid and satisfied by issue of bonds by the State Government which shall bear interest at the rate of 5 per cent per annum with effect from the date of issue of these bonds. The bonds shall be redeemed and paid in full at their face value on the expiry of 20 years from the date of their issue, or earlier if the State Government so wishes. Where the compensation does not exceed Rs. 2,500 the State Government may pay it in cash.

(v) Appeals against orders or compensation shall lie with such authority as may be appointed by the Government, provided that the State Government does not appoint any person to hear appeals unless he is, or has been, or is qualified for appointment as a Judge of a High Court.

Alternative Accommodation : The occupier of hut or structures on the slum area shall not be evicted unless the State Government has offered alternative accommodation at a rent which the State Government is satisfied is comparable to what was being paid by the occupier and the occupier has neglected or refused to occupy such alternative accommodation within the time prescribed. The occupier is also to be paid removal costs.

On the removal of the occupiers from huts and structures, the State Government may remodel the huts or demolish the structures and erect buildings according to approved plans. The buildings so erected or remodelled huts are to be let out to slum dwellers and persons of such low income groups as may be prescribed. The work of remodelling, demolition and erection of buildings may be entrusted by the State Government to such local authority or other body or organisation in such terms and conditions as may be determined by the State Government. Where the acquired land is unsuitable for the constructions of any building, it may be used for such public purposes as the Government thinks fit.

CALCUTTA CITY

Calcutta Improvement Trust : The Calcutta Improvement Trust originated from a medical enquiry into the sanitary conditions of the town in 1896, owing to the outbreak of plague. Preliminary investigation continued for several years, and the Trust was instituted in January, 1912, with a view to making provision for improvement and expansion of Calcutta by opening up congested areas, providing open spaces and improved building sites, laying out or altering streets and for rehousing of the poorer and working classes. The Act provided for a large expenditure on improvement schemes and for local taxation or raising of loans to this end. It provided for the constitution of a Board of Trustees of eleven members with a whole-time Chairman.

During the 46 years that it has now been at work, the Trust has carried through many improvement schemes both in the city proper and the suburban areas which have changed the face of Calcutta wholly and beyond recognition.

In Central Calcutta, many highly insanitary *bustees* have been done away with and several roads of an improved type laid out, the most important of which is the Chittaranjan Avenue, 100 ft. wide.

Good progress has also been made with that highly congested area to the west of the City by opening up new roads and widening the existing ones. A 84 ft. road connecting Chittaranjan Avenue with Strand Road slightly to the north of Jagannath Ghat was constructed which provides a continuous main traffic route with the same width of roadway as Chittaranjan Avenue, extending right across Upper Circular Road on the coast. The Suburban Areas to the south and south-east of Calcutta required greater attention and extensive development schemes were undertaken. Several open spaces and squares have been laid out in various parts. A large number of insanitary tanks have been filled up.

The trust pursues a liberal policy in the development of open spaces and recreation grounds. The public squares vested in the Calcutta Corporation in 1911 had a total area of about 96 acres. But it must be pointed out that about 1,000 acres of Calcutta's, 1,250 was accounted for in the Maidan and new open spaces in other parts of Calcutta were an urgent need. The Trust has so far added over 300 acres in open spaces. Of this the Dhakuria Lake comprises the most important as well as the most popular feature.

In 1944-45, capital charge amounted to Rs. 38.07 lakhs which included Rs. 37.64 lakhs spent on land acquisition and Rs. 0.43 lakhs on engineering works. The gross expenditure of the Trust on Capital Works up to the end of the year 1944-45 was 22.11 crores. To meet this large expenditure the Trust borrowed Rs. 4,17,50,000. Other Capital receipts (mainly from the sale of land and buildings) yielded Rs. 12.59 crores and the revenue fund from its annual surplus (after providing for the service of loans) contributed Rs. 4.49 crores to the Capital Works. Up to 1944-45 the Trust spent nearly Rs. 18.17 crores on land acquisition and Rs. 3.34 crores on engineering works.

The budget estimates of the Trust provided for revenue receipts of Rs. 77.79 lakhs and expenditure of Rs. 72.67 lakhs, leaving a surplus of Rs. 5.12 lakhs in revenue account in 1957-58. The revenue receipts comprise of Rs. 11 lakhs stamp duty; Rs. 3 lakhs rent charges; etc. The estimated revenue expenditure is made up as : Rs. 43.33 lakhs, loan charges; Rs. 19.68 lakhs, establishment; Rs. 4 lakhs, rates and taxes; Rs. 1.25 lakhs, tribunal; etc. etc.

On the capital side, the receipts are estimated at Rs. 85.80 lakhs of which Rs. 43.82 lakhs is from sale of land and Rs. 24.50 lakhs on account of Subsidized Industrial Housing Scheme and Bustees Rehousing Scheme. The expenditure in this account is estimated at Rs. 16.45 lakhs. Of this, Rs. one crore is cost of land; Rs. 30.53 lakhs, cost of engineering works; Rs. 22 lakhs for constructing 800 one roomed tenements. A new stadium with an accommodation for 9000 people is being constructed at the cost of Rs. 17.6 lakhs.

Calcutta Municipal Corporation covers an area of 38.23 square miles, of more than 40 lakhs, including about 10 lakhs of refugees. Nearly 1164 bustees accommodate about 10 lakhs people. The density of population is about 1,11,000 per square mile.

In Calcutta, some individual schemes have been completed by the Calcutta Improvement Trust and the Calcutta Port Commissioners but the progress has been held up in the absence of any co-ordinated authority. A Five Year Plan of clearance and rehousing estimated to cost about Rs. 8 crores has been prepared by the Calcutta Corporation for which sanction of the State Government is awarded. In Calcutta, improvements are proposed to be made in 14 bustees, mainly at the owner's cost.

DELHI TERRITORY

Delhi Territory provided the first experiment in modern town planning in 1912, on the question of the selection of a site for the location of the new capital i.e., New Delhi City. This has been the initial, though spectacular, success in "the battle of science and the faith in the future of the new capital against association and sentiment." Later on, with a two-fold congestion in Delhi—congestion of people in houses and of houses on land—the Delhi Improvement Trust was constituted in 1937 to solve the housing and slum clearance problems in and around the central areas of the territory. The jurisdiction of the Trust extended to an area of nearly 150 sq. miles. The Government of India placed all its nazul lands at its disposal. The Trust was responsible for the improvement and development of those lands, with special reference to the requirements and improvements of Delhi. Since 1937 to 1954, the Trust disposed of—232,436,755 square yards for Rs. 2,46,11,426. Its annual income was about Rs. 83 lakhs. In 1951, an enquiry committee was set up consisting of official and non-official members, in order to review the working of the Trust. The Committee recommended for the establishment of a Development Authority for co-ordinated and centralized measures in the town planning activities of the Territory. Accordingly in 1955, the Delhi (Control of Building Operations) Ordinance was

promulgated and the ordinance was replaced by an Act of Parliament, known as the Delhi (Control of Building Operations) Act, 1955. A provisional Development Authority was constituted to administer the provisions of the Act assisted by a Town Planning Organization. The Organization has been entrusted with the task of preparing a Master Plan according to which the future expansion of the city should take place. In 1957, the Delhi Development Act and Delhi Municipal Corporation Act were passed to deal with the town planning activities on sound lines.

At the instance of Prime Minister of India, who has been evincing keen interest in the improvement of the city, a slum survey of Delhi was undertaken by the Delhi State Region of Bharat Sewak Samaj. The report has been published and submitted to the Prime Minister in 1958. Further a socio-economic survey of Metropolitan Delhi is in progress, this survey is being undertaken by the Delhi School of Economics, University of Delhi, with the financial assistance advanced by the Research Programme Committee, Planning Commission, Government of India.

THE DELHI DEVELOPMENT ACT

The Act, passed in 1957, extends to the whole of the Union Territory of Delhi.

The development activities of the Delhi Development Authority is confined only to such areas as may be declared "development areas" by the Central Government in consultation with the Authority and the Delhi Municipal Corporation.

The Authority is advised by an Advisory Council consisting of three members to be elected by Parliament, representatives of the Delhi Municipal Corporation and persons to be nominated by the Central Government to represent the interests of commerce, industry and labour, as well as persons having knowledge of town planning, architecture, public health and technical matters.

The Authority consists of the following members namely :—

- (a) a chairman who is the administrator of Territory of Delhi, *ex-officio*;
- (b) a vice-chairman appointed by the Central Government;
- (c) a finance and accounts member appointed by the Central Government;
- (d) an engineer member appointed by the Central Government;
- (e) two representatives of Delhi Municipal Corporation elected by the councillors and aldermen of the Corporation from among themselves;
- (f) two representatives of the Advisory Committee in respect of the Union territory of Delhi constituted by the President elected by the members of that Committee from among themselves;
- (g) two other persons nominated by the Central Government; and
- (h) the Commissioner of the Municipal Corporation of Delhi, *ex-officio*.

The Central Government may appoint two suitable persons respectively as the secretary and the chief accounts officer of the Authority to exercise such powers and perform such duties as may be prescribed by regulations or delegated to them by the Authority or the Chairman.

Advisory Council : The Authority is to constitute an advisory council for the purpose of advising the Authority on the preparation of the master plan and the zonal development plans and generally on the planning of development of Delhi and on such other matters arising out of, or in connection with, the administration of this Act as may be referred to it by the Authority.

The advisory council consists of the following members, namely :

- (a) the chairman of the Authority, *ex-officio*, who is the president;
- (b) two persons with knowledge of town planning or architecture nominated by the central government;
- (c) one representative of the Health Services of Delhi administration, nominated by Central Government;
- (d) four representatives of the Municipal Corporation of Delhi, elected by the councillors and aldermen from among themselves;
- (e) three persons representing the Delhi Electric Supply Committee, the Delhi Transport Committee and the Delhi Water Supply and Sewage Disposal Committee of the Corporation;
- (f) three persons nominated by the Central Government of whom one represents the interests of commerce and industry and one the interests of labour of Delhi;
- (g) four persons from the technical departments of the Central Government nominated by the Government; and
- (h) three members of Parliament of whom two are members of the House of the People and one is a member of the Council of States elected respectively by the members of the House of the People and the members of the Council of States.

An elected member holds office for a term of four years from the date of his election to the Council and is eligible for re-election.

The Authority is expected to carry out a civic survey of, and prepare a master plan for Delhi. The master plan defines the various zones into which Delhi may be divided for the purposes of development and indicates the manner in which the land in each zone is proposed to be used and the stages by which any such development is to be carried out. And it serves as a basic pattern of frame-work within which the zonal development plans of the various zones may be prepared. Simultaneously with the preparation of the master plan the Authority proceeds with the preparation of a zonal development plan for each of the zones into which Delhi may be divided.

A zonal development plan may

- (a) contain a site-plan and use-plan for the development of the zone and show the approximate locations and extents of land-uses proposed in the zone for such things as public buildings and other public works and utilities, roads, housing, recreation, industry, business, markets, schools, hospitals and public and private open space and other categories of public and private uses;
- (b) specify the standards of population density and buildings density;
- (c) show every area in the zone which may, in the opinion of the Authority be required or declared for development or re-development;
- (d) in particular, contain provisions regarding all or any of the following important matters, namely :
 - (i) the division of any site into plots for the erection of buildings;
 - (ii) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets and other public purposes;
 - (iii) the development of any area into a township or colony and the restrictions and conditions subject to which such development may be undertaken or carried; etc. etc.

Every plan is to be submitted by the Authority to the Central Government for approval. The Government may either approve the plan with necessary modifications or reject the plan with directions to the Authority to prepare a fresh plan. At the first instance, the Authority is to prepare a plan in draft and publish it by making a copy thereof available for inspection and inviting objections and suggestions from any person or a local authority with respect to the draft plan by a notice. After considering all objections, suggestions and representations, the Authority is to finally prepare the plan and submit it to the Central Government, for its approval. The rules may provide with respect to the form, content and the procedure to be followed and other matter, in connection with the preparation, submission and approval of such a plan.

The Central Government may direct the Authority to furnish such necessary information for the purpose of approving any plan submitted to it.

The Central Government after consultation with the Authority and Delhi Municipal Corporation may declare any area in Delhi to be a development area. The Authority is not to undertake or carry out any development of land in any area which is not a development area.

After the coming into operation of any of the plans in any area or zone all development is to be undertaken or carried or carried out strictly in accordance with such plans. Where permission is refused, the grounds of such refusal are to be recorded in writing and communicated to the applicant.

Compulsory acquisition of land : It may acquire such land, if approved by the Central Government, by a notice specifying the particular purpose for which such land is required. Also, the Central Government by another notice is to call upon the owner of the land why the land should not be acquired.

In case of refusal or non-compliance, the Central Government may take possession of the land compulsorily. It may use such force as may be necessary.

The Central Government is to pay compensation for such acquisition, where the amount of compensation can be determined by agreement between the Central Government and the person to be compensated, it is to be determined in accordance with such agreement.

In determining the amount of compensation, the collector is guided by the following principles, namely :

- (a) no allowance is to be made on account of the acquisition being compulsory;
- (b) the value of the land to be taken is to be—
 - (i) the market value of the land on the date on which the notice calling upon the owner to show cause why the land should not be acquired is issued, such market value being determined on the basis of use of the land on that date, or
 - (ii) an amount equal to the sum total of the three following amounts, that is to say, an amount equal to the market value of the land on the 1st day of October, 1955, such market value being determined on the basis of the use of the land on that date, an amount equal to twenty-five per cent of the increase, if any, (not including however, any increase, consequent on any development carried out on the land) in the market value of the land during the period between

the 1st day of October, 1955, and the date of notice and in amount which in the opinion of the collector represents the reasonable cost of development, if any, (including in the case of agricultural land, the cost of any improvement carried out thereon in the course of agricultural operations) carried out on the land during that period.

- (c) the special suitability or adaptability of the land for any purpose shall not be taken into account if that purpose to which it would be applied only in pursuance of statutory powers, or for which there is not a market apart from the special needs of a particular purchaser or the requirements of any department of Government or any local or public authority;

Any person aggrieved by the decision of the collector in determining the amount of compensation may within sixty days from the date of such decision appeal to the court of the District Judge of Delhi.

Subject to any directions given by the Central Government the Authority or the local authority concerned, may dispose of—

- (a) any land acquired by the Central Government and transferred to it, without undertaking or carrying out any development thereon; or
- (b) any such land after undertaking or carrying out such development as it thinks fit.

It may fix such terms and conditions as it considers expedient for securing the development of Delhi according to plan.

Finances : The Authority maintains its own fund, to which are credited :—

- (a) all moneys received by the Authority from the Central Government by way of grants, loans advances or otherwise;
- (b) all fees and charges received by the Authority;
- (c) all moneys received by the Authority from the disposal of lands, buildings and other properties, movable and immovable; and
- (d) all moneys received by way of any rents and profits.

Order of demolition of building : In case the erection of any building in any development area has been commenced, or is being carried on, or has been completed in contravention of the master plan or zonal development plan, without the permission, any officer of the Authority duly empowered by it, may direct the owner to demolish such erection. It may fix the maximum period of two months. On the failure of the owner to comply with, the officer may himself cause the erection to be demolished at the expense of the owner.

Power to stop building operations : The Authority in relation to a development area and the municipal authority in relation to an area other than a development area may make an order requiring the building operations be discontinued.

The Authority may require the local authority, within whose local limits any developed area is situated, to assume responsibility for the maintenance of the civic amenities. The local authority may provide existing services and other new ones on terms and conditions duly agreed upon.

Where as a consequence of any development scheme having been executed by the Authority in any area, if in the opinion of the Authority, the value of any property in a development area has increased or will increase, the Authority is entitled to levy a betterment charge upon the owner of the property or any person having in respect of the increase in value of the property resulting from the execution of the development scheme. The betterment charge is an amount equal to one-third of the amount by which the value of the property on the completion of the execution of the development scheme estimated as if the property were clear of building exceeds the value of the property prior to such execution estimated in like manner.

The Authority has to carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.

THE DELHI MUNICIPAL CORPORATION ACT

The Delhi Municipal Corporation Act passed in 1957, provides for the preparation of improvement scheme and specifies certain functions relating to improvement, development and redevelopment of the municipal areas.

In any area, the buildings may be unfit for human habitation by reason of disrepair, sanitary defects, bad arrangement and narrowness of streets, want of light, air, ventilation or proper conveniences. It may be dangerous or injurious to the health of the inhabitants of the area. In order to deal with these conditions, an improvement scheme for the re-arrangement and reconstruction of the streets and buildings may be considered essential.

An improvement scheme may provide for any of the following matters :

- (a) the acquisition by agreement or under the Land Acquisition Act, 1894, of any property necessary for or affected by the execution of the scheme;
- (b) the re-laying out of any land comprised in the scheme;
- (c) the re-distribution of sites belonging to owners of property comprised in the scheme;
- (d) the closure or demolition of buildings or portions of buildings unfit for human habitation;
- (e) the demolition of obstructive buildings or their portions;
- (f) the construction and reconstruction of buildings;
- (g) the construction and alteration of streets;
- (h) the water supply, street lighting, drainage and other conveniences;
- (i) provision of open spaces for the benefit of any area; the sanitary arrangements; accommodation for any class of inhabitants and the provisions of facilities for communication.

Further, the scheme may provide for the sale, letting or exchange of any property or any other matter, recommended by the Commissioner. If at the expiration of ten years from the date of sanction of the scheme by the Central Government, the land is not acquired by the Commissioner, the owner of the land may serve on the Commissioner a notice requiring his interest in the land to be acquired.

The Commissioner is required to submit every improvement scheme to the Corporation for approval and to the Central Government for sanction.

The persons displaced by the execution of the improvement scheme, may be provided accommodation in any re-housing scheme, if it is framed by the Commissioner.

The improvement scheme and rehousing scheme must comply with the master plan and zonal development plan.

The Corporation is empowered to make bye-laws regarding the form, content, procedure of submission and sanction and other necessary matters.

Some of the major functions relating to the improvement, development and re-development of the Corporation are :

- (i) the construction, maintenance, and cleaning of drains and drainage works and of public latrines, urinals and similar conveniences;
- (ii) the reclamation of unhealthy localities, the removal of various vegetation and generally the abatement of all nuisances;
- (iii) the securing or removal of dangerous buildings and places;
- (iv) the construction, maintenance, alteration and improvement of public streets, bridges, culverts, causeways and the like;
- (v) the lighting, watering and cleaning of public streets and other public places;
- (vi) the removal of destructions and projections in or upon streets, bridges and other public places;
- (vii) the surveys of buildings and lands;
- (viii) the improvement of Delhi in accordance with improvement schemes approved by the Corporation; and
- (ix) the provision of housing accommodation for the inhabitants of any area or for any class of inhabitants.

SLUM SURVEY—BHARAT SEWAK SAMAJ

A slum survey in Delhi was undertaken by Bharat Sewak Samaj in 1956, with the financial assistance received from the Prime Minister of India. Its report was presented to the Prime Minister in April 1958. A brief summary of its findings and recommendations, is given below :—

Findings

The rapid growth of population especially within the past two and a half decade has turned old Delhi into an extremely congested city, the “excess population” can be said to measure about two-thirds of its present population of over 10·5 lacs.

Slum conditions prevail in all parts of the city. Their extent is much more conspicuous in four extra-mural wards *i.e.*, 12 to 15 of the erstwhile Delhi Municipality. A detailed screening of Old Delhi has shown that there are scattered over its 20 wards as many as 1787 slum-units—61 bastis and 1726 katras (including 727 large houses), which are considered to be unfit for human habitation on account of congestion, dilapidation, lack of amenities, unsuitable location etc. They are inhabited by 48,590 families or over 2,25,000 persons; 47·5 per cent of them live in the bastis and 52·5 per cent in the Katras.

The ownership of the slum-structures and land is divided almost equally between private interests and public agencies. The Custodian of Evacuee Property, Government of India is the largest single holder among katra owners and the erstwhile Delhi Improvement Trust occupied this position, to a much greater degree, with respect to basti lands.

In the aggregate the slum katras cover nearly 162 acres of land area within the densely inhabited parts of the city and the bastis occupy about 385 acres of undeveloped and largely undevelopable land in the outer and more open parts.

More than nine-tenths of the katras have long outlived their normal span of life. Half of them need reconstruction and the other half are in need of major repairs. In the bastis most dwellings are improvised kacha huts which are subject to an almost continual process of patching up and replacement; they cannot be considered to possess any life expectancy whatever.

60% of the katras lack ventilation entirely and for another 30% the provision is insufficient. Basti huts do not generally possess any device for ventilation.

Over 20% of the katras have no facility for drainage and another about 45% have inadequate drains. Where they do exist the drains suffer from neglect and prove, in fact, to be a source of insanitation. In the basti the proportion of those with no drains and of those with inadequate drains come to 31 and 62 per cent respectively.

The basic amenities of water supply, latrines and electricity are throughout grossly inadequate. This lack, it may be added, is more acute in the bastis.

The situation is additionally aggravated by the presence of obnoxious trades which are carried on by slum families in their dwellings, and by the practice of keeping milch cattle and other animals within the slums. It is estimated that roughly about half the slum population is presently putting up with these nuisances.

According to the sample survey, three-fourths of the slum families are in-migrant families *i.e.*, they are headed by persons who do not, by birth, belong to Delhi. More than two-fifths of these in-migrant families are headed by displaced persons from West Pakistan. Half of the remaining 60% (*i.e.* the non-refugee in-migrant families) have come to Delhi from Uttar Pradesh; 30% from Rajasthan and 14% from Punjab. According to place of origin, 45% of all the in-migrant families including the bulk of refugees, came from urban areas and 55% from rural areas.

There are quite a few cases in which families have been staying in their present slum dwellings for generations. The duration of stay ranges from less than a quarter year for 0.6% of the sample families to as much as 100 years those for whom it is more than 15 years constitute 27%. 40% have been staying in their present dwellings for more than a decade and as many as 85% for more than half a decade.

Practically all the sample families are tenants; two-thirds rent both the land and one-third rent the land only. But about 28% pay no rent at all; they are tenants in the sense that they do not own the property on or in which they live.

The monthly rent for the remaining 72% ranges from less than a rupee for Rs. 99 to Rs. 83 for two families. The average monthly rent for this group comes to Rs. 5.50; but about 60% of them pay less.

Conclusions :

(a) In view of the obtaining acuteness of congestion within the old Delhi city there exists no alternative to planned dispersal of people over the Greater Delhi region.

(b) So far as general congestion is considered it should be feasible to find accommodation in their respective regions of work places for those who are staying in old

Delhi but are working in, say, New Delhi, Civil lines etc. It should be possible also to establish residential neighbourhoods outside old Delhi for many of the middle and upper middle class persons who, while they can afford some travel to work, are habitually staying near their work places in old Delhi. Development of such neighbourhoods should be encouraged to proceed on co-operative lines.

(c) The problem of planning for redevelopment of Greater Delhi is essentially one of the redistribution of the economic activity congested in the small locality of old Delhi over a much larger Greater Delhi region. The only way in which this can effectively be achieved is by creation within the region of a chain of new townships (or composite neighbourhoods) each independent in matter of civic needs of the residents but with an economic function related to the Delhi metropolis and to other townships. The redeveloped Greater Delhi is visualised to be a 'poly-nucleated city' comparing of a number of townships, adequately spaced within the region, each playing its equally important, even if relatively small, rôle in the fulfilment of the political and economic function of the capital of socialist democracy.

(d) It must be emphasised that each township should be self-contained in matter of civic needs of residents who are to be welded into a unit community, capable of maintaining sanitary living and of preserving itself from undue congestion. It is necessary therefore to keep adequate provision in each township for development of community institutions, a school, a craft training centre or industrial polytechnic, a club, a community centre etc.

In this process of redevelopment planning, special treatment is required for the slums because of the low economic or income status of the slum dwellers. Beginning must be made by creating a chain of institutions in the slum areas for undertaking economic welfare, to provide guidance and advice to the slum dwellers in all sorts of economic problems that face them. Such an institution should provide training and education at all levels of age and to both sexes, and where desirable and feasible, create opportunities for work.

In the end by approaching the problem of slums merely in terms of housing accommodation is not only ineffective but all grossly wasteful; we must, out of necessity, adopt the human approach and evolve a slum eradication of programme that is comprehensive enough to cover socio-economic aspects on slum living so that we may facilitate the establishment of a prosperous, healthy and equalitarian urban community in the capital of India.

MASTER PLAN FOR DELHI

An Interim General Plan for Delhi was prepared by Town Planning Organization, Ministry of Health, Government of India, in 1956. The salient features included acquisition and development of 3,000 acres of land for housing 200 acres for industrial purposes, provision of slaughter house and the development of other ancillary trades and the resettlement of gowalas and 1600 heads of cattle. They include also slum clearance and improvement of 1500 Katras and the construction of 3,000 houses as part of the slum re-housing programme. Other features of the plan are provision of water supply in Shahdara, acquisition of slum properties and reconstruction of major roads, etc. Certain changes in the plan are being considered in view of the coming into existence of the Municipal Corporation, Delhi.

The blue-print of the Master Plan is expected to be available during 1959. In the meantime sections of the Plan are being preliminary made available from time to time in areas where there is insistent need.

The work programme for the Master Plan is divided into three main phases of study. First, collection of basic data which involves both extensive and intensive surveys of various kinds, viz., physical, socio-economic, land etc. relevant for planning purposes. Secondly, tabulation, compilation and analysis of the data collected. Thirdly, the formulation of major objectives and planning policies for making recommendations forming part of the comprehensive Master Plan, together with necessary maps, charts, diagrams etc.

The first phase of the work programme has already well begun and various kinds of surveys and studies are being made on several aspects relating to the Master Plan. Among the more important items of work in hand in this connection included—

Compilation of a detailed inventory and mapping of existing land-use, which is the most basic study for the preparation of a Master Plan. When these studies have been completed and their analyses and implications understood, the Town Planning Organisation would be able to recommend precisely the various kinds of land uses that would be desirable in specific areas. An indication of the stages or phases in which development and re-development of various kinds should be undertaken will be made.

For the Master Plan, detailed studies are being made to determine which kinds of industries should be allowed to develop in the metropolitan area and where they should be located. The Interim General Plan broadly indicates only the areas in which industries should be located. But the present investigations would provide estimates of probably industrial growth, taking into consideration the availability of water and power, and analyse the general question of population growth related to industrial development and its impact on housing maintenance of service.

With a view to assess both the inter-relationship among cities and towns near Delhi and the functional limits of the Delhi region, several surveys in the neighbouring areas have been completed. Among the towns visited are those between Delhi and Karnal, Meerut, Hapur, Khurja, Palwal, Gurgaon and Rohtak. As a result of these studies it will be possible to recommend which towns should be developed around Delhi with a view to achieve a balanced development in the Delhi area and to effect proper decentralisation of functions.

The problem of population in Delhi is also being simultaneously examined. Studies in this connection are taking into account Governmental activity as well as activity in the private sector, availability of resources like water supply, sewerage, electricity, transport etc. Studies are also being conducted in collaboration with the Indian Institute of Public Administration to determine whether decentralisation of functions can be achieved.

One of the major studies being undertaken is the framing of a proper programme for housing. An assessment of the housing deficit and of additional annual requirements is being made. These studies will also include concrete proposals for slum clearance and related to socio-economic surveys. When all the data are available a redevelopment plan will be prepared.

The Master Plan would provide for improving the circulation pattern for Delhi. In this connection comprehensive origin destination and Cordon Count Surveys have been completed.

A number of studies have also been undertaken, apart from the basic studies which form the core of the proposed Master Plan. These relate to the re-location of the slaughter house and ancillary trades, selection of a suitable site for an international civil

airport, several slum clearance schemes, and an examination of various housing and other layouts and approving of building plans pertaining both to private and Government colonies, and preparation of proposals for space standards for new residential areas. The slum clearance scheme have been made over to the competent authority under the Slum Areas (Improvement and Clearance) Act. Proposals for space standards for new residential areas have been submitted to the Delhi Development Authority.

Landscape Planning for New Delhi

The Government of India have constituted a committee under the chairmanship of the Secretary, Ministry of Works, Housing and Supply, to advise on problems connected with the landscape of New Delhi and its suburbs. The Committee will be a standing advisory body and will meet from time to time. Its other members are representatives of the Indian Council of Agricultural Research, New Delhi Municipal Committee, Delhi Development Authority and Ministry of Health, Chief Engineer and the Chief Architect of C.P.W.D. The Director of Horticulture, C.P.W.D. will act as the secretary. Some non-officials interested in the work will also be nominated on the Committee. It will advise the Government on the selection of trees, plants and creepers for roadside avenues, traffic islands, public parks and maintenance of open places. It will also recommend suitable plants for the C.P.W.D. nurseries.

Slum Clearance Schemes

Delhi started its slum clearance programme as early as 1937 with the establishment of the Delhi Improvement Trust. Out of the eight schemes, five were sanctioned. The major scheme called the "Delhi Ajmeri Gate Slum Clearance Scheme" involved the displacement of 5,000 families out of whom 700 have so far been provided alternate accommodation at a distance of 2 to 4 miles. Five more areas have been cleared and about 1,300 families have been rehoused. The economic rent of the newly built houses is Rs. 24 per month but the subsidised rent actually charged is Rs. 12 per month only.

In Delhi, the Delhi Improvement Trust, the Delhi Municipal Committee, and the Bharat Sewak Samaj were entrusted with this work and they so far completed it in 190 Katras. The Improvements have included provision of filtered water-taps, electric lighting of the courtyard, provision of flush or general type of latrine and drainage, paving of courtyard and constructing verandahs of corrugated sheets and some essential minor repairs. The average cost of improvement per Katra has come to about Rs. 5,000,

DEVELOPMENT OF CITIES

(TOWN PLANNING ORGANISATION, Ministry of Health
Government of India)

The urban population in India has been increasing at a tremendous rate, from 11·4% of the total population in 1901, the urban population grew to 17·3% of the total population in 1951. Between the last two censuses, while the population in the rural areas increased by 8·9% the population in urban areas increased by 41·3% as compared to 18·4% during 1921-30 and 31·1% during 1931-40. The cities and towns were, however, not prepared to absorb this phenomenal and unprecedented increase in numbers. This resulted in haphazard and disorderly growth. Houses and huts sprawled along wherever space could be found without any regard for density, civic amenities, building standards, community facilities, etc. Floating population added to the problems of the municipal bodies who with their already limited funds and depleted resources, found themselves incapable of serving a population which, while it increased its problems, gave no returns. Most of the people being drawn from the rural areas in search of employment, lived in pre-urban ways and, with their rural habits, aggravated the problems of insanitation. The overall effect has been the creation of "Slums, Semi-Slums, and Super-Slums", in the physical as well as the social sense. Many areas went without civic amenities or community facilities. For instance in Lucknow, according to one study, one-fourth of the people live in slums; one-third of the neighbourhoods have no water supply, and electricity for private use is available to 12% of all neighbourhoods. There are inadequate arrangements for disposal of refuse and waste. In Gorakhpur, Ahmedabad, Kanpur and for that matter in practically all the cities, conditions are equally bad.

In order that cities may be places worth living in and also that the citizen may legitimately take pride in his city, it is necessary to proceed in a scientific and systematic manner. This does not mean that there can be only one approach. Rather, any plan for urban redevelopment should be reality-oriented and should further be flexible in character to make allowances for unforeseen events due to which the plan may need to be modified. This flexibility would further allow experimentation and thus enable the application of newly gained knowledge.

For effectively chalking out redevelopment programme, it is absolutely necessary to conduct a civic survey. Without such a civic survey, the diagnosis of the problems of the city is not possible, and, therefore, the prescription of remedies is rendered difficult.

For successful urban redevelopment, it is necessary to have an integrated approach. This would enable co-ordination at different levels. A final coordinating authority should be created with a total perspective of the city's problems and a correct picture of the inter-relation between the different bodies. This coordinating authority should primarily concern itself with long-term planning objectives and should comprise of experts drawn from different fields. The lowest planning unit should preferably be the mohalla committee which should be a democratically constituted body for ensuring citizen participation.

Urban development and redevelopment is a continuous process. What is true today may not be true tomorrow. It is, therefore, necessary to continue research into urban problems their etiology, nature and pattern of growth.

Cities, like men, must have a purpose for existence. In other words development should be according to the function that it is expected to perform. Minimum standards should be worked out and codes enforced. The citizen should be provided with civic amenities such as sanitary dwellings, plentiful water supply, electric lighting, public health services and medical care, facilities for education and recreation, youth, adult and women welfare centres and employment opportunities.

It is further necessary to limit the growth of cities at their optimum size. What constitutes the optimum size will vary from city to city. All the factors should be properly worked out before arriving at the optimum size. The growth of the city beyond optimum size should be checked.

The city should be planned according to the concept of regional planning, to sound, feasible and clear objectives and efficient engineering principles. It is necessary, further, to have an efficient municipal administration, slum clearance programmes, comprehensive welfare community services relating to labour and the economically, physically and the socially handicapped destitutes, women, youth and the aged. Statistical data should be properly kept in order to enable the city government to achieve or plan the legitimate goals.

II

Citizen participation is being increasingly realised as necessary for bringing about a satisfactory and healthy city life. This participation in a democracy does not end by the people electing their representatives to run the municipal body. It is only the beginning and should be regarded as such, both by the city government and the people.

Today the functions of a city government include the provision of civic amenities such as roads, drainage, lighting, water supply and sanitation, as well as community facilities such as education, public health and medical aid, recreation and provision for social and cultural development. Certain city governments have also undertaken commercial services such as transport, cinema etc. With the growing attention given to the improvement and development of slums and blighted areas, municipalities and municipal corporations are undertaking urban redevelopment programmes as well as housing projects, either directly or in association with Improvement Trust or Development Boards. Thus all activities of city government concern the welfare and happiness of its citizens.

While the city government has to organize civic amenities and community facilities, the citizen has also to play his part. There is no limit to the expansion of these amenities, except that of finances and resources and it is therefore necessary for the citizens to understand the limitations under which their city government is functioning and they need to be educated in their duties and responsibilities. Without such understanding on the part of the citizen and realisation of responsibility, apart from rights, no city government can carry on its administration efficiently. Hence, there is need for educating public opinion amongst the citizens on all measures including increased taxation, which the city government proposes to undertake from time to time. This should be done through special citizens' meetings, municipal bulletins, radio talks, etc. Whenever there is a breakdown in municipal services, special steps should be taken to educate the public.

The satisfaction or otherwise which a citizen derives from the city government depends not only on the amenities he enjoys but on the manner in which he is dealt

with by the officers and staff of the Municipal Corporation. In any democratic system of government, whether of the city or the State, the administrative staff should give due consideration to citizens' needs and points of view and maintain a high standard of integrity and efficiency. The citizen is bound to repel and resist a corrupt and inefficient administrative machinery where his just needs cannot be adequately satisfied.

Municipal bodies today in the country are faced with numerous problems. Fast growing population is almost bringing existing municipal services to the breaking point and thus leading to inadequacy of roads and drains, water supply and lighting, lack of transport facilities and, more than all, over crowding, insanitation and blight resulting in disease, squalor, vice and crime. Civic amenities are far too behind citizen requirements. Municipal finances are too inadequate to provide increased amenities to the citizens. All the elected councillors, the executive officer and staff are subjected to pressures of a partly parochial nature and are, therefore, not able to proceed fully with their programmes.

Citizen participation results in certain definite advantages both for the people and for the municipal body. It is beneficial to the citizens because it ensures proper rendering of municipal services and prevents malingering on the part of the staff and even corrupt practices. It develops local leadership and gives training to people on how to run local affairs. It is thus a training in democracy. It makes people start taking interest in their own affairs and thus brings about the feeling of belongingness. The affairs of the municipal body are no longer regarded as those of an alien body, but as one of their own, something like an extended domestic administration. It thus helps to minimize the misunderstanding which often results when people regard a body not as their own but as one with which they have only a distant relation and imposed upon them, as it were. The direct participation of the people increases social contacts and fosters primary social relations which are so essential in human life.

For the municipal government, citizen participation means reduction in costs because with lesser staff it is able to deliver greater goods since the citizens help in many ways and render services which ordinarily would have required additional staff. It makes the government aware of the local problems, which is so necessary before its solution can be found. It also ensures efficiency and ease in implementation of programmes. It keeps the people acquainted with problems of the municipal committees, their difficulties, shortcomings and inadequacies. This prevents misunderstanding and avoids undue and unjustified criticisms and complaints. It has often been found that the best of municipal efforts to clean the neighbourhood has been set at naught because citizen co-operation and help was not forthcoming.

A good way of securing citizen participation is through the formation of mohalla committees. These should be democratically constituted and organized on a non-party basis, securing co-operation of all the residents of the mohalla irrespective of caste or creed. One mohalla committee should preferably be formed of about 10,000 persons. In case a mohalla is of smaller size, as sometimes happens, it is desirable to have two or three adjoining mohallas to form a single committee. The combination of small mohallas for the purpose of selecting a single committee should be made on the basis of homogeneity, common problems and identity of interests. The different mohalla committees should co-ordinate at the ward level and then at the municipal level to ensure success. At these higher levels, the function should be to undertake empirical studies and conduct pilot projects on the best ways of achieving the goals. It would be worthwhile making these mohalla committees multi-purpose, i.e., confining their activities not only to the affairs of the city government but also to the problems of the mohalla people. This will make it a foci of interest and elicit public response.

Instead of having multiplicity of organizations, each trying to cater to a separate department of the people's needs and claiming their attention and allegiance, and thus confusing and even irritating the people, it would be better if there is a common organization, which tries to meet as many needs of the people as possible. These mohalla committees will have the further advantage of forming the planning unit.

The formation of mohalla committees would take time. It would also require a fairly elaborate machinery to coordinate the mohalla committees at the ward level and then at the municipal level. In the meantime, the help of several powerful organizations like the Bharat Sevak Samaj, should be sought in securing citizen participation by developing mohalla committees. Even after these have been formed, the help of these larger organisations will be necessary to perform their special functions and give expert advice and aid which it might not be possible for the mohalla committees to secure otherwise. These mohalla committees and the larger organizations should work in co-ordination performing complementary functions.

III

In the context of growing needs and limited resources, citizen participation in civic welfare programme is essential in the various spheres of activity.

With the importance attached to environmental hygiene to promote citizen's health, maintenance of sanitary standards by city governments becomes essential. In this, the citizen has to play a very important part. Sanitation consciousness should become second nature to the citizens, both young and old. Systematic educative propaganda should be undertaken. Citizens' sanitation squads should be formed in every mohalla under the mohalla committees which will carry out periodical street cleaning drives.

The officials and staff of the sanitation department should come forward with the necessary help, and where citizens cannot undertake repairs etc. of drains and other conveniences, the administration should attend to them without loss of time. Only then will the citizens feel confident of the result of their co-operation.

Without a wide-spread programme of social education, particularly amongst the illiterates and low income groups who form a majority of the city's population, it is not possible to raise the standard of living of the masses. Even the amenities provided may not be properly utilised. With limited resources, a widespread programme of social education cannot be undertaken by Government or municipality. Hence the better class of citizens should consider it their duty to organize social education centres for adult men and women and for youth, by holding literacy classes, putting up reading rooms and libraries and by audio-visual aids, etc. Social education should also include organization of cultural programmes etc. City administration should give financial grants and other facilities to mohalla committees to organize such activities.

The need for looking after the children in a city, specially of the middle and lower classes, is increasingly felt in all civilised societies. This work is to be organized in streets and mohallas by citizens' mohalla committees, with the help of educated women who have the time to spare. Thus, a net work of child welfare centres can be organized, providing for milk distribution, creche, nursery schools and children's play centres. The minimum facilities should be provided by the city administration.

Educated women can run family welfare centres for women, both young and old, to instruct them in home nursing, domestic economy, and personal and

social relationship. These centres will also train women in citizenship rights and responsibilities. The training-cum-production centres, if they are organized properly, will enable women to add to family income during their leisure hours, besides saving them from gossip and street quarrels. Social education classes and cultural programme may also be undertaken in these centres.

One important line in which citizen's participation can be promoted is through co-operative organizations. Catering to the needs of the community through consumer's stores, thrift and credit societies, housing and also promotion of health and medical aid, educated men and women with organizing capacity and zeal can play an important role and there is no limit to the benefits which the community will derive through cooperatives.

Citizens can enjoy their leisure in healthy forms of recreation, both outdoor and indoor, through their own organizations such as clubs, sports associations etc. City government should extend facilities by providing grounds, buildings and ground for equipment. A community which has ample facilities to enjoy leisure is bound to be healthy and happy.

It is the City Government's responsibility to look after the physically, mentally and also socially handicapped sections of the community, such as beggars, infirm people, juvenile delinquents, etc. In this work people's organizations can play a great part by undertaking the management of homes for the handicapped, providing healthy recreation and other amenities and preventing delinquency through properly conducted children and youth welfare programmes. Citizens can secure funds from charitably disposed persons and Trusts for running such homes.

Where City Governments undertake construction of houses and letting them on rent to low income groups, one difficulty which is experienced is the proper collection of rents, because of the non-cooperative attitude of the tenants. This is one of the reasons why Municipalities hesitate to launch housing schemes. It is exactly here that Mohalla Committees can help considerably not only in the proper collection of rent but in keeping the houses and sanitary and other conveniences in proper condition.

One of the biggest problems for a modern city is the improvement of slum and blighted areas. This problem is not only physical but social and economic as well. Hence the need for very close association of the slum dwellers in the several stages of the planning and the execution of redevelopment programmes. The slum dwellers need education of an intensive kind in all aspects of better living and co-operation, and self-effort. Mohalla committees of slum dwellers as well as voluntary agencies interested in their welfare, should be encouraged to start community welfare centres in slum areas as well as in the redeveloped neighbourhoods. Through these centres a constant and close contact with social workers will be maintained and the slum population will learn new ways of life and prosper through aided self-help.

Amongst the agencies which can help in such programmes are trade unions, women's organisations, students' social service groups and other agencies interested in mass uplift.

CITIZEN PARTICIPATION

SOME SPECIAL ASPECTS OF CITIZEN PARTICIPATION

(SHRI D. BALASUNDARAM, I.A.S., Commissioner, Municipal Corporation
Madras City)

The efficiency and success of a democratic local or municipal government depends very largely upon the public understanding of its machinery and the interest the public takes in and the support it gives to its activities. The quality of municipal service is certainly influenced greatly by the Acts, bye-laws, rules and regulations in force. But with all these, proper and effective functioning of a municipal government must undoubtedly rest on the strong foundations of enlightened public opinion and civic sense among its citizens. Thus, it is clear that efficient local administration can be ensured in a greater degree from the extent of public interest and support it receives. In advanced countries, this has been achieved in a marvellous degree by the realisation on the part of the citizens of their responsibilities and the co-operation they give to municipal government. Municipal administration, however progressive and enlightened it may be, cannot advance any further than the electorate is able or willing to sanction its needs. So, the essential pre-requisite for effective and appreciable municipal progress is enlightenment of the electorate itself.

In India, local governments in general have not reached that standard of efficiency and usefulness as in advanced countries. This is mainly due to the fact that large sections of the people are ignorant of its methods of operation and even among the well-informed and enlightened, very few show interest in its working and take intelligent interest in furthering the effective administration of a municipal or local government.

This apart, there is another factor which municipal or local administration in India generally suffers from and that is lack of proper publicity and the consequent ignorance on the part of the ordinary masses or the man in the street. This defect is more glaring and striking after the introduction of adult franchise. Time there was, till recently, say a decade and a half ago, when the municipal governments were run by representatives of the ratepayers. From that, it gradually shifted literacy franchise and when the Constituent Assembly of India framed the constitution of the country and decided to introduce adult franchise, the rules of the Assembly were adopted and the result is that even in the municipal sphere, adult franchise is adopted. So, there is dire necessity for the municipal governments themselves to educate the electorate by the dissemination of correct information on various civic matters which the public ought to know in order to judge things for themselves and form their opinions. It is a common feature to hear adverse criticism on some aspect or other of municipal administration. This cannot but be otherwise unless the standard of administration of municipal government and the amenities provided are raised to an appreciable standard of efficiency and utility.

Municipal administration or municipal service is, in essence, social service and, therefore, it is always held as a target for adverse criticism. In the first place, the jurisdiction of a municipal government is limited and concentrated within a small area. Secondly, municipal administration touches more people at more points more frequently than any other branch of public administration as municipal administration has to provide essential public amenities which are indispensable for a man's life such

as water-supply, drainage, lighting, conservancy, etc.; so, failure in one of these services is noticed by thousands of people who come within that jurisdiction. Naturally, their annoyance and inconvenience are given vent to by adverse criticism against the administration.

Again, municipal administration is charged with certain responsibilities such as public health, maintenance and distribution of potable water, maintenance of sanitation etc., with the result that it is called upon now and then to take action against citizens either for their failure or for some act of commission or omission in discharging a civic duty. The citizen is hauled up on occasions before a magistrate for either violation of a sanitary law, or neglect to keep his own house clean etc. and ratepayers consider this as irksome and abhorrent of municipal administration in certain cases.

As municipal administration is not only in charge of conservancy but also in charge of collection of taxes, there are many chances of its field workers contacting the public. The citizens should co-operate with him and enable him to discharge his duties efficiently and well.

Citizens should become civic conscious and play a more active role in the city government. Unfortunately, the present state of affairs simply reflects a "take it for granted" attitude on the part of the average citizen. If the citizens desire competent, efficient and effective local administration they must be prepared and willing to provide not only financial means, but also what is more important, moral support and a practical realisation of the responsibilities of citizenship.

It is here that social service leagues, welfare associations, civic centres, community centres, ratepayers' associations and the like have a large scope and an important and useful part to play in aiding and supplementing the work and efforts of a local administration. The work done by a voluntary organisation always carries with it an amount of real zeal and enthusiasm and the consequent results can never be compared with the work that may be done by regular paid staff. This is an indisputable truth. It will only prove that social organisations with real and genuine aims and some systematic and methodical work will go a long way in solving those problems which can never be satisfactorily solved or tackled even though the corporation or a municipality may spend enough money for achieving it.

Social workers could see that proper use is made of the various amenities and facilities provided by the city government. For instance, vaccination inspectors, of course, visit the homes of the citizens, but all the people do not take advantage of their visits. Civic or social workers can do a great deal to educate the uneducated in personal and environmental hygiene and inculcate good habits. Unless people improve their *civic conscience* and *community sense*, whatever efforts may be made by local authorities or the State, the health of the community cannot be adequately protected and maintained at optimum standards. Therefore, one of the greatest needs today is to improve the standard of civic sense in every man and woman so that he or she may work hard to co-operate with the local administration in every way possible.

The surest foundation for success is in the education of preventing any abuse and misuse of public places and surroundings. For example, civic workers may try to prevent the following abuses and misuses :—

- (1) indiscriminate shooting of rubbish into the streets;
- (2) allowing used water to stagnate into pools which breed mosquitoes;
- (3) keeping large heaps of dung near living quarters;

- (4) indiscriminate use of public convenience;
- (5) throwing banana skins etc. on the pavement or street; and
- (6) allowing water to flow from a public fountain unnecessarily.

Even young people may be recruited into civic squads and to each of these squads may be given one or more definite projects such as the campaign against litter, collection of salvage, safety on the roads, building and equipment of community centres etc. By these means, the spirit of service can be encouraged and the desire to continue such service in adult life will be implanted.

The local authorities should also do all in their power to foster in all the citizens an eagerness to co-operate in the service of the community. Community and health centres, care of children and the aged and similar activities may be used to keep alive the spirit of co-operative community service.

Citizens should be educated in the proper use of civic amenities of life and thus help the administration in maintaining the services economically and efficiently. Towards this end, citizens' advice bureau may be constituted and every social worker may join this bureau whose aim should be to work in co-operation with the individual in such a way that his potentialities are given the fullest scope in relation to the community of which he is a member. There are, of course, many social evils in our country of which the low civic conscience is perhaps the worst. Unless that evil is eradicated, civic life can never reach that standard which every enlightened city aims at.

Thus, if everyone observes the rules of health, sanitation and social environment, the task of municipal administration not only becomes less difficult and less costly too but its efforts will yield better results.

PROBLEMS OF CITIZEN PARTICIPATION IN MUNICIPAL GOVERNMENT

(SHRI B. D. SANWAL, I. C. S., Commissioner, Agra Division, U.P.)

The two most important aspects of modern city government in India are democratic control and autonomous administrative management. In this context, I am considering only those towns as cities which are shortly going to have municipal corporations. The discussion, therefore, will be applicable mainly to corporation towns in India. But the conclusions derived will be relevant with slight variations to the conditions obtaining in larger towns also say with a population of over one lakh of people. Democratic control is ensured in our cities by vesting legislative and budgetary powers in the hands of the elected representatives. On the other hand all administrative work is vested in a chief executive whose position is analogous to that of the city manager in some of the cities in the U.S.A. This has worked satisfactorily in Bombay and Madras and the experience of these two major cities has been an example to the other States in India, so far as city government is concerned. It is, however, felt that the councillors in municipal corporations do not have that intimate touch with the day-to-day details of administration as they should have in a democratic set-up. The corporations have generally delegated their powers of superintendence over the executive to the standing committees and one or more sub-committees. But only those problems come up before the standing committees which are of general character concerning the whole of the city and are mostly of financial nature for which under the law sanction has to be accorded by the standing committees. There is, however, no point where the administration and the elected representatives of the city gather together to examine, evaluate and criticise the detailed activities of the corporations. Sometimes this system has led to the feeling that the executive does not care for the views and criticisms of the elected representatives and exists touchy about popular interference within its own independent environments. The chief executive with whom the councillors generally come in contact is mostly concerned with the major policies to be followed and leaves details to be worked out by his assistants and subordinates. It is also, therefore, very inconvenient for the chief executive to examine small administrative details brought to his notice by the elected representatives with which they are most intimately concerned except to the detriment of his own legitimate duties. On the other hand, the councillors feel that the points which concern the citizens intimately are being overlooked by the executive and if they find the chief executive short of time even to listen to them, they get annoyed and feel that the representative character of theirs is not getting its due.

These problems, of course, have existed in other countries also and efforts have been made to solve them. The government of Greater London can be taken as an example. The government of this area is carried on by the London County Council, the Corporation of the city of London and the metropolitan borough councils. The city corporation has been preserved as a relic of the past because of the innate conservative nature of the British people. Therefore we may for the purposes of this discussion take the Government of London as consisting of the London County Council and the metropolitan borough councils. The London County Council consists of two councillors from each of the 60 parliamentary constituencies. In addition there are twenty Aldermen who are elected by the councillors. The council works through a number of standing committees as other local

authorities do in England. It is helped by the Council's own Civil Service. The traditions of this Civil Service are almost as healthy as those of the National Civil Service. The same area however is divided into 28 metropolitan boroughs. Each borough council consists of a mayor, aldermen and councillors. The councillors are elected every three years and their number varies according to population. The councillors elect 1/6th of their number as aldermen. The distribution of powers between the London County Council and the borough councils is made by statute and orders-in-council. The Minister of Local Government, on request or enquiry, may transfer any power exercised by the County Council to the borough councils and vice versa. The general principle is that those powers and duties which require a uniform policy and execution throughout the whole of the London Area are administered by the County Council and those which can be best looked after locally by the borough councils. The main functions of the London County Council are education, main drainage, parks and open spaces, relations with other bodies such as the Metropolitan Water Board, the London Electricity Board etc. etc. The metropolitan borough councils are mostly responsible for local health and sanitation problems, births and deaths, maternity and child welfare, streets, removal of rubbish etc. The different duties of the two authorities have been specifically laid down in the Acts of Parliament, and where the borough councils share powers and duties of the London County Council they occupy generally a subordinate position to the latter body. Their bye-laws have to be consistent with those made by the London County Council. The County Council hears appeals from orders made by borough councils and can also take action where such action is not taken by the borough councils. All loans required by the borough councils have to be sanctioned by the London County Council etc. The general effect of this two tier system of local government has worked satisfactorily in London. But London is a very big town and only Bombay, Calcutta and Delhi can be compared in population to London. But by having two sets of local authorities responsible for government of London, the number of citizens participating in local administration has been increased almost 30 times. If the membership of the London County Council had been increased this body would have been unwidely for effective administration. What has been done there is that problems concerning Greater London in a general way are looked after by the London County Council and problems which can be best looked after on a lower level have been handed over to the care and charge of the smaller local authorities.

What is the rationale of the distribution of powers in the two tier government in a large city like London? The question is intimately linked up with the question of the optimum size for a local authority. We have to decide as to when a town grows too big for efficient administration from one single centre. There are several services which are best organised in restricted areas, for example, removal of rubbish, cleaning and paving of streets, registration of births and deaths, destruction of stray dogs, etc. These services are best organised in a small compact locality so that effective supervision can be made by the person in ultimate charge. There are, however, other local activities such as supervision and management of water supply, drainage and electric supply, drawing up of a master plan and re-development of areas which fall within the category of large scale municipal functions. These can best be looked after by the metropolitan area considered as one unit. Only such a unit can give proper attention to the requirements of the city after say another 50 years. These matters cannot well be left with the smaller local units. There will be little difference of opinion on the general lines of the analysis so far. The main difficulty comes when specific solutions are proposed to give effect to such distribution of duties. In London, as we have already seen above, the Parliament has constituted independent authorities at two levels. There is one authority which looks after the Metropolitan Area as a whole and there are subordinate local authorities which look after the immediate needs

of the population living within their jurisdiction. The question before us is whether such a solution is immediately called for in our present-day Indian conditions.

Another solution of the problems of such decentralised administration could perhaps be the creation of statutory sub-committee of the municipal corporation for local units. The small sub-committee could consist of the elected members of the municipal corporation plus the local M.L.A. or M.P. and certain number of members co-opted by these. This sub-committee of the corporation could be the mouth-piece for the criticisms of residents and could also supervise the local executive at its own level. We have now a similar pattern of Government in the Community Development areas *viz.* the block. In the block we generally have a population of about 70,000 persons. The block at present has a Block Development Officer as its chief executive officer who is assisted by 4 assistants and several subordinates. We could perhaps model our city government also on similar lines by dividing the city into a number of wards or blocks and then post one chief executive on each ward along with a proportionate number of subordinates and assistants. At the block or ward level, therefore, the executive would be the Block or Ward Officer and he should have more or less the same relationship with the block ward sub-committee as the Municipal Commissioner has with the Standing Committee. At this level, perhaps, the elected and co-opted members could be allowed to criticize the work of municipal employees and suggest methods of improvement. Such a system would enable the present executive set-up to come in the closer touch with the citizens through their representatives and also make them more responsive to their criticisms. In every larger towns like Bombay, Calcutta and Delhi the statutory sub-committees would perhaps after sometime be formed into smaller municipalities with the growth of democratic institutions in our country, such developments appear to be necessary and will perhaps be valuable for both the administration as well as the citizens and their representatives.

Another way to have citizen participation in municipal government could be achieved by having *ad hoc* committees for general or specified purposes in different Mohallas of the city. Such *ad hoc* committees have, however, become our general handicaps and evoke very little public support. The general body of citizens generally thinks that these *ad hoc* committees have been formed to support the executive, right or wrong. The experience of such *ad hoc* committees in community development areas and large cities has not been very happy. Such *ad hoc* nominees generally look to their own interest and use their opportunities for their own selfish purposes. If any committees, therefore, have to be formed at lower levels, they have to be statutory. They have to be intimately associated, with the administration with adequate powers to control its extravagance and to guide it into efficient purposes in the light of the requirements of the public. They have to get powers to criticise the working of municipal staff in their jurisdiction and to question whether they have been doing their duties properly and whether the money spent for the services rendered results in adequate returns or not.

Citizen participation in other countries is also carried out by local organisations of citizens formed on voluntary basis by themselves. Such citizen organisations are quite effective in communities which have a higher standard of education and living. Unfortunately with us the majority of our population is still illiterate and the very large majority is too poor to think of paying monthly subscriptions for any voluntary body of citizens. With the gradual increase in education and average incomes of the citizens it is possible that the citizens will themselves start forming associations for taking up particular causes and of convincing the public on such matters about their stands. To begin with, however, we may give encouragement to such associations and make it obligatory on the part of corporations to give a hearing to the demands of such organisations provided they fulfil certain conditions regarding membership, annual finances etc.

Another aspect of citizen participation is the public relations work to be done by the corporations. At present many civic activities are performed without the active participation of citizens. Well organised public relations drives by corporations could be really effective in making the citizens paying more attention to civic affairs and convincing them of the items undertaken by the corporations. Publication of Municipal Gazettes and intensive propaganda about new items undertaken by the cities will be a step towards development of active citizen participation.

To summarize, the best way to have increasing citizen participation in our City Governments can be achieved by the following :

- (1) By having two tier Municipal Government in metropolitan cities like Calcutta, Bombay and Delhi;
- (2) By having sub-committees of the corporation towns for each ward and to have M.P.s., M.L.A.s, and coopted members in these sub-committees to superintend the day-to-day details of administration;
- (3) By encouraging growth of voluntary civic organizations interested in improving City Government, and
- (4) By better and increasing public relations work to be done by the corporations.

OTHER PAPERS:

URBAN COMMUNITY DEVELOPMENT—SOME ADMINISTRATIVE ASPECTS

(Prepared in the Institute)

Community Development in urban areas is destined to play more important role than its rural counterpart. Its arduous task is to create a community and render it continued service, whereas in a rural area the existing community has to be served.

The elements of social organism, to be vigorous and efficient, must be assured the essential minimum conditions for healthy life and activity. Like a human body, the social organism is made up of a tremendous complexity of different kinds of relationships, functional systems and diversities. Many observers, including the sociologists, administrators, city planners and students of urban government have been more impressed by the evidence of disunity on the urban community than by the more fundamental unity in which the varied aspects of urban life operate.

Urban biology or the study of the life of the cities and their living conditions has widened the scope and meaning of city planning. It is of great importance to look at cities as living organisms and to seek out the pattern of functions which is essential to their ongoing processes and operations.

A sociological definition of an urban community implies that it is a relatively large, dense and permanent settlement of heterogeneous individuals. Heavy concentration of people in small areas accounts for individual variabilities. The intimate personal relationship is altogether eliminated. Human relations are torn asunder into many segments and compartments. These are largely anonymous, superficial, and transitory. Density of population involves diversification and specialization. A paradoxical situation is created : the coincidence of close physical contact and distant social relations. The pecuniary nexus tends to cater to the collective rather than to the individual needs. The individual, therefore, becomes effective as he acts through collective and organized groups.

Social control was simple before the advent of industrialization and urbanisation. Behaviour patterns, attitudes and relationships were established. Few laws were required and modes and conventions were the rules. Today the basis of social control has been changed. The deeds and needs of an industrial society, together with the development of communication and transportation have resulted in a high degree of accessibility, a continuous inter-change of information and ideas and a great mobility of population. Social control, therefore, becomes functional and deals with the matters which collective as well as co-operative living requires and takes the formal character of law.

The importance of social control in an urban community, in order to attain the integration of people into an organized life, can hardly be exaggerated. As the population grows arithmetically, the need for well-coordinated organization that weaves the individual into the group life increases in the geometrical progression. The urbanism so far fosters the material change and no attention has been paid to the planning and co-ordination of non-material factors of social organization.

The daily needs of the people require complicated organization : their material wants, medical care, recreation, religion and education are satisfied through complex institutions and associations. People are related to these institutions and associations in various ways around their several aspects. New needs and new purposes in a rising society compel action and so develop new pattern of social organization.

Social institutions which have once established the patterns of their aims and objects on the one hand and the means for their fulfilment on the other, have a strong and irresistible tendency to become rigid and conservative. They secure recognition in the community; win prestige and support; and accumulate property. As a result of this development, it is demanded with vehemance that a particular institution has become important and so must be maintained in its traditional form and working. Such a tendency envelops the business and commercial institutions, schools, social service agencies, clubs and societies and in all the rest of the many urban social institutions.

But changes come, functions disappear, new patterns of needs arise, old types of institutions become outmoded and obsolete. These are caught between two inescapable forces : the force of change and the force of inertia. In any city, the social institutions have made each kind of response, side by side. The pity is that there is chronic shortage of these institutions to meet the demands of the society adequately. There is work for them all. These which live on, though obsolete and conservative, deprive the people of the urban areas of the needed social services, relationships and participation.

Time and again, it has been learnt that the social institutions will not change themselves. They are to be changed to meet the changing times and circumstances. The change is to be brought by scientific study and planning. It is not necessary to let the consequences of changes play havoc, resulting in serious problems of maladjustment in the community. Most of these problems can be solved well in advance.

Cities have serious defects and encounter varied problems. Radical suggestions and strenuous efforts are being made by many health visitors and social workers, city planners, citizens' association and public officials, in this regard. The citizen-official team work is being promoted and many city governments have established public relations departments in order to stimulate and encourage citizen participation and interest in local government.

II

Much is being done in the American cities by the public schools, neighbourhood houses, libraries, labour unions and other groups. In New York, the Bureau of Adult Education is helping people in the various urban communities to organize themselves for study and action. The Welfare and Health Council of New York City claims to have the following four functions :

- (1) to anticipate social needs and problems and plan for their solution;
- (2) to prevent the duplication of their service;
- (3) to devise improvements in their regular activities; and
- (4) to extend certain central services to the community.

Some achievements of the community councils in urban areas in Georgia are :

- (1) proved juvenile court services;
- (2) weekly calendar of regular meeting dates of all organizations;

- (3) improved zoning for traffic and building;
- (4) community wide year round public recreation programme;
- (5) weekly radio forums on community needs;
- (6) improved garbage collection;
- (7) slum clearance and low-cost housing;
- (8) clinics for pre-natal care;
- (9) community youth councils; and
- (10) mobile library programme for country.

*The Expansion of Welfare and Relief Agencies in Chicago*¹

Prior to the stock market collapse of 1929, social services for Chicago residents were provided, for the most part, by voluntarily supported, private charitable organizations. Many of these organizations were sponsored by religious groups, nationality benevolent associations, and fraternal organizations. Persons in need were referred to such organizations by members, teachers, police, aldermen, ward committee men and precinct captains. In general, need for financial assistance was shortlived, and the cost of such programmes was within the means of the private charitable organizations active in the community.

As the depression following the 1929 market collapse became more prolonged and widespread, the funds of private charitable organizations were insufficient, making it necessary for local, state, and finally the federal government to create agencies for unemployment relief. Once engaged in dispensing relief, governmental agencies found it difficult to withdraw and are now responsible for administering unemployment relief, aid to dependent children, aid to the blind, assistance for the aged, and aid for the physically disabled. The extent to which public tax supported agencies are responsible for financial aid is illustrated by the fact that such agencies supplied over 97 per cent of all financial assistance granted in Chicago and Cook County in each of the three years 1948-50, as reported by the Welfare Council of Metropolitan Chicago in May of 1951.

The Chicago Department of Welfare was established on July 1, 1936, by action of the Chicago City Council, and is responsible for administering, in the city of Chicago, general assistance funds provided by appropriations from the Illinois State General Assembly and the Chicago City Council. The Department provides funds to meet basic necessities and, as needed, medical care, counselling, and full casework services toward maximum utilization of social and economic resources as needed for maintenance or restoration of good health. The Department also provides vocational counselling, industrial training, and suitable placement in gainful employment in the community so that recipients become self-supporting.

The Chicago Department of Welfare had a monthly average of 12,150 cases receiving \$980,000 per month in 1953, representing a decrease from the number of cases carried in 1952 of 17 per cent, and a decrease in funds spent in 1952 of 13 per cent as reported by the Welfare Council of Metropolitan Chicago in March 1954.

The Cook County Department of Welfare, through its Public Assistance Division, administers Aid to Dependent Children, Blind Assistance, Old Age Pensions and Disability Assistance in Cook County including Chicago, as the agent of the Illinois Public Aid Commission. To discharge its responsibilities, the Public Assistance Division

1. *Modernizing a City Government*, The University of Chicago Press, 1954, Appendix V, pp.412-15

operates through six distinct offices strategically located throughout the city. In 1953, the Division had a monthly average of 59,598 cases, and spent about \$1,813,000 each month according to the Welfare Council report indicated above.

The availability of the services of the public tax supported agencies is well known and has resulted in a marked decrease of demands for financial assistance from private family and relief agencies, religious organizations and has practically eliminated nationality benevolent societies and fraternal welfare organizations. In like manner, individual requests for financial assistance from partisan political organizations and office holders has become much less necessary and important. Such requests as are now made to political organizations, can be quickly and simply referred to the proper public agency.

Problems of the foreign born in Chicago accounted for many requests for assistance from private and public welfare agencies prior to 1930. As controls on immigration were adopted, however, the number of foreign born in Chicago decreased. The Bureau of the Census reports the number of white foreign in Chicago in 1930 as 842,057. By 1940, this number had decreased to 672,705 and in the 1950 census only 526,058 were reported. The admittance of war refugees has not represented the same kind of problem presented by earlier immigrants, since each war refugee had to have a sponsor guaranteeing housing and employment before admittance was granted.

In addition to the public tax supported agencies in Chicago, there are over 545 voluntary, private agencies organized to meet the health, welfare and recreational needs of Chicago, according to the 1953 Social Service Directory of the Welfare Council of Metropolitan Chicago. These agencies are concerned with such problems as unemployment, relief, health and medical care, care of children including day nurseries, homes for aged, employment and vocational guidance, education, recreation, prevention and treatment of juvenile delinquency, family relationships and civic betterment and reform.

In situations where an individual or family may not be eligible for assistance from public agencies, or where problems in family relationships exist in addition to financial difficulty, such private family agencies as the American Red Cross, Chicago Chapter, Catholic Charity Bureau, Council of Catholic Women of the Archdiocese of Chicago, Grane fund for Widows and Children, Danish Aid and Relief Society, Jewish Family and Community Service, Lutheran Family Service, Polish Welfare Association, Salvation Army, School Children's Aid Society, Society of St. Vicent de Paul of Chicago, Travellers Aid Society, United Charities of Chicago and the Volunteers of America are available.

Many of the private voluntary welfare organizations in Chicago have developed highly specialised services, the proper use of which requires considerable knowledge and experience in terms of making proper referral for the most efficient and economical use of the available facilities. To amplify the problem of proper agency selection, the Chicago community supports the Central Service for the Chronically ill, The Chicago Resettlers Committee, Community Referral Service and the Lutheran Charities of Chicago.

The Community Referral Service operated by the Welfare Council of Metropolitan Chicago was established in 1945 to give direction and guidance to persons in need of services from either public or private health and welfare agencies. This agency serves as a central information and referral channel for persons and organizations interested in individuals who are in need of community services. Upon its organization, the Community Referral Service notified religious organization, nationality groups, fraternal

organizations, labour unions, business and trade associations, political organizations, and the general public of its programme. The Service is widely used and averages between 1200-1300 requests for service monthly. Since many situations of individual and family difficulty or need are called to the attention of Chicago aldermen, the Community Referral Service sent a special letter to all aldermen inviting their use, which decreased the time aldermen had to spend on such problems and made it possible for aldermanic secretaries quickly and efficiently to refer individuals with the assurance that their needs would be promptly met.

The very large number of health and welfare agencies active in Chicago led to the establishment by the Welfare Council of Metropolitan Chicago of the Social Service Exchange, which maintains a central index of the case records of member agencies permitting these agencies to pool their knowledge of a given family or person as an aid to careful and intelligent planning for that family or individual. The Social Service Exchange thus prevents duplication of services and relief expenditures, an important consideration in economical use of tax and voluntary funds of health and welfare activities.

The direct granting of relief by lay persons and organizations such as aldermen or ward committee-men can easily lead to waste of money and the creation of unnecessary dependency. All too often requests are made by individuals for financial aid from an unprofessional sources when the real problem is of a very different nature. When referral is made to the Community Referral Service, trained interviewers are able to diagnose the fundamental problem and arrange for the best equipped agency, either public or private, to handle the situation. Best use of community resources dictates use of the Community Referral Service or other professional referral service by lay people called on to furnish aid to individuals.

In the last twenty-five years then, governmental responsibility for financial assistance has led to major changes in programme emphasis by private social agencies. The specialized nature of the problem handled by private agencies and their increasing number has made the establishment of referral services necessary. The significant decrease in numbers of foreign-born in the City has further relieved the private agency from the burden of providing financial assistance. The very complexity of the many services available from both private and public health and welfare agencies argues against direct handling of requests for aid by individuals incompletely informed as to the available community resources.

In U.S.A., public welfare was a relatively unimportant and often a badly administered activity of municipal government till 1930. Yet within a single decade it has become more important and more dynamic, perhaps, than any other one of the city's many functions. Large, active and well-administered departments of public welfare today stand as eloquent monuments to the impact of the industrial repression upon urban civilization. There has been the phenomenal growth of municipal expenditures for that purpose. Further, there is the fundamental change of attitude toward the problems of dependency. The needy persons are no longer considered paupers. Such individuals today are considered the unfortunate victims of circumstances over which they have no control, rather than as a shiftless lot who refuse or fail to look for work. Thus the public has come to feel that it is the government's duty to provide public assistance to those who need it.

III

In U.K.² furtherance of co-operation between the agencies undertaking some form of social case work is only part of the wider problem of securing the better co-ordination

2. *The Social Services of Modern England*, M. Penelope Hall, pp. 293-294.

of all social work organizations. This is the main function of the National Council of Social Service. Founded in 1919, the National Council seeks to develop co-operation among voluntary agencies, and between them and the statutory authorities. It provides information on the social services, carries out research on problems of social work, encourage international co-operation between social workers, promotes, and sometimes undertakes, experiments in social service, provides a headquarters for certain representative organizations, and administers, and advises on the administration of grants-in-aid from Government departments and charitable trusts.

The Council aims at bringing about two forms of co-operation between organizations concerned with the different forms of social and community service in the same area and co-operation between organizations carrying out the same work in the different parts of the country.

The chief means used by the National Council to promote co-operation on an area basis are the Rural Community Councils in the County areas, and the Urban Councils of Social Service in the towns.

The promotion of Urban Councils of Social Service was the *first* task undertaken by the National Council, but it did not prove an easy or particularly rewarding one, and has tended to be overshadowed by more spectacular activities. In October 1946, when an attempt was made to revive interest in this particular work, and a standing Conference of Councils of Social Service was set up only forty-one local Councils were found to be eligible for membership. Even in those towns and cities where bodies describing themselves as 'Councils of Social Service' exist, they vary greatly in the services they provide and the part they play in the life of the local community. According to the sponsors of the movement they should be centres of information about the differing agencies, statutory and voluntary, engaged in social work in their area; they should provide facilities for joint consultation and action; arrange conferences, lectures and exhibitions; and encourage new social experiments, either by assisting other agencies, or, where there is no one else able to accept responsibility, by undertaking the work themselves.

The functions of an Urban Council of Social Service may thus be very varied, and its executive committee and officials have to be ever on the alert lest, on the one hand, it concentrates on one or two aspects of its work to the detriment of the rest, or, on the other hand, allows itself to be saddled with the responsibility for a large number of unrelated services simply because no other body is able or willing to do anything about them. In either case the unity and sense of proportion which should be characteristic of the Council's work may easily be lost, and it is in danger of sacrificing its role as a co-ordinating and promotional body, and of becoming one among many organizations specialising in certain types of social work. Ultimately the success of a Council of Social Service depends on the extent to which it enjoys the confidence of the specialist agencies and of the central and local government departments in its area, so that they will consult it when new developments are envisaged, or new needs, for whose satisfaction joint action is required, become apparent. This will only happen if, as well as showing itself efficient in the ordering of practical affairs, and in the administration of those services for which it has assumed special responsibility, it continues to promote 'collective thinking' on current social problems, and this important activity should never be neglected in favour of what seem to be more urgent and useful task.

IV

The urban community development organization is practised by different local agencies. Social case work and social group work agencies find it essential for the

achievement of their basic objectives. Some agencies, however, have aimed at the Urban Community Development, to start with. The Community Councils provide an example of such agencies.

Community Councils are organized on several bases. There are these based on particular services rendered. Others serve special groups. Sectarian or Communal Councils also may be found in many localities.

The Community Welfare Council is the predominant type of local community council in social welfare. It is usually organized with three kinds of membership : (1) social agencies, (2) civic organizations ; and (3) outstanding individuals. It is governed by a constitution and bye-laws as well as by an organizational structure which rest in part upon delegates. Such Councils maintain a variety of activities related to social welfare objectives.

These Councils have varying geographic coverages. They have developed within neighbourhoods, amounting in a number of instances to a revival in neighbourhood spirit and living. In larger communities, such councils are more complex, usually, representing, in addition to the regular forms of membership, the neighbourhood councils. Generally, community councils seek to combine the efforts of all the citizens to meet all their needs, but often they in this objective, becoming merely another council in an already crowded field.

The aim of a community centre is to stimulate sport and recreation of various kinds; to form interest groups; to develop educational activities; to start community projects to bring the age groups together; to train leaders from among the better educated people; and to develop local pride and community feeling.

The main social function of urban organization is to establish a real community, that is, a group with a feeling of consensus, of belonging together. Since this cannot be done on a city wide basis, it has to be done by dividing the city into smaller units which subsequently are co-ordinated. The easiest way to organize a group is to assemble all those who already have something in common, but the real purpose of the community organization is to unify different people. Consequently, organizations in a heterogeneous society usually correspond to class, racial, religious and cultural diversities; they thereby promote separation rather than integration.

The Council seeks to overcome the fragmentation of effort which the existence of so many specialized community councils imply. It is found in many American and Canadian communities. The Council, with a wider outlook, provides the means of co-ordinating even the other community councils.

The principal functions maintained by community welfare councils are :

- (1) Co-ordinating activities;
- (2) Fact finding;
- (3) Joint action;
- (4) Improving the quality of services;
- (5) Common services; and
- (6) Developing public understanding.

Each Community Welfare Council maintains a distinctive programme—one which is related directly to the needs and resources of its community. There is, therefore, no universal pattern of accomplishment.

It is necessary to do a great deal of thinking about the organization and administration of the agencies of Urban Community Development. There are three types of organizations in the urban community development.

The first is that preferred by the social workers, namely, the citizen commission appointed for overlapping terms by the chief executive, frequently with the confirmation of the city council. This commission has a fairly wide sphere of powers delegated to it by law. However, it is usually subject to the same budget limitations as other municipal departments. It chooses a director of public welfare who is responsible to the commission for the administration and management of its activities.

The second type is that wherein the chief executive or chief administrative officer of a city appoints a director who is responsible directly to him for the operation of the urban community development department. This type of organization is exemplified by the City of New York, where the commissioner of public welfare is appointed by and directly responsible to the mayor. This type is favoured by students of public administration, who disapprove of the multiple commission manner of organizing the municipal structure.

The third type of organization is a variation of the second in that the responsible appointive director is authorized to take the counsel of an advisory citizen board. In principle, the director is not bound by the board's opinions in any way. In practical operation, an advisory board may have a tremendously influential impact upon the director's actions. This may come about by virtue of the personal influence of members of the advisory group. The director may deem it judicious to follow such advice, even though he believes it to be not in keeping with the dictates of good administration.

Urban community development forms a department in the local government structure. Four types of organizational forms are observed: the single executive, the department with an executive appointed and controlled by a board, the department administered by a board, which employs a secretary; and the looser organization. The department's administrative organization will usually consist of a board, an executive or superintendent, and a staff of clerical employees and case workers.

Boards of various kinds are generally used in these departments. There is a difference of opinion about whether the board should have a purely advisory function or should exercise some administrative power. There are both types of boards. The administrative board employs an executive and controls the department's work. The general trend in the more centralized type of municipal government is to use the board for advisory purposes if it is retained at all, and to place all administrative responsibility in the hands of an executive. An advisory board is justified as an agency of general policy and as a support for the administrator of a difficult programme.

The welfare executive's role depends therefore on the type of board—whether it is a board of control, a board to lean on, or no board at all. The executive usually has overall management of the department's affairs. He decides cases of applicants for assistance on the basis of national policy, the statutory standards, the local board's policy, the facts found by the investigation by case workers, and the amount of funds available.

In the department one may easily identify the case workers as the line officers who deal directly with the welfare clients. In large and well-organized department, the staff or facilitative services are engaged in personnel management, in the research and

records made of each case, in planning the welfare budget, in accounting and fiscal controls, and in the management of the office.

The administrative procedure for handling the urban community development programmes begins at the intake, which is followed by an investigation of the facts gathered at this initial step, then by the determination of the standard budget, and finally by the follow-up. An appeal is allowed to the state welfare board to any person who is denied assistance or feels that he is unfairly treated in any action at the local office level. At intake the applicant is interviewed to determine his eligibility for general assistance. The intake interview is followed by an investigation which proposes, as stated in the standard language of most manuals :

“to ascertain the settlement of such persons; the name, age, physical condition, earnings or other income; ability for labour of all members of the family; the cause of the present condition; the ability and willingness of the family, relatives, friends, and church to assist; and such other facts as may be helpful in determining the treatment which will be most helpful to such persons. If it shall appear that the person is in immediate need, temporary relief shall be granted pending completion of the investigation.

It is obvious that the means test is applied not only to the individual applicant but to his entire household. The whole family must share the indignities of poverty. If the applicant's need is established by the investigation, a so-called standard budget is prepared for general assistance and for cases involving dependent children. The items recognized by the Social Service Manual as necessary for the maintenance of a family are only nominally included in the budget. The result is a variance in budget standards, both among and within the states.

The department's work is not finished with intake, investigation, and determining the budget. It continues with follow-up visits to determine the client's continued eligibility, to give counsel, and to help the family regain its self-supporting status. These are problems for the department's case workers, who should have a real interest in people, as well as being trained for the work.

Other problems in administering the programme includes the pressure for higher payments and wider coverage, the weakening of family responsibility for the case of their dependents, the strong urge in some localities to promote party patronage at the expense of the poor, and the inadequacies of the assistance.

METROPOLITAN GOVERNMENT SYSTEM IN INDIA

(Prepared in the Institute)

There are four leading cities with municipal corporation form of government in India. According to the latest definition of a metropolis, these four cities can be termed as metropolitan cities. These cities are Delhi, Calcutta, Madras and Bombay.

This is a comparative study of the following four Municipal Corporations Acts, in respect of their administrative set-up :

- (1) Delhi Municipal Corporation Act, 1957.
- (2) The Calcutta Municipal Act, 1951, modified up to 1952.
- (3) The Madras City Municipal Act, 1919, modified up to 1951.
- (4) The Bombay Municipal Corporation Act, 1888, modified up to 1955.

The most important aspects of administrative set-up dealt with in this study are constitution, committees, commissioner, functions, principal officers, taxation, state control, etc. The following statement gives the clauses and schedules of each Act:

	<i>No. of Clauses</i>	<i>No. of Schedules</i>
(1) Delhi	515	13
(2) Calcutta	615	22
(3) Madras	514	8
(4) Bombay	428	34

Of the four Acts, the Acts of Madras and Bombay are very old and have been amended from time to time. Whereas Delhi Municipal Corporation Act is governed by the Parliament of India, all the other three Acts are governed by their respective Legislative Assemblies. All the four Corporations are corporate bodies and have perpetual succession and a common seal. They may sue and be sued by their respective names. Further, they are empowered to acquire, hold and dispose of any kind of property.

CONSTITUTION

In *Delhi*, the Corporation consists of eighty councillors (including twelve members of the Scheduled Castes) and six aldermen. The term of office is for four years and the Central Government Can extend the term by such period not exceeding one year. The councillors are elected by direct election on the basis of adult suffrage from various wards into which Delhi is divided. The aldermen are elected at a meeting of the councillors immediately after the election.

In *Calcutta*, the Corporation consists of seventy-six councillors, and five Aldermen. One of the councillors is the Chairman of the Trustees for the Improvement of Calcutta (*ex-officio*) and the remaining are elected by the constituencies, each ward referred to in Schedule V (of the Act) constituting a constituency and each constituency electing one Councillor. The five Aldermen are elected at a meeting of the Councillors

to be held after the publication of the result of the general election, within a specified period. A Councillor or an Alderman holds office for a term of three years.

In *Madras*, the Council for the Corporation consists of eighty councillors and five Aldermen. The term of office is for three years. Of these 80 councillors there are sixty-six divisional councillors, including fifty persons selected to general seats, five to seats specially reserved for members of the Scheduled Castes, four to seats reserved for Muslims, two to seats reserved for Indian Christians, one for Anglo-Indians and four for women. Four councillors are elected to seats specially reserved for labour constituting four electorates consisting of persons employed in a railway workshop, textile mill, Madras Harbour and a perennial factory situated in the city. The remaining ten councillors are elected by the following associations, chambers and other institutions, one each :

- (1) Madras Chamber of Commerce
- (2) Madras Trades Association
- (3) Southern Indian Chamber of Commerce
- (4) Andhra Chamber of Commerce
- (5) Muslim Chamber of Commerce
- (6) Nathukhottai Nagarthers' Association
- (7) Southern India Skins & Hides Merchants' Association
- (8) Piecegoods Merchants' Association
- (9) Trustees of the Port of Madras
- (10) Senate of the University of Madras

The State Government may appoint a number of special councillors for specific subjects, having special knowledge or experience of any subject relating to the municipal administration. Each special councillor is to exercise the rights of a councillor only in respect of the subject for which he is appointed, but he may attend any meeting of the council and take part in the discussion of any other subject without the right to vote. However, there shall not be more than three special councillors on the council at any time. All the five Aldermen, of whom one is to be a woman, are elected by the eighty councillors.

In *Bombay*, the Corporation consists of one hundred and twenty-four councillors elected at ward elections. The term of office of each councillor is for four years.

Election of Councillors and Aldermen

Delimitation of Wards : For the purpose of election of the councillors there are different provisions in the Acts with regard to the delimitation of wards. In Delhi, the Central Government is authorised to determine the number of wards, the extent of each ward, and the number of seats allotted to each ward. However, the Corporation may make alterations or amendments in this regard, with the previous approval of the Central Government. Similarly, in Madras the State Government is to fix the boundaries of the territorial divisions of the city. In case of Calcutta, the Municipal Act provides the boundaries of 75 wards. Each ward constitutes one constituency and each constituency elects one councillor. Greater Bombay is divided into multi-member wards and the number of councillors to be elected at ward elections is apportioned over these wards. Though the Act provides the delimitation of ward areas and the number of councillors to be elected from each ward, yet the Corporation is authorised to alter the number and boundaries of the wards, with the sanction of the State Government.

Electors and Electoral Rolls

In *Delhi*, the persons entitled to vote at elections of councillors are the persons registered by virtue of the provisions of the Constitution and the Representation of the People Act, 1950, as voters at elections to the House of the People.

In *Calcutta*, the electoral roll is prepared for every constituency. It contains the names of the persons appearing to be entitled to be registered as electors for that constituency. It is prepared by a certain authority other than the Corporation, appointed by the State Government.

In *Madras*, every person whose name is included in that part of the electoral roll for any territorial constituency of the Madras Legislative Assembly is entitled to be included in the electoral roll of the Municipal Corporation. Where in the case of any territorial constituency of the Madras Legislative Assembly there is no distinct part of the electoral roll relating to a division, the names of all persons who are entered in such roll under the registration area comprising that division and whose addresses as entered in such roll are situated in such division are entitled to be included in the electoral roll for the purpose.

In *Bombay*, the Commissioner is to prepare a list of persons appearing to be entitled to be enrolled in the municipal electoral roll as voters of wards, on or before the first day of August immediately preceding each general election. The Commissioner is authorised to revise, correct and prepare a supplementary electoral roll.

The Municipal Corporation Acts of Calcutta and Bombay provide certain qualifications for a person to be entitled to vote. These are the age of 21 years, requisite residence, business premises or taxation, etc. Further, a company, body corporate, firm, joint family or other association of individuals is not registered in its own name in the electoral roll. If such a company is qualified as an elector, it may obtain the registration of the name of one of its members.

There are certain disqualifications which prevent a person from becoming an elector. These are physical disability, crime, vested interests, etc.

Qualifications and Disqualifications for Councillors

In general, it is essential for any person to be qualified to be elected as a councillor, to be enrolled in the municipal electoral roll as a voter of some ward. In *Delhi*, a person must be a member of the Scheduled Caste if he wants to be elected from the reserved seat. In *Calcutta*, a person must be of twenty-five years of age to be elected as a councillor.

Mostly the disqualifications in this regard are the same in all the Acts; these relate to physical disability, insolvency, imprisonment, corrupt practices, Government services, pecuniary interests and others. In *Calcutta*, a candidate as an election agent of such councillor is disqualified if he fails to lodge any prescribed return of election expenses. In *Bombay*, a councillor ceases to remain in office if he absents himself during three successive months from the meetings without the approval of the Corporation. Further, if he is unable to attend the meetings of the Corporation during twelve successive months from any cause whatever, whether approved from the Corporation or not, he ceases to be a councillor.

MAYOR AND DEPUTY MAYOR

Every Corporation, at its first meeting in each year elects one of its members to be the Mayor who presides over the meetings of the council.

Except in Bombay, the remaining three Corporations have the office of a Deputy Mayor whose election takes place along with that of the Mayor.

In Delhi, the Mayor or the Deputy Mayor, provided in the Act, may be given such facilities in respect of residential accommodation, conveyance and the like.

On the occurrence of any vacancy in the office of the Mayor or the Deputy Mayor, a Corporation is to elect one of its members as Mayor or Deputy Mayor as the case may be. The Delhi Act provides that such election must take place within one month of the occurrence of such vacancy.

The Acts of Delhi and Calcutta provide a certain procedure for the Mayor and Deputy Mayor to resign from their offices. In Delhi, the Mayor may by writing under his hand addressed to the Deputy Mayor and delivered to the Secretary, resign his office while the Deputy Mayor may resign his office by writing under his hand addressed to the Mayor and delivered to the Secretary. In Calcutta, the Deputy Mayor or any Councillor or any Alderman may resign his office by giving notice to the Mayor; the Mayor may resign his office by giving notice to the Corporation. The Acts of Madras and Bombay provide that an outgoing Mayor or Deputy Mayor is eligible for re-election.

COMMITTEES

In *Delhi*, there are the following six Committees of the Corporation :

- (i) The Standing Committee;
- (ii) The Delhi Electric Supply Committee;
- (iii) The Delhi Transport Committee;
- (iv) The Delhi Water Supply and Sewage Disposal Committee;
- (v) The Rural Areas Committee; and
- (vi) The Education Committee.

The Standing Committee consists of fourteen members, elected by the councillors and aldermen from among themselves: at the first meeting of the Corporation after each general election. One half of the members of the Standing Committee retire on the expiration of one year from the date of its constitution. For this purpose, they are selected by lot before the said expiration, as determined by the Chairman of the Standing Committee. Any councillor or alderman who ceases to be a member of the Standing Committee is eligible for re-election. The Committee elects one of its members to be the Chairman and another the Deputy Chairman.

Further, the Standing Committee is authorised to appoint officers and other employees, subordinate to the Municipal Secretary or the Municipal Chief Auditor, whose minimum monthly salary (exclusive of allowances) is less than five hundred rupees. The Committee is required to sanction the location of burning and burial grounds. The levy of stallages, rents, fees and payments of compensation are determined by the Committee. The approval of the Committee is required before the Commissioner admits or compromises any claim against the Corporation.

Each of the next three committees, *i.e.*, the Delhi Electric Supply Committee, the Delhi Transport Committee, the Delhi Water Supply and Sewage Disposal Committee, is to consist of seven members, consisting of elected and nominated members. Out of the seven, four are elected by the councillors from amongst themselves, after each general election and one half retiring every year. The remaining three members of each such Committee are nominated by the Central Government from amongst persons having knowledge and experience of administration in the respective fields. A nominated member holds office for a specific period, determined by the Central Government in each case. He may be entitled to receive allowance for attendance at meetings of the Committee.

All these three Committees are responsible for the conduct and management of the Delhi Electric Supply Undertaking, the Delhi Transport Undertaking and the Delhi Water Supply and Sewage Disposal Undertaking respectively. As their names imply these undertakings are to provide an efficient system of electric supply, road transport services for passengers and goods and wholesome water supply and sewage disposal.

The Rural Areas Committee consists of all the councillors elected from the wards situated within the rural areas. The Committee recommends to the Corporation in respect of the functions regarding the needs and problems of the rural population, levy of taxes, reimbursement of expenditure and other essential matters in rural areas.

The Education Committee consists of seven members, of whom such number not exceeding three are nominated by the Corporation from among experts in education, who are not members of the Corporation. The remaining are elected by the councillors from among themselves at the first meeting of the Corporation after each general election. The Committee exercises and performs such powers, duties and functions in relation to education in Delhi as may be determined by regulations made in this behalf.

Moreover, the Corporation may constitute as many special and *ad hoc* committees for the efficient performance of its duties and functions as necessary.

In *Calcutta*, the Corporation is to constitute Standing Committees for dealing respectively with Education, Accounts, Taxation and Finance; Health; Town Planning and Improvement; Works and Buildings. A Standing Committee consists of not more than nine Councillors or Aldermen. No Councillor or Alderman is to be a member of more than two Standing Committees. The Corporation may associate with any Standing Committee such other persons, not being Councillors or Aldermen and not exceeding three in number and for a specific term. It may also associate a representative of the Institution of Engineers (India), West Bengal Centre, with the Standing Committee dealing with Works and Buildings. No such person is to be associated with more than two Standing Committees at the same time. The persons associated with a Standing Committee have the right to vote at meetings of the Committee. A Councillor or Alderman, elected to be a member of a Standing Committee holds office till the expiry of his term of office as Councillor.

The Corporation, at its first meeting after general election, is to group the wards of the city into boroughs so that each borough consists of not less than four and not more than five such wards. And, it may constitute a Standing Committee for each borough. A Borough Committee consists of the Councillors of the Corporation representing the wards constituting the borough and not more than three persons elected by the Councillors of the ward from persons registered on the electoral roll for the time being in

force for any of the constituencies. The election in this regard may take place in accordance with the rules prescribed by the Corporation.

Every Standing Committee, at its first meeting in each year, is to elect one of its members to be the Chairman and another member to be the Deputy Chairman.

Any member of a Standing Committee (other than a person who is a member of a Borough Committee as a Councillor) or any person associated with a Standing Committee may resign his office by giving notice to the Chairman of the Committee. And a Chairman may resign his office by giving notice to the Mayor.

The Corporation is to determine, by rules made for the purpose, the powers, duties and functions of each Standing Committee. The Standing Committees are bound to give effect to every resolution of the Corporation unless such resolution is annulled by the State Government. In making such rules, the Corporation may direct that the decision of a Standing Committee, in respect of certain specified matters, is final. All proceedings of a Standing Committee are subject to confirmation by the Corporation.

The Standing Committee dealing with Accounts (referred as the Standing Accounts Committee), in addition to the powers, duties and functions determined by the Corporation, is to perform the following functions, in accordance with the Act :

- (i) to supervise the utilisation of the budget grants;
- (ii) to have access to the accounts of the Corporation and ask for any explanation as to the receipts and expenditure of the Municipal Fund; and
- (iii) may conduct and audit of the municipal accounts and check the abstracts of receipts and disbursements for any month, as furnished by the Commissioner.

Similarly, the Standing Committee dealing with Taxation and Finance (referred as the Standing Finance Committee) has been allotted the following statutory functions :

- (i) to have access to the accounts of the Corporation and ask for any explanation as to the receipts and expenditure of the Municipal Fund;
- (ii) to watch the progress of income and expenditure throughout the year and issue such directions, as it deems necessary, to the Commissioner for the purpose of conferring to the Budget Estimates; and
- (iii) to write off losses or any depreciation.

In *Madras*, there are six Standing Committees for dealing respectively with:

- (1) Accounts,
- (2) Education,
- (3) Health,
- (4) Taxation and Finance, excluding Taxation proposals,
- (5) Town Planning and Improvements, and
- (6) Works.

The Council may with the previous sanction of the State Government, constitute additional Standing Committees for other essential purposes.

Each Standing Committee consists of seven members, elected by the council from its own number. No councillor or alderman can be a member of more than two standing committees at the same time. The powers and duties of each standing committee are framed by the Council. The Council may also provide for a conference of two or more standing committees or for the appointment out of such committees of a joint committee for any common purpose.

The Accounts Standing Committee, in addition to the powers and duties assigned to it under such regulation, supervises the utilization of the budget grants; has access to the accounts of the Corporation and may require the Commissioner to furnish any explanation with regard to the receipts and expenditure of the municipal fund.

The Taxation and Finance Standing Committee, similarly, has access to the accounts of the Corporation and sanctions such staff as may be required by the Committee itself, to discharge its respective functions.

Every meeting of a standing committee is presided over by its chairman and in his absence by a member chosen by the meeting to preside for the occasion. The member presiding at a meeting of a standing committee for that meeting and during the period that he presides over it has all powers and is subject to all the obligations of the chairman. The Commissioner has the right to attend the meetings of any standing committee and to take part in the discussion but does not have the right to vote or move any resolution.

In *Bombay*, the Corporation may from time to time appoint out of their own body necessary committees for consultation, inquiry and opinion. These committees may be of two types, ordinary and special. The Corporation may delegate certain powers and duties to such special committees, by a specific resolution carried by a vote of at least two-thirds of the members of the Corporation. Every special committee has to conform to any instructions given by the Corporation. There is a Chairman and Deputy Chairman of every special committee; no member can become the Chairman of more than one special committee, at the same time. All the proceedings of these committees are subject to the confirmation by the Corporation.

In accordance with the Act, there are four statutory committees charged with specific functions. These are a Standing Committee, an Improvements Committee; a Bombay Electric Supply and Transport Committee and an Education Committee. These Committees may delegate to any special committee any of their powers and duties in respect of any matter. Further, the Improvements Committee may appoint out of its own body sub-committees for inquiry and report on certain matters.

The Corporation may appoint, either singly or in concurrence with the State Committee, a Hospital Committee, Primary Education Committee or any other Committee for the purpose of giving effect to measures and arrangements in furtherance of secondary education or any branch of technical or other instruction.

The Standing Committee consists of sixteen councillors. The Chairman of the Education Committee is also a member of the Standing Committee. A member of the Committee who ceases to be chairman is re-eligible. One-half of the members of the Committee retire on the first day of April every year. Any councillor who ceases to be a member of the Committee is re-eligible. Ordinarily, the Committee meets once a week; the quorum is six. The Chairman has to call a special meeting within twenty-four hours, upon a written requisition signed by the Commissioner. In the meeting, every question is decided by a majority of votes of the members present, the presiding authority having a casting vote.

The Improvements Committee consists of sixteen councillors. Ordinarily, the Committee meets once a month, with a minimum quorum of at least eight members. The Bombay Electric Supply and Transport Committee consists of nine members. The chairman of the Standing Committee is an *ex-officio* member of the Committee. The other members are appointed by the Corporation from among persons having experience and capacity in administration, transport, electric supply, engineering, industrial, commercial, financial or labour matters. These persons may or may not be councillors.

The Education Committee consists of sixteen members, of whom twelve are councillors. The remaining four non-councillors have to fulfil certain qualifications such as Graduate Degree, five years' teaching or administrative experience in educational institutions. These non-councillors are appointed by the Corporation. The Committee appoints one of its own member, being a councillor, to be their chairman; the retiring chairman is eligible for re-election. One half of the councillor members and one half of the other members retire on the first day of April every year. Any retiring member is eligible for re-election. Ordinarily, the Committee meets once a month, with a minimum quorum of eight. The Chairman has to call a special meeting upon the written request of not less than four members.

COMMISSIONER

Appointment : In *Delhi*, the Commissioner is appointed by the Central Government. The Commissioner so appointed shall hold office for a term of five years in the first instance. His appointment may be renewed from time to time, for a term not exceeding one year at a time, by the Central Government.

In *Calcutta*, the Commissioner is appointed by the State Government on the recommendation of the State Public Service Commission. Every Commissioner is appointed for a term of five years. The Corporation may, with the approval of the State Government, renew for once only the appointment of a Commissioner for a further term of five years, on the recommendation of State Public Service Commission.

In *Madras*, the Commissioner is appointed by the State Government and he should not be a member of the council. The Commissioner holds office for a renewable period of three years.

In *Bombay*, the Municipal Commissioner is appointed by the State Government, for a renewable period of three years. There are posts of Deputy Municipal Commissioner, Additional Deputy Municipal Commissioners and Deputy Municipal Commissioner (Improvements). These posts may be created by the Corporation, subject to the confirmation by the State Government.

Salary & Allowances : In *Delhi*, the monthly salary and allowances of the Commissioner are fixed by the Central Government and such amount is paid out of the municipal fund. He may be given such facilities (if any) in relation to residential accommodation, conveyance and others, which may be fixed by the Central Government.

In *Calcutta*, the Commissioner is paid out of the Municipal Fund such salary and allowances, not exceeding three thousand rupees per mensem in the aggregate. The exact amount may be fixed from time to time by the State Government.

Similarly, in *Madras*, the total amount including salary and allowances, is not to exceed Rs. 2,500 per mensem. In *Bombay*, the Commissioner receives a sum varying

between three thousand and two thousand rupees and this may be fixed by the State Government. Further, the Deputy Commissioner receives a sum between Rs. 1,750/- and Rs. 1,200/- and this is determined by the Corporation.

Leave of Absence : In Delhi, leave may be granted to the Commissioner by the Standing Committee. In these circumstances, the Central Government has to appoint another person to officiate as Commissioner, in his place.

In Calcutta, leave may be granted by the State Government on the recommendation of the Corporation; in Madras leave may be granted only by the State Government; in Bombay, leave may be granted by the State Government with the assent of the Standing Committee to the Commissioner while to the Deputy Commissioner by the Corporation. In Calcutta, Madras and Bombay, the State Government has to appoint a person to officiate as Commissioner while the Corporation appoints a person to officiate as Deputy Commissioner.

Removal : The Commissioner may be removed by the appointing authority on the ground of incompetency, inefficiency and negligence. Further, he may also be removed if a vote of removal is passed in the meeting of council with a majority of all the members of the council, the percentage of majority being 60% in Delhi, 50% in Calcutta, 50.6% in Madras and 62.5% in Bombay.

Powers, Duties and Functions : The entire executive power for the purpose of carrying out the provisions of a Municipal Corporation Act vests in the Commissioner. In exercising his powers and performing his duties and functions under the Act, the Commissioner conforms to such rules, if any, as may be made by the Corporation relating to matters in respect of such powers, duties and functions. A Commissioner may be authorised and delegated with any additional powers, duties or functions by the Council, Standing Committee or any other proper authority.

In case of any threatened occurrence of any sudden accident or any unforeseen event or natural calamity, the Commissioner may take such immediate action as he considers necessary. He must make a report forthwith to the Standing Committee and the Council of the action he has taken.

He is responsible for the custody of all records (including in particular all papers and documents connected with the proceedings of the Corporation, Standing Committees and other Committees) and has to arrange for the performance of such duties relating to the proceedings of these bodies as they may respectively impose.

Except in Delhi and Bombay, all municipal officers and servants are subordinate to the Commissioner. In Delhi, the Municipal Secretary and the Municipal Chief Auditor and in Bombay, the Municipal Secretary, along with the officers and staff under them are subject to the control of the Corporation directly.

In Delhi and Bombay, he exercises the powers and performs the duties conferred or imposed by or under this Act upon the General Manager (Electricity), or the General Manager (Transport) in his absence or on failure by him to exercise or perform the same.

FUNCTIONS

Whereas the Acts of Delhi and Bombay give a detailed list of obligatory and discretionary functions and powers of the municipal corporation, the Acts of Calcutta and Madras contain a general statement in this regard.

Both the Acts of Calcutta nad Madras say that the municipal government of the city vests in the Corporation subject to the provisions of the Acts and the rules, bye-laws and regulations made thereunder. But the Council is not entitled to exercise or discharge any powers, duties or functions especially assigned by these Acts or any other law to a Standing Committee or to the Commissioner. Without prejudice to the above-mentioned generality, it is the duty of the Corporation to consider all periodical statements of receipts and disbursements and all progress reports. In addition, the Madras Act provides that if any doubt arises as to the municipal authority to which any particular function pertains, the Mayor is to refer the matter to the State Government. The decision of the State Government is final.

The Acts of Bombay and Delhi divide the duties and powers of the Municipal Corporation into two categories *i.e.*, Obligatory and Discretionary. These are given below :

Obligatory :

- (1) Drainage and similar public conveniences
- (2) Water supply for public and private purposes
- (3) Scavenging, removal and disposal of filth
- (4) Slum Clearance and the abatement of all nuisances
- (5) Regulation and maintenance of places for the disposal of dead bodies
- (6) Registration of births and deaths
- (7) Public vaccination
- (8) Prevention of dangerous diseases
- (9) Hospitals, dispensaries and infant welfare centres
- (10) Control of offensive or dangerous trades
- (11) Removal of dangerous buildings
- (12) Public streets, bridges, culverts causeways
- (13) Lighting and cleaning of public streets
- (14) Removal of obstructions upon streets and bridges
- (15) Naming and numbering of streets
- (16) Primary education schools
- (17) Construction, maintenance and management of undertakings for electricity supply, road transport, water supply services
- (18) Maintenance of municipal offices and other properties vested in the Corporation.

Discretionary :

- (1) Furtherance of primary education by other means
- (2) Establishment of libraries, museums, art galleries, botanical and zoological collections
- (3) Public Parks, gardens and recreation grounds
- (4) Survey of bulildings and lands
- (5) Registration of marriages
- (6) Fire brigade, rest houses, poor houses, infirmaries, children's home.

In Bombay, the Municipal Corporation pays to the State Government, on the first day of every month, a sum of Rs. 34,541/- for the control and maintenance of ten medical institutions in the city.

In Delhi, the Municipal Corporation is bound to supply drinking water on payment, to the New Delhi Municipal Committee and the Military Engineer Services, Delhi Cantonment, in accordance with the proportions determined by the Delhi Water Supply and Sewage Disposal Committee. Further, the Municipal Corporation is also bound to receive in bulk all sewage for disposal, delivered by the New Delhi Municipal Committee. The total net cost of the disposal of all sewage is to be borne by the Municipal Corporation and the New Delhi Municipal Committee in such proportion as may be determined by the Central Government. Similarly, the Municipal Corporation has to provide bulk supplies of electricity for the New Delhi Municipal Committee and Delhi Cantt. in accordance with the proportions determined by the Corporation, with the approval of the Central Government.

PRINCIPAL OFFICERS

There are certain statutory parts of principal officers with different designations and salaries. Whereas the Acts of Delhi and Calcutta do not provide for the maximum and minimum limits of salaries, the Acts of Madras and Bombay provide these limits in a varied manner.

In Delhi, these principal officers are Chief Engineer (Water Supply), Municipal Engineer, Municipal Health Officer, Education Officer, Municipal Chief Accountant, Municipal Secretary, Municipal Chief Auditor, Deputy Commissioners, General Manager (Electricity) and General Manager (Transport).

In Calcutta, these are Chief Engineer, Finance Officer, Chief Accountant, Health Officer, Secretary and Deputy Commissioners.

In Madras, these are Health Officer, Engineer, Electrical Engineer and Revenue Officer carrying a salary up to the maximum limit of Rs. 1,200/- and Water Works Engineer and Education Officer with a salary of Rs. 800/-

In Bombay, the Special Engineer and Municipal City Engineer carry a salary of Rs. 1,200/- to 2,000/-; the Municipal Executive Health Officer, the Municipal Hydraulic Engineer and Municipal Chief Accountant with a salary of Rs. 1,200/- to Rs. 1,750/-; the Education Officer and Municipal Secretary with a salary of Rs. 900/- to Rs. 1,300/- and the Municipal Chief Auditor with a salary of Rs. 1,300/- to Rs. 2,000/-.

All the appointments are generally made by the Corporation, except in certain cases subject to the approval of the Central or State Government concerned. The qualifications, salary, allowances, the period of probation (if any), the period of service, the age of superannuation and all other conditions of service of the principal officers are prescribed by rules made by the Municipal Corporation. In Delhi, the appointment of the Municipal Chief Auditor is to be made with the previous approval of the Central Government and of the Municipal Chief Accountant and the Municipal Secretary is subject to confirmation by Central Government. Also, the Corporation, with the approval of the Central Government, is to appoint two suitable persons respectively as the General Manager (Electricity) and the General Manager (Transport). Each of the two General Managers are to be appointed for a term of five years in the first instance but such appointment may be renewed from time to time with the approval of the Central Government for a term not exceeding five years at a time. The Corporation is to remove from office any of the General Managers if at a special meeting of the

Corporation called for the purpose a resolution for such removal is passed by a majority of not less than three-fifths of the total number of members on the ground of neglect or misconduct or incapacity for the duties of neglect or misconduct or incapacity for the duties of his office on the part of such General Manager.

The Commissioner is required, in all the four Municipal Corporations, to prepare and lay before the Council or Standing Committee schedules of posts setting forth the designations and grades of municipal officers and other municipal employees, who should be maintained permanently in the service of the Corporation indicating therein the salaries, fees and allowances which are proposed to be paid to such officers and other employees.

The Municipal Corporation is authorised to make appointments of all such municipal officers whose minimum monthly salary exclusive of allowances exceeds Rs. 350/- in Dehi; Rs. 250/- in Calcutta; Rs. 500/- in Madras and Rs. 500/- in Bombay. In all other cases, the power of appointing municipal officers and servants vests in the Commissioner.

In Calcutta, appointment to posts carrying a maximum salary not below one thousand and five hundred rupees per month is made on the recommendation of the State Public Service Commission. Further, appointments to posts carrying a maximum salary not below two hundred and fifty rupees but below one thousand and five hundred rupees per month are made on the recommendation of the Municipal Service Commission. A Municipal Service Commission is constituted by the State Government consisting of:

- (a) a Chairman who is a member of the State Public Service Commission, deputed by such Commission from time to time; and
- (b) two members, one of whom is nominated by the State Government and the other by the Corporation.

In Delhi, no appointment to the post of the General Manager (Electricity) or the General Manager (Transport) or to any post carrying a minimum monthly salary of three hundred and fifty rupees or more (exclusive of allowances) is made except after consultation with the Union Public Service Commission.

In Bombay, no person is appointed to a post, the power of appointment to which vests in the Corporation, the Standing Committee or the Municipal Commissioner and the minimum monthly salary exclusive of allowances for which is Rs. 300/- per mensem, except after consultation with the Commission.

Every Corporation or its Standing Committee frames regulations from time to time in

- (a) fixing the amount and the nature of security to be furnished by any municipal officer or servant from whom it may be deemed necessary to require security,
- (b) regulating the grants of leave to municipal officers and servants,
- (c) authorising the payment of allowances to the said officers and servants, etc. etc.

TAXATION

There are two types of taxes which are levied by these Corporations *i.e.*, obligatory and discretionary.

In Delhi, the Corporation must levy property taxes; a tax on vehicles and animals; a theatre tax; a tax on advertisements other than advertisements published in the newspapers; a duty on the transfer of property; and a tax on buildings payable along with the application for sanction of the building plan. In addition, the Corporation may levy an education cess; a local rate on land revenues; a tax on professions, trades, callings and employments; a tax on the consumption or sale of electricity; a betterment tax on the increase in urban land values caused by the execution of any development or improvement work; a tax on boats; and tolls.

In Calcutta, the Corporation must levy a tax on carriages and animals; a tax on dogs, a tax on professions, trades and callings, a scavenging tax on certain trades (*i.e.*, keeping animals). It may impose a consolidated rate not exceeding 23 per cent on the annual value of all lands and buildings; and a petroleum cess.

In Madras, the following taxes may be levied :

- (1) A property tax,
- (2) A tax on companies,
- (3) A profession tax,
- (4) A tax on carriages and animals,
- (5) A tax on carts,
- (6) A tax on timber brought into the city,
- (7) A tax on advertisements, other than advertisements in newspapers,
- (8) A duty on certain transfers of property in the shape of an additional stamp duty.

In Bombay, except the education cess which may be levied, the following taxes must be levied :

1. Property taxes :

- (a) General tax of not less than 8% and not more than 21% with a fire tax of not less than $\frac{1}{4}$ % and not more than $\frac{3}{4}$ % of the ratable value of buildings and lands;
- (b) water tax;
- (c) Halalkhare tax of not more than 5% of the ratable value.

2. A tax on vehicles & animals.
3. A theatre tax.
4. Town duties.
5. Dog tax.

There are varying rules and procedures in each city for the levy, assessment and collection of these taxes. For instance, in case of property tax, an appeal against the levy or assessment of any tax lies to the court of the District Judge of Delhi in Delhi. If any question of law or usage having the force of law or construction of a document arises in the meantime, the court of the District Judge on its own motion may draw up a

statement of the facts of the case and refer it with its opinion the question for the decision of the High Court. It becomes essential to do so if any party to the appeal applies in this regard. In the Municipal Corporations of Calcutta and Bombay, appeals against property tax assessments fixed by the municipal commission, lie to the Small Cause Court. A further appeal on the decision of the Small Cause Court lies to the High Court in all cases. In Madras, the appeals lie to the Taxation Appeals Committee consisting of a paid Chairman appointed by the State Government and the two Councillors elected by the Council. The parties can prefer a further appeal against the decision of the Taxation Appeals Committee to the Small Cause Court whose decision is final, but where a question of law is involved, the Small Cause Court should make a reference to the High Court and dispose of the case in conformity with the order of the High Court on the reference.

STATE CONTROL

The control is quite comprehensive including legislative, judicial and administrative aspects. The municipal corporations are authorized to exercise those powers that have been specifically conferred on them by these Acts. The proceedings of these municipal corporations may be questioned in the ordinary courts of justice by any citizen. In addition, the ministries of Central Government and the administrative departments of the State Government exercise a large amount of control in the day-to-day matters. Certain kinds of control are common to all; their bye-laws which they make and the loans they raise, are subject to the approval of the Central as well as State Governments. The recruitment and dismissal of some of their superior officials are subject to confirmation by these governments. Finally, these governments may step in where these municipal corporations are in default and unable to carry on the municipal government of the city concerned.

In Delhi, the Central Government exercises the control which is done by the State Governments in case of Calcutta, Madras and Bombay. The Central Government is authorized to prescribe any practice to be a corrupt practice for purpose of elections to the Municipal Corporation.

The Central Government may make rules relating to the electoral rolls, appointment of election officers, nomination of candidates, scrutiny of nominations, nomination of candidates, casting rolls, appointment of election officers, settlement of election disputes and other matters connected with the election of Councillors. The Central Government may determine the rates at which allowances are to be paid to the Councillors and the nominated members of all the Statutory Committees, for attendance at meetings. The allowances payable to the Mayor are also to be fixed by the Central Government. The rules may be made regarding the levy, assessment and collection of terminal tax. Also, the Central Government is authorized to determine the items of expenditure to be taken into account for calculating the final issue rate of water supplied to the New Delhi Municipal Committee and the Military Engineer, Delhi Cantonment and the total net cost of the disposal of sewage.

Further, the Central Government may at any time require the Commissioner to produce any record, correspondence or any other document in his possession, for the consideration of the Central Government. An officer deputed by the Central Government may inspect or examine any municipal department or office or any service or work undertaken by the Municipal Corporation. Thereupon, the Central Government may at any time issue directions to the Municipal Corporation for the performance of any municipal function. The Central Government may give the Corporation all such direction in respect of subjects, curricular text books, standards and methods of teaching in primary schools vested in the Corporation or maintained wholly or partly

by grants paid out of the Municipal Fund. Above all, the Municipal Corporation may be superseded by the Central Government, if in its opinion, the Municipal Corporation is incompetent or inefficient in the discharge of duties imposed by law.

In Calcutta, the State Government is authorized to annul any proceedings of the Corporation which are considered contrary to the law, or the rules or the bye-laws. The accounts of the Corporation are examined and audited by auditors appointed by the State Government and these auditors are authorized to exercise powers of disallowance and surcharge and charge. All the bye-laws, rules and regulations made by the Corporation do not have any validity unless and until they are sanctioned by the State Government. The State Government is empowered to make rules for the amendment of certain schedules, prescribed in the Act. If the State Government is, at any time, of opinion that any bye-law, rule or regulations should be cancelled it may decide to do so, after communicating its decision to the Corporation, within the prescribed time.

In Madras city, the State Government is empowered to terminate the services of the Municipal Commissioner. The official correspondence between the Municipal Corporation and the State Government is conducted through the Mayor. A detailed report of the administration of the Corporation is submitted to the State Government every year. The State Government may at any time require the council or the Commissioner to produce any record, correspondence, plan or other document. The State Government may cause an inspection of the Municipal Corporation and depute an officer for the purpose. In case of any failure or default by the municipal authority, the State Government may direct the taking of the action, after giving an opportunity to the Municipal Council for an explanation. The cost of such an action is borne by the municipal authority. All copies of proceedings, resolutions and bye-laws are submitted to the State Government for its approval and disapproval. In the event of the occurrence of any unusual mortality or the prevalence or apprehended outbreak of any dangerous disease within the State, Government may appoint a special health officer. The cost of such an appointment may be borne wholly or partly by the municipal authority. Any resolution abolishing an existing tax or duty or reducing the rate at which any tax or duty is levied is not to be carried into effect without the sanction of the State Government.

In Bombay city, the State Government is empowered to provide for the performance of duties in default of any municipal authority. Except in emergency cases, the State Government is required to issue a notice to the Corporation giving one month's notice before any order is issued. The State Government is authorized to conform or repeal or modify any bye-law, made by the Municipal Corporation. The State Government may direct the closing of any place for the disposal of the dead. All schemes such as slum clearance, improvement, housing, police accommodation are to be sanctioned by the State Government.

The State Government may appoint any person for the inspection of municipal works of the municipal corporation. At any time, an auditor may be appointed, by the State Government, for the purpose of making a special audit of the municipal accounts, including the accounts of the Bombay Electric Supply and Transport Undertaking. All borrowings and loans undertaken by the Municipal Corporation are subject to the sanction of the State Government. The Municipal Commissioner is appointed by the State Government and the appointment of a Deputy Municipal Commissioner and General Manager (BEST) by the Corporation is to be confirmed by the State Government.

SOCIO-ECONOMIC SURVEYS OF CITIES

(Prepared in the Institute)

Socio-economic surveys of certain major cities have been in progress in various universities in the country, at the instance of the Research Programme Committee, Planning Commission, Government of India. The objectives of these surveys are :

- (i) To analyze the extent of migration to the city since 1941 and the economic and social characteristics of the migrants;
- (ii) To analyze the demographic and labour force characteristics of the population;
- (iii) To find out the employment pattern of the labour force with reference to its industrial and occupational structure; and
- (iv) To assess the extent and degree of unemployment and under-employment of the labour force.

The reports on Baroda, Hyderabad, Jamshedpur, Madras and Poona have been published and the other surveys are still in progress. Summaries of the published reports, except for Poona, (in a slightly abridged form) are given below:

BARODA

The survey revealed that 85% of the people are residents, 11% migrants and 4% displaced persons, who have come to the city after the partition in 1947. Out of the total number households surveyed (4202 in all), 25 are institutional residences such as messes, hostels etc., where several persons who may or may not be related to each other live together. The remaining 4177 may be classified into natural and joint families. A natural family consists of a husband, wife and their children while a joint family is one where people of three or more generations live together. The proportion of natural families to joint families is 62.7 : 37.3. The size of the families in the city varies from 1 to 27 persons. It was found in the Survey that the families of small size have decreased. The trend seems to be towards medium sized families consisting of four to six persons.

The percentage of literacy in Baroda city is high viz., 68. Taking the figures separately for males and females we find that 80 out of 100 males and 54 out of 100 females are literate.

The City of Baroda has always had a substantial number of immigrants in its population. The number of people, who immigrated into Baroda city after 1941 up to 1954, in the households surveyed was 2191. The total population of the households surveyed is 20,459 and the total number of immigrants is 2191. Of the total, 77.1% of the immigrants have come from Bombay State while other states within India account for 20.4% of the immigrants. The year 1944 has recorded substantially higher number of immigrants than any other year during the war period, 1950 records immigration to the extent of 12.3% of the total but here a large number of the people surveyed seem to have been transferred to Baroda on account of the merger of the Baroda State as a majority of the migrants have recorded "office transfer" as the cause of migration. Coming to the year 1944, we find that of the 220 migrants who came in the year the majority have come due to economic causes. 46 persons have given the reasons for selecting the city as "short distance from original place of residence". 17.1% of the total migrated due to meagre income, out of which 9.2% have migrated from rural areas. 14.4% have migrated on account of lack of educational facilities in their original places of residence. The total number of migrants from rural areas is 894 i.e. 40.8%

of the total migrants. Of this 26.6% have migrated due to meagre income. As this is the largest single cause of migration, it may be considered that for people from rural areas, this has been the most predominant influence. As regards migration from urban areas, the total number of migrants is 1297 of whom 13.4% have migrated due to meagre income while the largest single cause of migration "office transfer" has been responsible for the migration of 361 persons. It is interesting to note that lack of civic amenities exerted the least influence on the migrants from urban or rural areas to leave their places.

Classifying into "push" factors (causes of migration) and "pull" factors (reasons of migration), we find that economic causes like 'not enough land to cultivate', 'meagre income', 'unemployment or under-employment', 'no prospects in original place' dominated the migration into Baroda city. Regarding "pull" factors also we find that economic factors were equally strong. Out of the migrants, 30.7% own property in their native places, 13.3% of those who own property, have got land, 51.1% have got houses while 34.7 own both. Migration has led to some occupational change in the migrants. The trend is to change occupations of the subordinate—technical type for better paid occupation like managerial, administrative, professional and executive occupations. Usually, the change is for the better as these occupations carry higher remuneration. Over 91% of the migrants got their first employment within a month of their arrival in the city. Thus it is seen that after immigration, employment was not a problem to the great majority of the immigrants. When we come to their incomes, we find that the majority of the earners earn small incomes. The largest single group of earners (32.2%) has got incomes between Rs. 41 and Rs. 75 per month. The income groups Rs. 1-40, Rs. 41-75 and Rs. 76-125 taken together exhaust 77.1% of the earners.

The total number of displaced persons who migrated into the city in the survey is 820. They belong to 70 families whose present strength is 1037. The difference between these figures represents the addition made to their number by children born in the city. These children cannot be regarded as displaced persons as they were born here. Out of the 820 displaced persons, 97.4% have come to Baroda not because of any particular preference for this city but due to the force of circumstances.

While among the migrants, the percentage of those who send money is more than those who receive, among the displaced persons the order is reversed. This may be taken as an indication of the comparatively better economic position of the migrants as against the displaced persons.

Considering incomes, we find that 92% of the people surveyed belong to the lower class having incomes below Rs. 175/- p.m. Those who earn incomes between Rs. 176-500 form 6.8% of the people surveyed. Earners in the group Rs. 500 and above per month constitute only 0.9 per cent of the people.

HYDERABAD

The number of households investigated is 4890 with a membership of 32,173. The size of the average household works at 6.57 compared to 5.1 for Hyderabad urban areas (1951) and 4.71 (all India urban areas). Out of 32,173 persons, only 4,725 are immigrants (1939 onwards), the percentage of immigrants to total number of persons working at 16.6. The size of the household increases with income. 30 per cent of members are relatives and servants, 70% consisting of parents and children. The proportion of servants increases along with the size of the household. Immigration figures show that older persons are less inclined to migrate. Among the poorer households, there are income receivers in all the age groups while in income ranges about Rs. 500 per month, there are no earners in the age groups 0-21.

Excluding illiterate children below 5 years of age, illiterates work at 38.8 and literates at 61.2 per cent. Among males, the percentage of literates is 75.4 and among females 46.7. Literacy is higher among the lower age groups, but boys and girls of school

going age, not attending schools, are quite considerable in spite of substantial progress during the first five year plan period. Literacy is at a higher level among immigrants compared to non-immigrants, particularly in the case of immigrants from urban areas in other States in India. Percentage of literacy rises with the income range, from 41.2 in Rs. 1-25 income range to 100 in the ranges over Rs. 500/-. Business area leads in privately educated persons.

Immigration was at a higher pitch in 1946-48 and 1949-51, than in 1939-45 and 1952 onwards, the reasons having been Muslim influx in 1946-48 and influx on account of integration and security reasons in 1949-51. The percentage of immigrants into the Surveyed Area should have been higher if 1925 had been taken as a dividing line. Immigrants should be higher in percentage in border towns like Warangal, Nanded, Aurangabad and Gulbarga as also in industrial centres like the Collieries, Sugar Factory, and the Cement Centre at Shahbad on account of proximity, communal and linguistic attraction, cultivation and industry, restrictions against outsiders having been very severe in the surveyed area particularly till 1948. Unemployment, insufficient income and lack of educational facilities are the chief causes for immigration. Factors like lack of social amenities, lack of expert medical advice, lack of society as causes of immigration are unimportant. Social and tension is responsible for 97 cases of immigration. Figures warrant the opinion that the unemployment problem is not limited to urban areas but covers rural areas also.

The chief cause for immigration is lack of occupation. 19,202 persons are in the employable age groups (13-70 years) but only 8,070 persons are actually occupied. Even after allowing a good margin for household workers, students, patients, etc., there still remains a big surplus constituting manpower potential. 982 persons have no occupations (pensioners, rent receivers, etc.) working at more than 10 per cent of persons with economic status (self-supporting and earning dependents). This group also deserves close examination from the view point of manpower potential.

Daily workers constitute 12.8%, salaried workers 52.1% and independent workers 35.1%. Women workers are on the whole 17.7%. Among daily workers, their percentage is 2.6, salaried 16.0 and independent workers 17.1. Average monthly earnings are:

	<i>Males</i>	<i>Females</i>	<i>All persons</i>
	Rs.	Rs.	Rs.
A. Daily Workers	31.4	17.5	27.8
B. Salaried Workers	106.5	38.9	95.7
C. Independent Workers	124.1	325.22	107.2
Average monthly earning for all the three classes together	104.1	3.20	91.0

In 1999 cases (446 women), the question between residence and place of work does not arise because they perigrate day after day in different parts of the City according to convenience and expectations, along with their wares. 2,216 persons are within one mile distance from their respective places of work (340 women). The more important thing is the means of transport, and not the distance. Workers negotiate the distance between residence and place of work in the following proportions :

4,758	walk the distance
1,111	use bicycles
308	go by omnibuses
302	use rickshaws
147	use motor cars
124	travel by suburban trains
36	use bullock carts
25	use motor cycles

In Hyderabad City there is an increase in rickshaw and cycles during the last three years, as also in motor transport. In Secunderabad there are no rickshaws, but there is an

increase in cycle and motor transport. Municipal licensing is at a low standard, and a high majority of means of transport are in bad maintenance. Secure employment is 73.5% among men, 53.2% among women and 69.9% on the whole.

Average income works at Rs. 94.7 per month per income receiver. If income ranges above Rs. 500/- are excluded, the overall average comes down to Rs. 71.8. During the last three or four years, real personal incomes have some what outraced prices of cost of living items. The per capita income in this Survey works at Rs. 302.4 while the all-India figure for 1953-54 is about Rs. 275/-.

As between rural immigrants and urban immigrants, the assets position is superior in the case of urban immigrants, the average working at Rs. 8,073.4, the figure for rural immigrants being Rs. 7,697.7 per assets holder. Income receivers are 8312 but assets holders are 5587. Among the different income ranges, number of assets holders increases as the income range rises. Further, average assets per assets holder also increases as the income range advances. Average assets per assets holder works at Rs. 10,083.1, the average for the income range Rs. 1-25 being Rs. 935.0, and the income range over Rs. 5,000 being Rs. 26,40,418.3. Some women and businessmen come under the class of the 'no income', having assets, the number being 632 (469 women), average assets working at Rs. 3,811.6. If 47 big cases are excluded, average assets per assets holder steeply comes down from Rs. 10,083.1 to Rs. 5,988.2.

Liabilities are Rs. 60,33,929 owned by 2,759 persons, yielding an average liability of Rs. 2,187.0 per indebted person. If five big cases are excluded, it comes down to Rs. 1,363.7. This compares favourably with average assets per assets holder, namely Rs. 10,083.1. Jubilee Hills and Golconda have the largest number of indebted persons as also the largest quantity of debt, mostly due to house-building and mostly over-due. Secunderabad is best off with the smallest number of indebted persons and the smallest quantity of debt. The liabilities are due to co-operative societies 3.1% to commercial banks 20.9% to Government 17.3% to money lenders 42.0% and to others (friends and relatives) 16.7%. A comparison with rural enquiries in 1949-51 shows that the Co-operative Movement has made more headway in natural areas (6.6%) than in the Surveyed Area (3.1%). The 1954 Co-operative Enquiry shows that even among members of co-operative societies in villages, only 23.8% of liabilities are due to the co-operatives while 61.9% is due to private money lenders. The recent Rural Credit Survey has brought forth ambitious schemes for rural credit, but there is no corresponding scheme for rationalising urban credit among low income groups. Urban Co-operative credit which should be meant for the benefit of low income groups, is mostly confined to Government servants through "Departmental Societies" while at the other end there are some debtors with big debit balances to co-operatives. Urban co-operative credit has yet to make a beginning otherwise. Commercial banks have no clientele in the income ranges Rs. 1-50. Private money lenders transactions relate mostly to lower income groups, the upper ones having the services of organised banks. Debts due to friends and relatives are Rs. 10,08,391 the number of debtors being 729. All these cases come under zero interest. The joint family and community sense still plays a powerful part even in monetary transactions. Productive liabilities are 60.4% and unproductive 39.6%. But if cases in income ranges above Rs. 2,500/- are excluded, the respective percentages work at 37.3 and 62.7 in spite of the fact that there is a big unproductive liability of Rs. 3.1 lakhs in the upper income groups. In income ranges Rs. 1,000 and less, the saving margin is not there and consumer expenditure is covered not merely by current income but also by borrowing. A comparison with the 1949-51 and 1954 rural enquiries shows that, generally speaking, the rural economy is sounder than the Surveyed Area, particularly if cases with income range over Rs. 1,500 are excluded in the latter case. Productive debts of women are only 8% of their total dues. Long term liabilities are 52.8%, medium term 38.2% and short term 9.0%. Trade and commerce involve in transactions of smaller dimensions than construction and production. A comparison with sample surveys in 1949-51 and 1954

shows that in the matter of distribution of liabilities on the basis of duration, the rural economy of Hyderabad is superior to that of the Surveyed Area. Petty loans occur mostly in the income range Rs. 26-50. These are generally accompanied by some risk, specially with regard to the soundness of the security. Petty loans are not all unsound, and both cottage production and personal income can be augmented through co-operative loans on personal sureties on a door-to-door basis. Two previous rural surveys show that rural areas of the State are better off with regard to rates of interest than the urban area. This might be attributed mostly to the influence of the co-operative movement among the villages, and its comparative absence in the Surveyed Area, specially for the benefit of the low income groups.

There are seven possible combinations as among income, assets and liabilities. The total number of cases is 8991 against the total number of income receivers 8312 as shown below :

	<i>No. of cases</i>
1. Income receivers with no assets and no liabilities	2,962
2. Income receivers with assets but no liabilities	2,732
3. Income receivers with no assets but liabilities	395
4. Income receivers with assets as well as liabilities	2,223
5. Assets holders, with no income and liabilities	538
6. Assets holders with liabilities but with no income	94
7. Persons with liabilities but with no income and no assets	47
TOTAL	8,991

Women having assets but no income and no liabilities are 467. *Pro rata* persons with liabilities but no income and no assets are 1,754 and the chances of these persons developing into unsocial elements are very great. Institutions like the Indian Conference of Social Work (Hyd. Branch) would do very well to make further studies and adopt reformatory measures. Collectively speaking, assets are 69.6 times incomes. As the income range rises, the ratio increases generally. There is a high jump from 1 : 87.5 to : 278.4 as among the two topmost slabs (Rs. 2,501-5,000 slab and over Rs. 5,000 slab), showing that in the highest slab, a high proportion of assets is unproductive. In the Tenancy Enquiries in 1952, the ratio was 1 : 5.3 in the rural areas indicating that agricultural yields are richer in monetary as well as real terms. Collectively speaking, the ratio of liability to income (monthly) works at 7.5 : 1 (ratio of assets to income : 69.6 : 1). As among the different income ranges, there is no uniform behaviour. Even among different income ranges, the general economic position is quite sound: there is no collective insolvency. What is required is rationalisation and effective services. Among 395 persons with incomes and liabilities but no assets, the overall ratio is 1 : 5.1, but bad and hopeless cases number 148. Persons with income, assets and liabilities number 2223, total assets being Rs. 1,79,68,435 and liabilities Rs. 57,63,737 the ratio working at 1 : 0.3. A high majority are good cases (1042). In bad cases, the percentage of liabilities to assets works at 134.1, the number being 814. Here, assets are taken as the unit for comparison. Assets holders with liabilities but no income number 94, the overall percentage of liabilities to assets working at 29.8. Bad and hopeless cases number 31. Jubilee Hills, Golconda, Old Bridge, Carven, etc. lead both with regard to the number of cases and quantity of liabilities. *Pro rata*, 1754 persons have Rs. 5,95,187 liabilities accompanied by no income and no assets. These would have to be brought round to economic solvency through education, concessions and

encouragement. As among immovable, liquid and other movable assets on the one side and long term, short term and medium term liabilities on the other, there is a substantial approximation, specially if medium and short term liabilities together are compared to liquid and other movable assets.

Judged by quality with regard to light, ventilation, sanitation, outlay, etc., residences stand thus : (*pro rata*)

A class	2724
B class	6231
C class	13060
D class	29515
E class	54552
F class	76716

Generally speaking, there is a direct and close relation between quality of residences and income range. With more attention to housing in the Second Five Year Plan, this relation might become less direct, even low income groups coming to own more upper class residences. 3549 residences have no drainage and 3348 residences no electric connections. Drainage and electricity connections are costly and hard to get. There are not even open drains in areas not covered by underground drainage. 306 residences have drinking water wells, 6 residences unfiltered water supply through taps, 1,785 residences depend on common taps and 1,679 residences depend on public taps. Protected water connections are not insisted on, and therefore, water borne diseases cannot be eschewed. A great deal of filtered water is wasted on gardening and avenue trees specially in the campus of the Osmania University, while in the congested and outlying areas, filtered drinking water is not available in sufficient quantity to the poor & very poor classes. There are 1,343 residences with only one room each. In 959 such residences, 4 persons and more manage to live. In 237 such residences the number of inmates is in the range 7-15. Generally speaking, the number of living rooms increases as the income range rises. Owned residences are 1,768, rented 2,755, rent free 287 and ground rented 89. To some extent rented residences are unavoidable on account of services and business considerations, but the present proportion of owned residences among households is every small. The average monthly rents in rupees are :

<i>Income range</i>	<i>Average monthly rent</i>
Rs.	Rs.
Nil income	7.4
26-50	2.6
51-100	7.2
101-200	16.0
201-500	26.7
501-1,000	64.8
1,001-2,500	111.2
2,501-5,000	139.0
Over 5,000	No cases.

702 households have no children of school going age. 1,013 households have school going children but do not send them to schools. 3,184 households send their children to schools. 221 households complain of high costs (of course compared to their respective means). Most of the primary schools are in rented buildings leaving much to be desired. Retail trade in consumer goods is fairly well organised but there are no regulated markets for grains, vegetables, fruit, meat and fish. 852 households have their own radio receiver sets. 435 hear radio programmes nearby, 3,612 households are innocent, hearing neither news bulletins nor music. Public installations are a few but not popular. 3,499 households are within 5 furlongs radius of hospitals and dispensaries. The number of beds in general and special hospitals is quite inadequate : many patients lie on the floor along varandahs. Medical and

surgical services are very costly, private practice Government doctors being specially costly to patients. 3,167 households do not go to cinema shows but the average expenditure on this account per cinema going household is Rs. 5.6., much more than permissible from the view point of limited means and priority for food, clothing and shelter.

493 women were examined with regard to child birth and family planning. In the past, 100 women had the first child birth in the age group 12-15 years while the present number in the same age group (10 cases) have as yet no pregnancies. "How many children would you like to have ?". The answer is :

In 89 cases	"Providential"
In 54 cases	"absurd"
In 108 cases	"Four Children".

The idea of family planning much too premature in view of the very low standard of education and the comparative absence of technical education, advice and clinics. Child mortality (0-5 years) works at 24%. More than 50% of the children (excluding cases of abortion) died before they reached twelve months.

J A M S H E D P U R

Jamshedpur was a mere village only some half a century ago. It is today barring the Capital City of Patna, the biggest town in the State of Bihar. It is spread over an area of 31 square miles. Its population in 1951 was 2,18,000. Some of the important industrial establishments situated in Jamshedpur are the Tata Iron & Steel Company, The Tata Locomotive and Engineering Company, The Tin Plate Company, the Tata Foundry, Indian Steels and Wire Products Co. Ltd., Indian Cable Company, Jamshedpur Engineering and Manufacturing Company, Indian Hume Pipe Company etc. With hardly one-fourth increase in area since the establishment of TISCO Jamshedpur has now a population about 38.5 times as much as in 1911. The period 1941 to 1949 recorded an increase of 31.9 per cent.

There is heavy disparity in the sex ratio in the city there being only 84.4 females for every hundred males. One third of the population consists of children below fifteen years of age and an average family consists of about 4.6 members. A little less than $\frac{1}{4}$ th of the population consists of earners and the rest are non-earners.

53.81% of the males and 47.12% of the females living in the city are unmarried. 21.63% males and 31.49% of the females are illiterate.

Jamshedpur is a proprietary town. It has developed under the control and direction of one of the most enlightened and progressive industrialists of the country. An attempt has been made to provide accommodation to its working force and to avoid congestion and over-crowding. Yet they have succeeded in providing quarters hardly to one-third of their permanent staff. About 65% of the houses accommodate one family each i.e., they accommodate only 38.9% of the total number of families living in the city. The rest of the 61.1% of families live in houses which accommodate more than one family each and there are houses in which even as many as eighteen families live together. There are all types of houses ranging from slum-huts to air conditioned bungalows. In recent years, however, a welcome bias towards the construction of pucca and improved varieties of quarters has been observed. The percentage of pucca houses in the city is 63.3.

55.61% of the families live in a floor area of 40-159 square feet. Medium space for family comes to 30.33 square feet. 67.36% of the families live in rented houses, 15.4% in houses owned by them and the rest live free of charge with their friends and relatives. 71.29% of the houses have separate kitchen. Three-fourths of the houses have open spaces around them and about the same proportion has electric installation. House construction programmes of various companies are proceeding, possibly at an accelerated rate, and yet increase in houses has not been enough to relieve congestion to any appreciable extent.



The ratio between the immigrants coming from rural and urban areas is about 5 : 1. During recent years, however, the ratio of migrants from urban areas has been on the increase. The survey shows that 4.91% of the immigrants have come from the district of Singhbhum itself 24.25 from other parts of Bihar, 51.18 from other parts of India and 19.66 from foreign countries including Pakistan. Recently, however, in terms of an agreement, the management has been pursuing a deliberate policy of giving preference to the residents of the State of Bihar in matters of recruitment. An examination of the age-structure of the immigrants shows that people migrate into the city mostly in the age-groups 15-44. The percentage of the illiterate and of the highly technically qualified persons is higher among the immigrants than among the residents. While for children and other dependents movement with the head of the family is the most important cause of migration, the major causes for other persons' are unemployment, meagre land for cultivation and meagre income in the villages.

It is difficult to make categorical statements regarding the stability of the immigrants. Only 15.4 of the families live in houses owned by them. The rest have acquired no permanent interest in the city.

It is but natural that in an industrial city like Jamshedpur a large percentage (47.08) should be engaged in manufacturing industry. The ratio of self-supporting persons to earning dependents is 6.7 : 1. The proportion of self-supporting earners among the literates is higher still.

90.04% of the persons earn less than Rs. 250/- a month. Those who earn more generally hold technical qualifications.

As about 83.12% of the earners hold permanent appointments there appears to be enough stability of employment in Jamshedpur. There is also stability of employment in the sense that workers do not normally change their occupation. The only major shift is from agriculture to general services and from these to subordinate technical occupations—a welcome and necessary change in a developing industrial economy.

Like other places Jamshedpur is also not free from unemployment. The survey reveals that unemployment is mostly prevalent among persons who are 15-24 years of age. Moreover, it is more widespread among the literates than among the illiterate persons and it is more so among the more educated than among the less educated persons. The investigators did not come across a single technically trained person who was unemployed.

The survey of the shops and small establishments also makes interesting revelations. It shows that about 8.03% of the persons living in the city are working in this sector of Jamshedpur's economy. Only 31.53% of the shops and small establishments existed in 1943. Increase since then has been quite rapid indeed (68.47%). 95.9% of the persons in this sector are whole-time workers. The percentage of female workers is insignificant. Of all the persons engaged in this sector, 46.77% are proprietors or their family members and only 53.23 persons are other employees. The survey also reveals that the ratio of family members to other employees is very low in the earlier age groups. It has been observed that while proprietors keep their own children free from the burden of work or business they avoid employment of 'others' when their own children advance in age.

49.15% of the establishments are retail shops, hotels account for another 8.14%.

Earnings of a large section of persons engaged in this sector range between Rs. 25/- and Rs. 150/- a month. Earnings in the case of other employees are, however, lower still. 82.04% of the shops and small establishments fall within the income range of Rs. Rs. 50/- to Rs. 500/- a month.

It is rather surprising that the percentage of literate persons working in shops and establishments (69.51) is not only higher than the corresponding percentage for Jamshedpur as a whole but also higher than the corresponding percentage in respect of the whole of the working population of the city.

M A D R A S

Classified on the basis of the nativity of the head of households the survey reveals that out of the total population of 39,390 in the 7,212 households surveyed, 75.4% are original inhabitants and 24.6% immigrants. On an average, a household consists of 5.5 persons in the sample. The immigrant household is smaller in size than the non-immigrant with 4.9 and 5.6 members respectively.

A study of the data relating to the original home of the immigrants shows that about 76% have come from the districts within the State, 9.2% from the present Andhra Pradesh, 4.3% from the former Travancore-Cochin State, 2.5% from the former Mysore State, 2.3% from Burma, 0.3% from Federated Malaya States, 0.8% from Pakistan and rest from the other States of the Indian Union. It is apparent from the data that the rate of migration is fairly steady whether it was war, post-war, or planning period. More than 90% of the immigrants have come from their native villages straight to Madras City. Only about 2% have had their intermediary halts in smaller towns on their way to Madras City. It is seen that the number of earners have increased among the immigrants compared with their former economic status in their original home. About 20% of the immigrants have been absorbed as employees, about 5% have set up small-scale business in the city, joining the ranks of self supporting workers. About 1% of the immigrants are employers.

Among the causes of migration, by far the most important is unemployment at home accounting for 10.4% followed by 'better employment' 7.4%. These two are the most important economic causes. Nearly 63% of the immigrants have come to Madras City accompanying the earners and seekers of employment, as dependents. It is interesting to note that 22.9% of the immigrants have given "marriage" as the reasons for immigration. About 1 in 40 immigrants have come on account of "transfer".

In the sample population, 55.5% were in the age group between 15 and 55. If this age group is taken as representative of the working population, the immigrants with 61.7% of this age group have definitely a larger proportion than the non-immigrants, with 53.4%.

In the sample population, 52.2% are not married, 39.7 married. The percentage of 'married' is 46.2 among the immigrants against 37.6 among the non-immigrants.

According to economic status, the sample population consists of 26.1% earners, 1.4% earning dependent and 72.5% non-earning dependents. In respect of literacy, nearly 70% of the sample population are literate, excluding children below 5 years.

In the sample population, the "economically active" persons comprising employers, employees, self-supporting workers, family workers and the unemployed form 30.4% while the economically inactive form 69.9% the gainfully employed 26.9% and the unemployed 3.5%.

It is noteworthy that the visible and vocal unemployment is of a low order; 1 in 30 in the sample being unemployed. Among the non-immigrants 1 in 26 is unemployed whereas only 1 in 40 is unemployed among the immigrants, showing that the latter are more successful in securing gainful occupation.

Among the employed population, by far the largest number is employed in "services" followed by 27.3% in "Manufacture", 23.7 in "Trade and Commerce" and about 12% in "Transport", "Storage and Communications". Compared with the non-immigrants, the immigrants are found in relatively larger numbers in "services" and "Trade and Commerce".

The immigrants are found to be better off in the city than in their native place; there is a significant increase in the number of earners and earning dependents.

Female employment is at a lower level. Among 10 earners, only 1 is a woman. Even among the employed women, a vast majority, about 85% consists of domestic and unskilled manual workers.

LOCAL GOVERNMENT (URBAN) ENQUIRY COMMITTEE, PUNJAB, 1957¹

This Committee was set up by the Government of Punjab in December 1954. The terms of reference of the Committee were : to enquire into the operations of the existing laws, rules, etc., pertaining to Urban Local Bodies in the State and to recommend amendments thereto with a view to ensuring smooth working of local body administration, fostering of local initiative and enterprise; enlarging the financial autonomy of local bodies and enlisting people's voluntary co-operation, as also to consider questions relating to the establishment of a local government directorate. The report contains several recommendations directed towards making the municipal administration in Punjab, effective, efficient and dynamic. The important among these are as follows :

I. The State Local Government Department

The Local Government Department has no field agency to give the much needed guidance, except, of course, through the Deputy Commissioner. The Deputy Commissioner himself has very little time to play the role of constant adviser or even to help the local bodies in the formulation of their programmes and their implementation. To ensure successful implementation of developmental programmes and works undertaken by the committees, the Local Government Department, should, in the absence of any separate agency of their own, constantly maintain liaison with and approach other departments. The inadequacy of the staff, absence of field agency and machinery for co-ordination all act as limitations in the Department's working. More than anything else, there is necessity for an experienced and expert agency, which should guide the affairs of local bodies, give them the much needed initiative and recognise the good work.

The duties of Department's representatives, and Government policy, should be more clearly defined to avoid existing anomalies and contradictions. The Government should also decide to what extent it will trust the local bodies and also to what extent its various Departments will utilize these agencies. Having taken firm decisions, the local bodies should be fully trusted, assisted and utilized.

In order to enable the Local Government Department to secure the co-ordination at the highest level and make the Departments pay adequate attention to the schemes of the local bodies, it is necessary to set up a statutory State Government Co-ordination Board, with the Minister for Local Government as chairman and representatives of the various departments as members. Similar boards under the chairmanship of the Deputy Commissioner are necessary at the district level.

There is an urgent need for the setting up of a Directorate of Local Bodies to direct, supervise and guide the activities of local bodies, both rural and urban. It should be headed by a Director of the rank of a Senior Deputy Commissioner, well versed in the affairs of the local bodies.

There should be a Deputy Director at each Divisional level and a District adviser at the headquarters of each District in the State so that the Directorate can function

1. Digest of the recommendations, prepared in the Institute, of the Report on Local Government (Urban) Enquiry Committee, (Punjab), Controller of Printing and Stationery, 1957, p. 86.

effectively at all levels. In order to avoid concentration of work at the Directorate level, the Deputy Directors should be authorised to correspond directly with the Heads of Departments.

The following duties are envisaged for the Directorate :

- (a) To supervise generally all affairs of the local bodies and advise the government in the formulation of its policies and programmes relating thereto;
- (b) To ensure due observance of the provisions of municipal law and the statutory rules, orders, etc.;
- (c) To evolve model bye-laws on all subjects and supply standard plans and patterns to the local bodies; and
- (d) To pursue the schemes and development works initiated by the local bodies and removal of difficulties encountered by them.

It is further necessary to give the Director of Local Bodies adequate powers for performance of his functions. The Directorate should function more as an agency for assisting and guiding the affairs of the local bodies. As regards the question of integrating Local Government Directorate with the Director of Panchayats, some definite advantages in combining the two allied fields of activities at the Director's level but it may not be conducive to any better results. The hands of Director of Panchayats are already full and the activities of this Department will expand rapidly with the ever quickening tempo of the Panchayat Raj. Such integration will not, therefore, be a practical proposition.

(i) The local bodies cannot individually afford to engage costly technical staff, much less own the equipment necessary for execution of their works. Wherever the works have been entrusted to Government Departments, in spite of heavy departmental charges paid by local bodies, the preference has always been given to departmental works. There is hardly any agency to review the progress of municipal works imparting to them a sense of urgency.

(ii) A Technical Organisation to plan and execute municipal works such as the one which existed in the former Hyderabad State, is not only desirable but a stark necessity. To enable the organisation to function effectively, the Government should provide initial subsidy on a non-recurring basis for purchase of equipment, transport, tools and plant; but when once it gets going it should entirely depend upon the contributions from local bodies and other agencies merged into it.

(iii) The organisation could be made more useful if it could also embrace the 'works' activities of the District Boards, Panchayats, Market Committees and also of National Extension Service Schemes.

II. The Functions and Structure of the Local Bodies

1. (i) The Union, the State and Local Government bodies must be visualized as a single organic hierarchy of authorities functioning at the local, state and national levels and operating in well defined sphere. At present there is a great deal of overlapping in the functioning of the state and local bodies in almost all spheres of activity. In the fields of education, public health, public works, roads etc., the segments of activity of the State and the Municipal Councils should be clearly demarcated in order to avoid overlapping, involving functioning at cross purposes and giving rise to wasteful expenditure and unplanned development in these fields. The detailed demarcation of functions between the Municipal Councils and the State Government should be finalized after obtaining the views of the relevant Departments.

(ii) As the present law does not give a full and distinct picture, it is most desirable that the sectors of obligatory and non-obligatory functions of municipal bodies should be specifically defined in the Municipal law.

(iii) One of the major activities and responsibilities of Urban local bodies is to ensure environmental hygiene. It is, therefore, very necessary that the Department of Local Government should have very close liaison with the Health Department. It is also desirable and necessary to have a complete Health Service as envisaged under the Model Health Act though it may not be necessary for the State Government to assume direct control to the extent recommended. For administrative purposes the Health Officer, even though appointed by Government, should be under the control of the Chief Officer as is the case with the municipal bodies in Madras.

(iv) All Municipal Committees should be completely relieved of the responsibility of running secondary and high schools. The economic capacity of Municipal Committees being limited, they should be required to restrict their educational activity to primary education. It is a retrograde step to ask the Municipal Bodies to delegate powers of appointment etc., of teachers to the Inspectorate of Schools when it is open to the Education Department to prescribe the qualifications and pay-scales of the teachers. As in Madras, the administrative control over teachers and educational institutions may vest in the Chief Officer; the officers of the Education Department should confine themselves to the inspection of Schools.

2. The main weakness of the office of the President today is that existing arrangements give him executive authority only so long as he has a majority vote behind him. The result is that the office of the President has become a pawn in the game of group factions and party intrigues. As to the three alternative institutional arrangements suggested to overcome shortcomings : (i) Direct election of the President will not be conducive to smooth and harmonious working of the municipal government. It is likely to create deadlocks between the President and the members; (ii) The introduction of a Cabinet System in the local bodies, under these circumstances, is beset with serious administrative and political difficulties, and does not seem to offer any particular advantage; and (iii) The establishment of Standing Committee of the Municipal Council, the members of which are elected from among the members of the Municipal Council, is beset with all the disadvantages of the plural executive. Unless the Councils are only left with deliberative functions and confine themselves to principles and policy, there is a danger of two parallel bodies functioning side by side. On the whole, Standing Committee should be preferred to a Cabinet System, as our local representatives are not mature enough to handle departmental affairs independently and efficiently. This experiment may be tried in Class 'A' Municipal Committees only where the main bodies are not able to exercise effective supervision over the work of its executive functionary. The arrangements would not suit other local bodies.

3. The procedure governing the removal of the President should be made more rigid, while the present system of removal by a $\frac{2}{3}$ rd vote should continue. The motion for his removal should be signed by at least $\frac{1}{3}$ rd of the membership of the council, and it should be required to be first presented to the Directorate with a copy to the President and if the Directorate after obtaining the comments of the President therein is satisfied that the removal is urged not on personal reasons and *mala fide* intentions, the motion should be allowed to be admitted in which case the motion as well as the comments of the President shall be placed before a specially convened meeting of the Council.

4. There should be no scope for formation of political parties in the municipal affairs; but if there have to be parties, they should be properly organised on the basis of programmes and policies rather on individuals creating group factions and personal

intrigues. The evils of the present system in all categories of local bodies can be minimised, if not altogether eliminated, by restricting the functions and interests of the members including the President to complete policy control, full and overall financial control; and executive control through supervision.

5. Widest authority should be vested in the Municipal Councils and the Government control reduced to the minimum necessary only to be exercised in emergencies and in certain other specified contingencies. Along with it, it appears necessary to give the municipal institutions a strong executive which will be amenable to popular control and can function uninterfered with, guided by considerations of civic good rather than individual gain or party considerations. Here, the pattern of the executive functioning in the municipal bodies as organised in the State of Madras has a good deal to commend itself. The Madras pattern is largely based on the system of Council Manager system of U.S., with some marked features of the Clerk of County Council of England. As in Madras, therefore, it should be possible for the State local bodies to engage the services of a Chief Officer, drawn from the State Cadre but at the same time working as its employee amenable to popular control. This officer, who is known as Municipal Commissioner in Madras, should have a defined field within which he can function uninterfered with so long as he functions within the four corners of policy laid down and funds voted. The Chief Officer should be removable and liable to suspension by $\frac{2}{3}$ rd majority of the Municipal Council. He should be liable to surcharge as other municipal employees for defalcations and lax executive control. The members of the Council should have powers of asking questions and interpellations in regard to the action of the Chief Officer.

6. Adequate delegation of powers will be a great factor in eliminating delays and redtapism and toning up the efficiency of the internal administrative machine. The guiding principle should be that ordinarily the powers delegated to and exercised by a Municipal Head of an institution or section is not less than similar powers given to an officer of the Government of equal rank.

7. Greater autonomy should be given to local institutions, providing at the same time for certain institutional arrangements which will enable them to discharge the responsibility which goes with greater autonomy. The assumption is that it is only when freedom and initiative are permitted that the necessary experience will develop and a sense of responsibility will grow. Nevertheless, some degree of overall control, which should more and more take the form of information, guidance and advice should also be laid down.

8. The Committee is divided in its opinion on the retention of the Deputy Commissioner in the hierarchy of controlling authorities. The Commissioner being the Head of the Division, for overall purposes of co-ordination, it would be desirable if he exercised along with the Directorate an overall supervision over the affairs of the local bodies. It is not only desirable but also necessary that whenever possible and whenever he is on tour he should inspect the local bodies and record his observations for the guidance of the district authorities and the local bodies concerned.

9. (i) It is necessary to set up a Local Self-Government Institute on the lines of the Local Government Institute, Bombay. Alternatively, Government may set up a Local Government Training School with adequate provision for theoretical and practical training and refresher courses. An institution of this kind could also serve the needs of rural local institutions. By maintaining a close liaison with the Directorate of Local Bodies, the Institution could serve as a laboratory of ideas for the problems of local bodies. (ii) The setting up of a Central Association of Local Bodies will provide the State Government with the much needed constructive criticism and act as a forum

for exchange of ideas between the representatives of local bodies and the Government. Such an organisation already exists in most other States in India and also in other countries.

III. The Municipal Public Services

1. A comprehensive Code on the lines of the Civil Service Rules, Punjab, should be drawn up and applied to all classes of municipal employees and they should enjoy the same security as is enjoyed by Government servants and for this purpose, before any disciplinary action involving reduction in rank or removal is taken against a municipal employee, he should be given adequate opportunity to tender an explanation in his defence. There should be a provision for appeal to the Directorate in consultation with the Local Bodies Services Commission. Model scales of pay for various classes of local bodies' employees should be prescribed for adoption by Municipal Councils. Essential qualifications should be laid down for all categories of municipal officers and servants.

2. (i) The recruitment to all other posts, excepting that of Chief Officer, with a salary above Rs. 60 per mensem but below Rs. 150 per mensem should be made by an appointment committee, and that all appointments carrying a salary up to Rs. 60 should be made by the Chief Officer of the Municipal Council.

(ii) The work which has been entrusted to the Public Service Commission is already too much and in order to afford satisfaction to the municipal and rural bodies and also to ensure that the posts are speedily filled, it is necessary to set up a separate Local Body Services Commission.

IV. Finance and Taxation

1. The Committee support the recommendations of the Taxation Enquiry Committee concerning the reservation of certain taxes solely for local bodies, and the devolution of powers of taxation to local bodies. The only Government control necessary in regard to power of taxation should be restricted to insistence on Government approval for reduction or abolition of taxes. The powers of the State Government to require a Municipal Committee to levy enhanced taxation in the default of the council should, however, be continued.

2. The budgetary procedure needs a drastic revision to be simplified. The Municipal Committee itself should be competent to accord sanction subject to certain conditions, namely, maintenance of minimum cash balance provision for debt charges etc.

3. The budget documents should be split up into two parts, the first containing expenditure in relation to ordinary items. This would represent the ordinary recurring and non-recurring expenditure on staff and maintenance of institutions. The second part of the budget should deal with new expenditure and long-term projects.

4. The powers to accord administrative approval should vest in the Municipal Council, but in its resolution according the administrative approval, the fact regarding the availability of funds, assessed by the Technical Organisation for the execution of works, should be specifically stated, as also the annual maintenance cost and funds earmarked or available therefor.

5. The statutory obligation to obtain financial sanction from the Deputy Commissioner and higher authorities in respect of various categories of expenditure places

a severe restriction on the financial autonomy of Municipal Authorities and is incompatible with the principles of widest autonomy for the self-governing institutions.

6. (i) The implementation of the recommendations of the Local Finance Enquiry Committee and the Taxation Enquiry Commission on Local Finance would go a long way towards improving the viability of local bodies, thus enabling them to play their role in the development of the country and the regeneration of civic communities.

(ii) The Committee support the proposal of the Commission to transfer property tax on urban immovable properties to local bodies as also regarding the levy of tax on professions by municipalities and corporations.

(iii) (a) The State Government should not take over public utility services, except as a last resort, or for compelling reasons. (b) Larger Municipalities and Corporations should take up the public utility services like, transport organisations, distribution of gas and electricity, etc. (c) The Local Bodies should also be encouraged to expand their income by building and running market shops, selling of manures, running flour mills and even by taking to supply activities as would normally be done by Co-operative Societies.

(iv) The State Government should be prepared to give guarantee for the loans floated by grade 'A' Councils. For small Committees, the State Government should provide enough funds as loans for productive schemes, and loans as well as subsidy for essential services.

7. The place of local bodies in the implementation of the local development schemes should be specifically determined and portion of funds earmarked for particular schemes which can be undertaken through the agency of municipal bodies.

8. (a) The taxes assessed are not collected according to the demand and very heavy arrears are outstanding almost in every local body, particularly in regard to taxes recoverable from Government officials. (b) The State Government should be specifically empowered by legislation to order recovery of such taxes on demand from the source at which the salary of the official is paid.

V. People's Co-operation

1. Even in the running and maintenance of institutions set up by local bodies no consultative or advisory bodies have been provided, with the result that the public grievances and criticism hardly ever come to light, and if they do, they are hardly ever considered and heeded by municipal administration.

2. For ensuring that the municipal institutions are run properly, it will be useful if for each institution there is an *ad hoc* Advisory Committee, comprising Municipal officials serving on the institution and interested non-officials so that the public is afforded an opportunity to contribute to the successful working of municipal administration.

3. Fruitful community participation in the local affairs postulates responsible and creative citizenship. It is, therefore, necessary for Government and the local bodies to adopt effective measures for educating the citizens in the art of citizenship and reducing the prevailing apathy and inertia of the people towards the operations of their local affairs through the agency of elected representative bodies. The measures for that purpose should include teaching of civics, contacts with the local representatives of the press, organisation of "Civic Weeks", and periodical lectures, the publication of annual reports and a Local Government Journal as a co-operative enterprise by the Councils.